

Michigan Lead and Copper Rule: Potential Revisions

July 2017



General

- EPA is also in the process of updating the Lead and Copper Rule in the federal Safe Drinking Water Act.
- Draft expected in early 2018.
- Michigan will need to maintain primacy for federal Safe Drinking Water Act implementation (as stringent or more stringent).

Current Recommendations

- A compilation of recent recommendations for improving the Lead and Copper Rule (LCR) gathered from various sources.
- This is not an exhaustive list of suggestions – just an attempt to pull together and categorize the more prominent recommendations. There may be more generated by this stakeholder group.
- These are not required elements of new legislation. This stakeholder group may determine these recommendations should be modified or not included.

Sources of Suggested Modifications

- Flint Water Interagency Coordinating Committee Recommendations
- Flint Water Advisory Task Force Recommendations
- EPA Lead and Copper Revisions White Paper, October 2016
- Report of the Lead and Copper Rule Working Group to the National Drinking Water Advisory Council, August 24, 2015
- DEQ recommendations

Lead Service Line Replacement

- Proactive prioritized LSL replacements (not only after Action Level Exceedance) on an annual pace or by date certain
- Updated and improved distribution system material inventory
- Incentivized or required full LSL replacement over partial replacement – concerns about ownership
- Protocol for notice and minimizing effects of construction disturbance of particulate lead during LSL replacement or other repairs
- Concern over galvanized pipes and fixtures as lead source
- Rentals, environmental justice concerns
- Other mitigation – point of use filters as temporary or permanent fix
- Financing concerns

Sampling Locations and Timeframe

- Redo sampling pools based on updated information & submit to DEQ (and state/local council) for approval
- Sample at schools and daycares, along with public places with fragile populations
- Address logistical & regulatory aspects of customer-requested samples
- Clarify Tier 1 language to require sampling pool have “at least 50%” LSLs
- Separate lead sampling locations from copper sampling locations
- Eliminate consecutive sampling approach
- Increase monitoring frequency/ eliminate reduced monitoring frequency – require annual sampling in summer months without exceptions

Sampling Procedures

- Ban pre-stagnation flushing
- Leave faucet aerators in place during sampling
- Require wide-mouth bottles
- Modify sampling bottle size
- Sequential sampling to determine source – fixture, plumbing, LSL
- Use highest of multiple samples
- Protocol for investigatory sampling – separate from compliance monitoring
- Changes to invalidation criteria

Health Standards & Issues

- Lower lead action level from 15 parts per billion (ppb) to 10 ppb by 2020
- Focus on children's health, with specific public notification targeting pregnant women and children
- Establish health-based Household Lead Action Level (40 ppb or other) for individual homes, requiring action if exceeded even if supply does not have Action Level Exceedance
- Encourage cross-media lead reduction (lead paint, dust, etc.)
- Promote communication and coordination between DEQ, DHHS and local health departments

Transparency and Public Education

- Establish Water System Advisory Councils for supplies over 1000 population, as well as Statewide Advisory Commission
- Incorporate 72 hour public advisory (Neeley Bill) requirement
- Shorter timeframe for Lead Consumer Notice and Public Education
- Require Consumer Notice for copper as well as lead
- Publish lead/copper data, 90th percentiles and invalidation justification on local/state website
- Publish distribution system materials inventory or searchable database
- Modify Consumer Confidence Report required language
- Changes to required notice wording
- Disclosure statements in home sales and rental contracts
- Training and public information campaigns

Corrosion Control Treatment

- Clarify/modify technical requirements after source water or treatment changes
- Require pilot testing prior to source or treatment changes
- Continuous improvement in Corrosion Control Technology (CCT)
- Update optimized CCT as new EPA guidance is available
- More frequent Water Quality Parameter (WQP) testing, and/or WQPs more tailored to specific CCT for process control
- Add chloride & sulfate to WQP monitoring
- Require more supplies to sample WQPs, at Entry Point & in Distribution
- WQPs to determine water's aggressiveness to copper
- Address simultaneous compliance with other regulations

Clear and Enforceable Regulations

- Ways to simplify or streamline regulations without compromising public health => better compliance rates
- Increased regulatory oversight of water supplies (budget issue)
- Increasing severity of violations and escalating higher fines
- Proposed modifications to DEQ structure
- Fine revenue to be deposited to Drinking Water Revolving Fund
- Require regulatory history, including fines imposed, on all bills

Financial Concerns

- Assistance to low economic status communities & individuals
- Use of Asset Management Planning to address infrastructure
- Adequate and sustainable DEQ budget for oversight of expanded regulations
- Impact of additional regulations to water suppliers