
From: Shaler, Karen (DEQ)
Sent: Monday, November 09, 2015 11:35 AM
To: Shekter Smith, Liane (DEQ)
Cc: Thelen, Mary Beth (DEQ); Devereaux, Tracy Jo (DEQ); Sygo, Jim (DEQ); Krisztian, George (DEQ); Busch, Stephen (DEQ); Prysby, Mike (DEQ); Benzie, Richard (DEQ)
Subject: RE: update to weekly report - DRAFT DELIBERATIVE

Got it. Thanks!

From: Shekter Smith, Liane (DEQ)
Sent: Monday, November 09, 2015 11:34 AM
To: Shaler, Karen (DEQ)
Cc: Thelen, Mary Beth (DEQ); Devereaux, Tracy Jo (DEQ); Sygo, Jim (DEQ); Krisztian, George (DEQ); Busch, Stephen (DEQ); Prysby, Mike (DEQ); Benzie, Richard (DEQ)
Subject: update to weekly report - DRAFT DELIBERATIVE

Suggestions for inclusion in the weekly governor's report:

Concerns –

The state is being criticized as a result of recent information coming to light that a significant number of samples were not collected from proper sampling locations as part of the sampling program in the City of Flint to demonstrate compliance with the lead/copper rule under the Safe Drinking Water Act. Recently, the City of Flint began to electronically convert customer service line information. This effort along with statements by some of the City's certified operators directly conflict with information certified by the City in documents referred to as lead/copper rule compliance monitoring certification reports.

Correspondence is drafted and will be sent to the City requesting the City provide appropriate documentation to demonstrate that the sampling locations selected and certified by the City comply with the Safe Drinking Water Act. In the absence of appropriate justification/documentation, the City of Flint may be subject to enforcement for violation of the Safe Drinking Water Act.

Significant Event –

On November 3, 2015, the U.S. Environmental Protection Agency issued a memorandum to address "certain concerns raised about the application of the 1991 Lead and Copper Rule, specifically the requirements pertaining to maintenance of optimal corrosion control treatment, in situations in which a large water system ceases to purchase treated water and switches to a new drinking water source." The memo states that "This type of situation rarely arises and the language of the LCR does not specifically discuss such circumstances. After the reviewing the rule with our Office of General Counsel, it appears that there are differing possible interpretations of the LCR with respect to how the rule's optimal corrosion control treatment procedures apply to this situation"...

This EPA memorandum clarifies the requirements should a situation like Flint occur again in the future. However, it clearly recognizes that the options chosen by Michigan were one interpretation or option of the rule.