



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 19 2011

REPLY TO THE ATTENTION OF:

Mr. Dan Wyant  
Director  
Michigan Department of Environmental Quality  
P.O. Box 30473  
Lansing, Michigan 48909-7973

Dear Mr. Wyant:

Thank you for your April 4, 2011 request to delist the "Restrictions on Drinking Water Consumption or Taste and Odor Problems" Beneficial Use Impairment in the United States waters of the Detroit River Area of Concern (AOC).

The U.S. Environmental Protection Agency approves your delisting request based upon a review of your submittal and the supporting data. We share your desire to restore all of the Great Lakes AOCs and to formally delist them. EPA will notify the International Joint Commission of this significant positive change in the environmental health of the Detroit River AOC.

We congratulate all of the parties involved in this federal/state/local partnership. They have been instrumental in achieving this important environmental improvement, which will benefit people who live and work near the Detroit River AOC, the State of Michigan, and the Great Lakes basin. We look forward to the continuation of this important and productive relationship with the state and local coordinating committees as we work together to fully restore all of Michigan's AOCs.

If you have further questions, please contact me at (312) 886-3000 or your staff may contact John Perrecone, Great Lakes National Program Office, at (312) 353-1149.

Sincerely,

A handwritten signature in blue ink, appearing to read "S Hedman".

Susan Hedman  
Great Lakes National Program Manager

cc: Patricia Birkholz, MDEQ, Office of Great Lakes  
Frank Ruswick, MDEQ, Office of Great Lakes  
Christine Aiello, MDEQ, Office of Great Lakes  
Dr. Saad Jasim, IJC  
Wendy Carney, EPA GLNPO  
John Perrecone, EPA GLNPO  
Rose Ellison, EPA GLNPO



STATE OF MICHIGAN  
OFFICE OF THE GREAT LAKES  
LANSING

RICK SNYDER  
GOVERNOR

PATRICIA BIRKHOLZ  
DIRECTOR

April 4, 2011

Mr. David Cowgill, Acting Director  
Great Lakes National Program Office  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard (G-17J)  
Chicago, Illinois 60604-3507

Dear Mr. Cowgill:

The purpose of this letter is to request the United States Environmental Protection Agency (USEPA), Great Lakes National Program Office's (GLNPO), concurrence with the removal of the Restrictions on Drinking Water Consumption or Taste and Odor Problems Beneficial Use Impairment (BUI) in United States waters of the Detroit River Area of Concern (AOC). The Michigan Department of Environmental Quality (MDEQ) has assessed the status of this BUI in accordance with the state's *Guidance for Delisting Michigan's Great Lakes Areas of Concern*, and recommends that the BUI be removed from the list of impairments in United States waters of the Detroit River AOC.

Enclosed please find documentation to support this recommendation, including the BUI removal briefing paper prepared by the MDEQ's technical staff, and a letter of support from the Detroit River Binational Public Advisory Council.

We value our continuing partnership in the AOC Program and look forward to working with the USEPA, GLNPO, in the removal of BUIs and the delisting of AOCs. If you need further information concerning this request, please contact Ms. Christine Aiello, Office of the Great Lakes, at 517-241-7504, or you may contact me.

Sincerely,

Patricia Birkholz, Director  
Office of the Great Lakes  
517-33-4056

Enclosures

cc/enc: Ms. Rose Ellison, USEPA  
Mr. John Perrecone, USEPA

BRIEFING PAPER  
REMOVAL OF THE  
RESTRICTIONS ON DRINKING WATER CONSUMPTION OR TASTE AND ODOR  
PROBLEMS BENEFICIAL USE IMPAIRMENT  
IN UNITED STATES WATERS  
OF THE DETROIT RIVER AREA OF CONCERN

Request

Based upon Remedial Action Plan (RAP) documentation review, consultation with agency staff, Technical Committee review, and public input, the Michigan Department of Environmental (MDEQ), Area of Concern (AOC) Program, requests concurrence with its recommendation to remove the Restrictions on Drinking Water Consumption or Taste and Odor Problems Beneficial Use Impairment (BUI) in United States (U.S.) waters of the Detroit River AOC. This request is being made in accordance with the process and criteria outlined in the *Guidance for Delisting Michigan's Great Lakes Areas of Concern* (Guidance), (MDEQ, 2008).

Background

The Detroit River is a designated binational Great Lakes AOC. A Great Lakes AOC is a severely degraded geographic area within the Great Lakes Basin. They are defined by the U.S.-Canada Great Lakes Water Quality Agreement (Annex 2 of the 1987 Protocol) as "geographic areas that fail to meet the general or specific objectives of the agreement where such failure has caused or is likely to cause impairment of beneficial use of the area's ability to support aquatic life." In order for an AOC to qualify for removal of the AOC designation, all impaired beneficial uses within it must be restored and removed.

The physical boundary of the Detroit River AOC is defined as the entire river from Windmill Point at Lake St. Clair to the Detroit River Lighthouse at Lake Erie.

The 1996 Detroit River Remedial Action Plan Report (MDEQ, 1996) identified 11 BUIs affecting the Detroit River AOC. These BUIs are listed here:

- Restrictions on Fish and Wildlife Consumption
- Tainting of Fish and Wildlife Flavor
- Fish Tumors or Other Deformities
- Bird or Animal Deformities or Reproductive Problems
- Degradation of Benthos
- Restrictions on Dredging Activities
- Restrictions on Drinking Water Consumption or Taste and Odor Problems
- Beach Closings
- Degradation of Aesthetics
- Degradation of Fish and Wildlife Populations
- Loss of Fish and Wildlife Habitat

The Detroit River Remedial Action Plan Report identifies the status of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI as impaired in U.S. waters of the Detroit River AOC. In Canadian waters of the AOC, the BUI is identified as unimpaired according to a 2009 draft report by Detroit River Canadian Cleanup entitled *Detroit River Canadian Remedial Action Plan Stage 2*; that report was developed with funding support from the Ontario Ministry of the Environment (OMOE) and Environment Canada (EC).

On November 19, 2008, the Detroit River Public Advisory Council (PAC) voted to accept the criteria for non-habitat BUI assessment and removal presented in the Guidance. The Guidance states that the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI

will be considered restored when monitoring data for 2 years indicates that public water supplies:

- meet the current and most stringent human health standards, objectives, or guidelines (at the point of distribution into the water system) for levels of disease-causing organisms, hazardous or toxic chemicals, or radioactive substances; and
- treatment needed to make raw water potable and palatable does not exceed standard methods in those supplies. In the event a public drinking water intake must be closed due to contamination of surface water, standard treatment methods are considered to have been exceeded.

#### Summary of Remedial Actions or Source Controls Implemented that Address the BUI

Since the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI was initially determined for the Detroit River AOC, key point source and nonpoint source control measures have been implemented within the AOC. These have most certainly played a beneficial role with respect to the status of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI, whether or not these measures were specifically intended to benefit the status of that BUI or bring about its restoration. These measures include Combined Sewer Overflow control improvements and National Pollutant Discharge Elimination System improvements.

#### Assessment of Restoration

In September 2010, MDEQ, Environmental Resource Management Division (ERMD), Drinking Water staff reviewed Monthly Operation Reports and the required chemical monitoring data received during 2008, 2009, and what was then available from 2010 from all water treatment plants that use the Detroit River as their source (i.e., Water Works Park, Springwells, Northeast, Southwest and Wyandotte). This review showed that all plants have met all federal and state drinking water standards for finished water quality. This review also showed that all plants have employed conventional treatment (i.e., coagulation, sedimentation, filtration and disinfection) to treat source water; treatment has not exceeded standard methods, nor have there been any incidences of intakes closing, whether voluntarily or involuntarily. Based on this evaluation, MDEQ AOC Program staff have determined that drinking water from the Detroit River AOC meets Michigan's criteria for removal of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI in U.S. waters of the AOC. In January 2010, the Friends of Detroit River conducted an independent review of data obtained to assess this BUI. As a consequence of this independent review, both the Friends of the Detroit River and the Detroit River PAC support removal of this BUI. A letter of support for removal of this BUI was received from the Detroit River BPAC on January 13, 2011.

The MDEQ AOC Program convened a Technical Committee to further review the status of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI. The Technical Committee comprised Laura Verona, MDEQ, Environmental Resource Management Division; Charles Bristol, Detroit River Public Advisory Council; Rose Ellison, USEPA, Great Lakes National Program Office; Ted Briggs, OMOE; Luca Cargnelli, EC; and Christine Aiello, MDEQ, Office of the Great Lakes. This Technical Committee concluded that drinking water from the

Briefing Paper

Removal of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI  
in the Detroit River AOC

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Detroit River AOC meets Michigan's criteria for removal of the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI in U.S. waters of the AOC.

A public comment period was provided, beginning January 31, 2011, and ending March 2, 2011, to allow broader participation in this BUI removal recommendation. No comments were received during this public comment period.

Recommendation

The MDEQ, AOC Program, requests concurrence with its recommendation to remove the Restrictions on Drinking Water Consumption or Taste and Odor Problems BUI in U.S. waters of the Detroit River AOC.

Prepared by: Christine Aiello, Senior Environmental Quality Analyst  
Office of the Great Lakes  
Michigan Department of Environmental Quality  
March 14, 2011

References

Detroit River Canadian Cleanup. 2009. Detroit River Canadian Remedial Action Plan Stage 2 Draft.

International Joint Commission. 1988. Revised Great Lakes Water Quality Agreement of 1978, as amended by Protocol signed November 18, 1987. Consolidated by the International Joint Commission, United States and Canada.

MDEQ. 2008. Guidance for Delisting Michigan's Great Lakes Areas of Concern. Report No. MI/DEQ/WB-06/001.

MDEQ. 1996. Detroit River Remedial Action Plan Report.



DETROIT RIVER AREA OF CONCERN  
PUBLIC ADVISORY COMMITTEE  
2674 W. JEFFERSON AVE, SUITE LL1  
TRENTON, MI 48183  
734.675.0141

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January 13, 2011

Ms Christine Aiello  
AOC Liaison  
MDEQ - Office of the Great Lakes  
Constitution Hall  
525 Allegan  
Lansing, MI 48909-7742

**RE: Support for Delisting BUI- Restrictions on Drinking Water  
Consumption or Taste and Odors Problems**

Dear Ms. Aiello:

At the Detroit River Area of Concern (AOC) Public Advisory Committee (PAC) meeting, held on January 19, 2011, the PAC agreed to support the MDEQ actions to submit the above referenced Beneficial Use Impairment (BUI) to the Environmental Protection Agency (EPA) for delisting. The Detroit River AOC PAC has been involved in the review of the available taste and odor information provided by water treatment utilities along the Detroit River and agrees that this Detroit River BUI can be delisted.

If you have any questions regarding our support of the delisting submittal for this BUI, please do not hesitate to contact us. We look forward to hearing the good news for our first BUI delisting.

Sincerely,

Charles. R. Bristol, P.E.  
FDR Treasurer / PAC Chair

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