
From: Crooks, Jennifer <crooks.jennifer@epa.gov>
Sent: Tuesday, July 28, 2015 9:47 AM
To: Shekter Smith, Liane (DEQ); Benzie, Richard (DEQ); Philip, Kris (DEQ); Monosmith, Carrie (DEQ); DeBruyn, Dana (DEQ); Dettweiler, Dan (DEQ); Busch, Stephen (DEQ); Prysby, Mike (DEQ); Cook, Pat (DEQ); Holdwick, Kevin (DEQ)
Cc: Poy, Thomas; Bair, Rita; Damato, Nicholas; Shoven, Heather; Kuefler, Janet; Murphy, Thomas; Porter, Andrea; Deltoral, Miguel
Subject: Final Notes from Michigan semi-annual call on 6/10

I was supposed to finalize these in mid-July, but I didn't receive any changes from anyone, so these notes are final now. Thank you all again for participating.

Jennifer

From: Crooks, Jennifer
Sent: Wednesday, July 01, 2015 5:31 PM
To: Shekter Smith, Liane (DNRE); Richard Benzie; kris philip; Monosmith, Carrie (DNRE); DeBruyn, Dana (DEQ); Dettweiler, Dan (DEQ); Busch, Stephen (DEQ); 'Prysby, Mike (DEQ)'; 'cookp@michigan.gov'; Holdwick, Kevin (DEQ)
Cc: Thomas Poy; Bair, Rita; Damato, Nicholas; Shoven, Heather; Kuefler, Janet; Murphy, Thomas; Porter, Andrea; Deltoral, Miguel
Subject: Draft Notes from Michigan semi-annual call on 6/10

All—Below are my draft notes from our call last week, June 10, 2015. Thank you all for participating. I apologize for the delay in getting these out in draft to you all for review—I was hoping to get a couple of items ironed out that were fuzzy during our discussions, but hasn't happened yet. Several ACTION items below. So, please review to make sure I documented our discussion/agreements correctly, and feel free to edit as needed. I you could get back to me by July 13, that would be great. Thank you!

Jennifer

Attendees:

MDEQ: Liane Shekter-Smith, Richard Benzie, Carrie Monosmith, Kris Philip, Dan Dettweiler, Marjorie Rodriguez (Student), Kevin Holdwick, Mike Prysby, Dana DeBruyn, Steve Busch

EPA Region 5: Tom Poy, Rita Bair, Nick Damato, Janet Kuefler, Michele Palmer, Tom Murphy, Heather Shoven, Cary McElhinney, Andrea Porter, Miguel Deltoral, Mostafa Nouredin

Summary:

1.Changes in Lead Disinvestments and Commitments for FY 2016 ARDP—for discussion: Due to our extreme focus on lead in drinking water, this is the consensus here.

a. Consumer notification of tap results at NTNCWSs:

(Suggested wording) The NCWS program commits to full implementation of the lead consumer notification of tap results requirement, to begin in CY 2016. Region 5 will assist in a notification outreach effort in late FY 2015 to remaining 698 NTNCWSs that are not schools/daycares, to begin providing lead consumer notice in CY 2016. NCWS program commits

to include information on providing lead consumer notice in the annual monitoring letter sent to all NTNCWSs for CY 2016.

STATE: The State found this change in the wording acceptable.

b. Collection of Lead samples at NTNCWSs during June – September 2016 timeframe

(Suggested wording) NCWS program commits to including information in the applicable NTNCWS annual monitoring letters of the requirement to collect their annual/triennial lead sample between June and September only, during CY 2016. The MDEQ NCWS program currently does not have the capability to easily track lead sampling compliance within this specific timeframe.

STATE: The State found this change in the wording acceptable.

c. Follow-up Actions for NTNCWSs that sample outside of June-September 2015 timeframe

(From 5/5/15 call notes w/EPA) MDEQ commits to providing Region 5 with all CY 2015 lead (and copper?) sample data for all NTNCWSs by March 2016 so that EPA can analyze how many PWSs monitored outside the June through October timeframe. EPA commits to follow-up with MDEQ to discuss follow-up actions.

STATE: The State agreed to providing EPA R5 the raw lead and copper data for all CY 2015 for all NTNCWSs. The WaterTrack database does have data, but it can't generate violations. MDEQ doesn't commit to enforcing against 2016 violators in FY 2016. The State said, it is planning on disinvesting in enforcing against these violators due to limited capability of WaterTrack; however, if the State's noncommunity data management capabilities improve during FY 2016, implementation of this disinvestment may become a reality. The State has not designated an alternate timeframe, or done system specific documentation as to why the system qualifies for a different timeframe.

d. Submittal of the lead and copper reporting form

(Suggested wording) MDEQ commits to requiring CWSs and NTNCWSs to submit the lead and copper reporting form via the annual monitoring letters to each system, tracking CWSs and NTNCWSs submittal of the lead and copper reporting form, and commits to issuing violations for failure to submit the lead and copper reporting form. The reporting form provides the address of the sample site, designates sampling site selection criteria, and explanation(s) for any changes in sampling sites.

STATE: Dan Dettweiler stated that the NCWS program was not in a position to do this for the NTNCWSs at this time. Tom Murphy asked how does WaterTrack handle/track high lead results? Tom M said there is a truncation issue on the sample location name field. Dan acknowledged that this problem has been identified, and the Department of Technology Management and Budget (DTMB) has been trying to fix this problem, but it is a challenging problem. Dan stated that sample sites for NTNCWSs are actually identified by LHDs during the sanitary survey and are documented in the sanitary survey. The LHDs check the pdf of the laboratory results that clearly states where the sample was taken, and calculates the 90th percentile. However, Dan stated that the requirement to send in the lead and copper reporting form is not currently in the LHD annual monitoring letter sent to each system. The NTNCWSs do not couple this form to the Lead Consumer Notice, as does the CWSs. Kris Philip pointed out that the LHDs select the sample sites, thus when they are calculating the 90th percentile, they are actually double checking the sites with the results.

From our discussion, the Region concluded that at this time, the LHDs are actively reviewing the lead and copper results and the sample locations when they calculate the 90th percentiles to ensure proper LCR monitoring is conducted by ALL NTNCWSs at the proper sample sites. After our call, I asked for verification of this statement, and Dan Dettweiler responded, "Just as with an exceeding value of an MCL, WaterTrack alerts the LHD when at least one sample for a water

system exceeds the AL. A 90th percentile calculation is made only when an exceeding result alerts the LHD. For cases where there are no exceeding results, private lab samples are reviewed at the time LHDs hand-enter them into WaterTrack. State lab samples, which flow electronically via nightly downloads from the state lab database, are reviewed when pdfs of the analysis reports are, routinely, emailed by the state lab to LHDs. Beyond that, MDEQ's annual evaluation of the LHDs provides another opportunity for us to oversee the proper assigning and use of designated sampling locations."

ACTION: The Region will discuss Dan's response internally, and get back to the State with any issues/concerns.

Kris Philip said that the CWS program is requiring that the systems submit the form, but they are not enforcing whether or not the system submits the form. Often, the CWS will submit the Lead Consumer Notice and the Lead and Copper reporting form together. Kris said if 90%+ are already submitting the forms, then the State will agree to follow-up and enforce this requirement. But, if less than that, will probably be too much of a burden. Kris said they may change the way DEQ is tracking in SDWIS during FY 2016. But, the Region said SDWIS-Prime probably won't be available until 2017 at the earliest.

ACTION: Kris Philip will research with the District Offices to determine the current submittal rate of the lead and copper reporting form from CWSs; and report back to the Region.

2. Enforcement Update with Heather

NTNCWSs under Bottled Water agreements due to Arsenic MCL violations:

Per discussions with Region 5 and the February 2014 EPA/OECA memo, MDEQ has closed the old Arsenic open-ended MCL violations; however, no further quarterly monitoring is being conducted at the (+27) systems that are still under bottled water agreements. Thus, no more arsenic MCL violations will be reported for these systems and these systems will not become priority systems (ETT score of 11 or more) since only one arsenic MCL violation will be reported (5 points) even though they have a longstanding issue with arsenic noncompliance. The Region would like to discuss the pros and cons of placing these PWSs with arsenic MCL violations on quarterly monitoring as required under 40 CFR Section 141.23(c)(7); and brainstorm possible solutions.

Heather provided an update on how the State is doing in returning ETT systems to compliance; the State is doing very well in achieving its commitment for FY 2015. Heather said the Region is glad to see the State and LHD prioritization of implementation of the drinking water program and NTNCWS schools and daycares.

Referring to the NTNCWSs under BW agreements that are in violation of the Arsenic MCL, Heather said that since there are no more open-ended MCL violations in SDWIS, that no MCL violations can be reported to SDWIS unless there is monitoring to show the system is in non-compliance. Even though the LHD has indicated that these systems are drinking bottled water for public health protection, the use of bottled water cannot be a permanent solution to the fact that the system's drinking water at the tap continues to exceed the MCL for arsenic. Dan said there are 22 systems, where 8 are schools, that should be conducting quarterly monitoring. Dana said that letters have been sent (**OR drafted?**) to these 22 systems to require quarterly sampling for arsenic; these 22 systems are in 10 different counties so the message from the State is consistent. A secondary effect of this new requirement for the systems, may be that they transition to another water source or install treatment sooner.

The State voiced a concern that multiple quarterly violations could potentially affect the State's relationship with the LHDs financially. Genesee and Oakland Counties have quite a number of noncommunity water systems. Multiple quarterly violations could affect the Dept of Community Health's determination as to whether the LHDs are meeting their minimum program requirements; thus receive full funding for their work with the noncommunity systems for the drinking water program. The LHDs cannot have more than 20% of their systems with violations. The Region wonders how much funding would be cut from a LHD contract if it exceeds the 20% noncompliance level set in the contract?

3. Status of Flint

a. TTHM levels for May—Due to MDEQ district engineer June 10-RECEIVED; see link to results

<https://www.cityofflint.com/2015/06/01/may-water-testing-results-show-all-locations-are-within-acceptable-limits-for-tthm/>

All samples below the TTHM MCL; one site still has an LRAA above the MCL but decreased from 105 ppb in Feb to 93.5 ppb in May.

Mike Prysby said he is getting ready to issue the construction permit to the City of Flint to install a GAC filter in July, that will remove more TOC to further reduce the potential of developing TTHMs. Mike said he has already issued a construction permit for a transmission line within the City that will help reduce water age.

b. Lead in Flint

Our discussions with MDEQ indicate that no phosphates/corrosion control has been added to the system since April 2014 when the source of drinking water changed to the Flint River. We understand that the City is just finishing up its second set of 6-month initial monitoring for lead; where the results will probably warrant a Corrosion Control Study to be conducted. Since Flint has lead service lines, we understand some citizen-requested lead sampling is exceeding the Action Level, and the source of drinking water will be changing again in 2016, so to start a Corrosion Control Study now doesn't make sense. The idea to ask Flint to simply add phosphate may be premature; there are many other issues and factors that must be taken into account which would require a comprehensive look at the water quality and the system before any treatment recommendations can/should be made. Miguel is recommending MDEQ and EPA? approach Flint about formally requesting EPA's Office of Research and Development in Cincinnati support on the lead in Flint drinking water issue, and request that Mike Schock, ORD, and possibly Darren Lytle, ORD, to participate in Flint's drinking water advisory committee so that a comprehensive evaluation on how to proceed can be discussed.

Miguel provided a brief summary of the high lead results found at the residence of Ms. Leeanne Walters in Flint. Miguel will follow up with a written summary of the work conducted, sample results, and conclusions.

Miguel believes that lead levels in Flint are being affected by the lack of Corrosion Control being conducted by the City, since the LCR requires 2 6-month initial monitoring for a new source. Steve Busch stated that in the Lead sampling pool, almost all of the lead sample sites are lead service lines, and the State is not seeing large increases in lead levels at the tap. Miguel suggested that EPA experts in Lead, Mike Schock; and in distribution systems, Darren Lytle, be added to the Flint drinking water advisory committee to assist the City/State in determining the best way to proceed to minimize lead in the City's drinking water during the interim use of the Flint River, and subsequent use of Lake Huron water.

Miguel said he will send Mike Schock and Darren Lytle's contact information to Steve and Mike. Steve pointed out that the City is following the LCR requirements, and completing the requirements in a timely manner. Miguel's point is that since the LCR was promulgated 20+ years ago, that research and different situations, like Washington D.C., have educated scientists, experts, and regulators that the existing requirements in the LCR may not be as protective as previously thought. Thus, he can only make recommendations as to how to revise sampling protocols. And Miguel acknowledges that it may be another year before these regulation changes are promulgated in the Long-Term Lead and Copper Rule. In December 2015, the NDWAC recommendation is expected.

The Region asked the State if the Flint River will be a permanent supplemental source of drinking water, once the City of Flint connects with the Karegdodi pipeline from Lake Huron. Mike Prysby said that the City is currently pumping 22MGD, but the City has 40-50 MG of storage. The City is currently working on reducing its unaccounted for water losses, and these water losses are dropping. The State, through the Governor's office, provided disadvantaged system funding, \$2M which includes \$900K for lead detection, and pipe inspection.

4. Update on WaterTrack to SDWIS-State: The migration of WaterTrack data to SDWIS-State was number 39 on the Dept of Technology Management and Budget's (DTMB) project list last year; this year it is

number 30. It doesn't appear this project has a high priority. Does the State have any new information on the progress of this project?

Dan said that the migration of WaterTrack data to SDWIS-State has moved to a priority of 26 with DTMB so far this year. But Dan said they are going to take this project out of the queue, since Ronda Page has returned to the drinking water program from DTMB. Ronda said she re-estimated DTMB's involvement in this project to be far less than originally thought, so there is no need for any program developers or the tech team. This project will only need the Data Team and the web designers only. Ronda said they can set-up on a new server and migrate the data from WaterTrack to SDWIS-State themselves; in-house. Kris Philip remembers migrating the CWS data to SDWIS-State, so she can be a resource for this project. The parts that are needed to be completed by DTMB could be contracted out. Cary McElhinney said that there is a process of withholding PWSS grant funds and re-directing the funds to a HQ contract with SAIC. Richard Benzie said the process worked well last year when MI used PWSS funds to contract with a HQ contractor to conduct NEEDS survey training.

ACTION: Jen will follow up with State and Tribal Programs Branch about the process and timing of holding back funds from the PWSS grant for the purpose of contracting with SAIC.

5. Consequences of cutting the State drinking water program to a "minimal program"

Jennifer had a discussion with Richard Benzie regarding the possibility of the Michigan State Legislature looking to have just a minimal drinking water program, meaning only a program with activities that are required by the Federal SDWA. Jennifer ultimately discussed this internally with Tom Poy. The minimal program suggested would cut out Operator Certification, Capacity Development, Plan Review, Cross Connection Control, Source Water Protection, among other programs that are State required. Operator Certification and Capacity Development, while not required by the Federal regulations, do have financial strings attached. And Plan review/construction permits are required by the SRF program for a loan. Any recent communication with the State Legislature that they might proceed and make this possibility a reality?

Richard and Liane said there is no current threat from the State Legislature to cut the State-funded PWSS program activities. But there is a State-wide impetus to delete old programs and regulations, so this could lead to questioning the purpose of State-funded PWSS program activities. Richard is just being proactive in preparing a justification. Richard remembers a discussion many years ago about what constitutes a "comprehensive drinking water program". Tom Poy and Jennifer commented in a previous communication with Richard that the EPA PWSS primacy program and the State-funded activities in the drinking water program were meant to complement each other. To support this statement, Jennifer sent Richard some PWSS Priority guidance from the 90's, some preamble language from the 1976 SDWA found by our attorney, and language from Section 142 of the SDWA regulations from 1976 that might assist him in his justification.

6. EPA's Resource Message at the LHD Workshop in April

From the 2014 analysis of Shared Goals 2013 data, which is compliance data, for noncommunity systems, there are increasing trends of nitrate M/R violations for both NTNCWSs and TNCWSs. We discussed this on the last semi-annual call. Analysis of the 2015 Shared Goals 2014 data (April 2015) shows an improvement—that of decreasing numbers of bacti/nitrate M/R violations.

However, in light of the upcoming implementation of RTRC in 2016, the question raised here in the Region is: Does the State have a plan with the LHDs as to what activities must be prioritized, and what will fall off the plate? Not all LHDs will need to disinvest based upon each LHD's resources, but some poorly funded LHDs may have to disinvest in some activities/drop activities that have no risk to public health.

Carrie Monosmith said that she met with the RTCR workgroup, comprised of LHD Directors/sanitararians, last fall to identify activities that the state can disinvest in during the next several years as the LHDs begin implementation of RTCR. They could not identify any activity that could be dropped. The main thing that will help the LHDs save time is to get the electronic DWR (eDWR) going, or the CMD portal, which will drastically reduce the LHDs time in inputting laboratory data into WaterTrack/SDWIS-State. From there, they can develop electronic data forms (CROMEER compliant) that the systems can submit.

Thank you!

Jennifer

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