

From: [Green, Kelly \(DEQ\)](#)
 To: [Butler, Sonya \(DEQ\)](#); [Benzie, Richard \(DEQ\)](#)
 Subject: RE: DW SRF eligibility
 Date: Tuesday, September 29, 2015 11:41:34 AM

If 'they' are proposing changes to the statute for Flint I don't think 324.5404 (1) is the biggest issue. Flint does own one of the water supplies discussed. I don't know that the language in that section precludes Flint from applying for DWRF. If this in fact did preclude them from applying then how/why was the lead service line guidance created in the first place? I don't believe Chip/Wendy would write guidance that would contradict the statute. I feel the bigger barrier is the language in 324.5409(1)(d). This section states that Flint would have the legal capability to operate and maintain the project (see below). Typically I don't think municipalities have the authority to operate and maintain the service lines beyond the valve or stub to individual homes.

(d) A certification by an authorized representative of the water supplier affirming that the supplier has the legal, institutional, technical, financial, and managerial capability to build, operate, and maintain the project

Kelly Green

 517.284.5409

From: Butler, Sonya (DEQ)
 Sent: Tuesday, September 29, 2015 9:28 AM
 To: Green, Kelly (DEQ); Benzie, Richard (DEQ)
 Subject: FW: DW SRF eligibility
 Importance: High

Kelly & Richard

I need you both to assist with interpreting what exists in our eligibility guidance (see below) as it relates to Flint. I need to reply to Director Wyant if the lead service lines in Flint can be replaced using DWRF.

From: Marquardt, Steve [<mailto:marquardt.steve@epa.gov>]
 Sent: Monday, September 28, 2015 5:54 PM
 To: Butler, Sonya (DEQ)
 Cc: Baltazar, Debbie
 Subject: DW SRF eligibility

Page 19-20 seems to indicated that there are cases where private laterals are allowed to be funded under MI SRF. Is that the case? We are getting asked if the service lines – public and private portions are eligible for SRF funding. I know we discussed MI having a state rule not allowing privates but these seems to open the door in some cases. thanks

http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-DWeligguide_248792_7.pdf

Service Lines, Water Meters, and Water Main Diameters

The installation of service lines located within a public right of way (commonly referred to as "stubs" or "customer service connections") are eligible for DWRF assistance. The installation of service lines from the "stub" to the privately-owned home or building will not be eligible for

DWRF assistance unless that portion of the service line is also owned by the water supplier or it's a lead service line that needs to be replaced as discussed below.

The installation of water meters for a new waterworks system or an existing unmetered system

is eligible for DWRF assistance, provided the meters are owned by the water supplier. The replacement or upgrading of existing water meters is also allowable if adequate need has been

demonstrated in the project plan. An example would be upgrading meters to have remote read

capabilities. While ancillary costs such as providing the meter reading equipment is eligible, billing software to process the information obtained from the meters is not eligible.

Effective January 30, 2006, the replacement of lead water service laterals, both the public and

the privately-owned portions, are eligible for DWRF assistance if necessary to comply with the

March 2005 Lead and Copper Rule. The four main functions of the Rule are:

A. Require water suppliers to optimize their treatment systems to control corrosion in customer's plumbing.

B. Determine tap water levels of lead and copper for customers who have lead service lines or lead-based solder in their plumbing systems.

C. Rule out the source water as a source of significant lead levels.

D. If action levels are exceeded (i.e., 15 ppb), require the suppliers to educate their customers about lead and suggest actions they can take to reduce their exposure to lead through public notices and public education programs. If a water system, after installing and optimizing corrosion control treatment, continues to fail to meet the lead action level, it must begin replacing the lead service lines under its ownership.

The need for lead service line replacement due to an action level exceedance must be discussed in the project plan.

The installation and replacement of undersized water mains is eligible for DWRF assistance provided the project plan documents need. The ten-state standards require water main which

provides fire protection to be 6-inches in diameter and larger sizes to meet minimum residual

pressures and flow requirements during fire flow. Where local code requirements mandate a

minimum size of 8-inches in diameter and it is documented in the project plan as part of the selected alternative, replacements with 8-inch diameter water main are allowable. However, please note that a local ordinance requirement alone is not a sufficient demonstration of need

for water main replacement. There must be documentation of existing problems, such as low

pressures/flows, frequent breaks, or capacity issues, resulting in the need for new water main.

Construction activities, such as interior plumbing work, performed within the confines of individual private structures are not eligible for DWRF assistance.

Steve Marquardt

USEPA Region 5

77 West Jackson Blvd