

**Thelen, Mary Beth (DEQ)**

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**From:** Wyant, Dan (DEQ)  
**To:** Hedman, Susan  
**Subject:** RE: talking points

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**From:** Hedman, Susan [<mailto:hedman.susan@epa.gov>]  
**Sent:** Thursday, October 01, 2015 7:27 PM  
**To:** Wyant, Dan (DEQ)  
**Subject:** RE: talking points

Further to our conversation, please note that lead and copper monitoring is used to determine:

- 1) Whether corrosion control is optimized. Under 141.81(b)(3), a water system is deemed to have optimum corrosion control if it submits results of tap water monitoring that demonstrates for 2 consecutive six-month periods that the 90<sup>th</sup> percentile level is below 5 ug/L (ppb). Because Flint exceeded this level, the City is required to implement corrosion control – as noted in MDEQ's August 17<sup>th</sup> letter to the City of Flint which states: "Since the City did not meet these criteria in both the July–December 2014, and January–June 2015, sampling periods, the City must now recommend a treatment to fully optimize corrosion control treatment . . . ."
- 2) Whether the lead action level (15ug/L) has been exceeded. Under 141.84(a), systems that fail to meet the lead action level in tap samples after installing corrosion control treatment must replace lead service lines – 7% of the lead service lines in its distribution system.

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**From:** Wyant, Dan (DEQ) [<mailto:WyantD@michigan.gov>]  
**Sent:** Thursday, October 01, 2015 5:02 PM  
**To:** Hedman, Susan  
**Subject:** Fwd: talking points

Talking points. I will make the adjustment you and I talked about. Thanks for your help.

Sent from my iPhone

Begin forwarded message:

**From:** "Tommasulo, Karen (DEQ)" <[TommasuloK@michigan.gov](mailto:TommasuloK@michigan.gov)>  
**Date:** October 1, 2015 at 4:27:53 PM EDT  
**To:** "Pallone, Maggie (DEQ)" <[PalloneM@michigan.gov](mailto:PalloneM@michigan.gov)>, "Minicuci, Angela (DHHS)" <[MinicuciA@michigan.gov](mailto:MinicuciA@michigan.gov)>, "Eisner, Jennifer (DHHS)" <[EisnerJ@michigan.gov](mailto:EisnerJ@michigan.gov)>, "Hertel, Elizabeth (DHHS)" <[HertelE@michigan.gov](mailto:HertelE@michigan.gov)>, "Wurfel, Brad (DEQ)" <[WurfelB@michigan.gov](mailto:WurfelB@michigan.gov)>, "Wurfel, Sara (GOV)" <[Wurfels@michigan.gov](mailto:Wurfels@michigan.gov)>, "Murray, David (GOV)" <[MurrayD1@michigan.gov](mailto:MurrayD1@michigan.gov)>, "Thelen, Mary Beth (DEQ)" <[THELENM2@michigan.gov](mailto:THELENM2@michigan.gov)>, "Wyant, Dan (DEQ)" <[WyantD@michigan.gov](mailto:WyantD@michigan.gov)>, "Paciorek, Josh (GOV)" <[PaciorekJ@michigan.gov](mailto:PaciorekJ@michigan.gov)>, "Lasher, GERALYN (DHHS)" <[lasherg@michigan.gov](mailto:lasherg@michigan.gov)>  
**Subject:** talking points



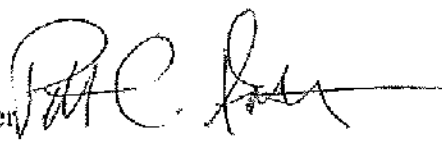
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

NOV 03 2015

**MEMORANDUM**

**SUBJECT:** Lead and Copper Rule Requirements for Optimal Corrosion Control Treatment for Large Drinking Water Systems

**FROM:** Peter C. Grevatt, Director  
Office of Ground Water and Drinking Water 

**TO:** EPA Regional Water Division Directors, Regions I-X

This memorandum addresses 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. These concerns have been raised most recently in regard to the drinking water system in Flint, Michigan, where the water system was disconnected from the Detroit Water and Sewerage Department, which provided corrosion control treatment for Lake Huron source waters, and instead began distributing water from the Flint River. This type of situation rarely arises and the language of the LCR does not specifically discuss such circumstances. After 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, which may have led to some uncertainty with respect to the Flint water system. This memorandum clarifies how the LCR applies to this situation and eliminates the uncertainty for water systems and primacy agencies that may face these circumstances in the future.

It is important for large systems and primacy agencies<sup>1</sup> to take the steps necessary to ensure that appropriate corrosion control treatment is maintained at all times, thus ensuring that public health is protected. This memorandum focuses on those steps and clarifies, on a prospective basis, how EPA interprets the LCR corrosion control requirements and how primacy agencies should apply these requirements to large public water systems before, during and after making a significant change in source water, including switching from purchased water to a new source.

Under the LCR, all large systems (those serving more than 50,000 persons), whether purchasing water or not, must have completed a series of steps to either optimize the corrosion control treatment or be deemed to have optimal corrosion control treatment (OCCCT) by 1998. 40 CFR 141.81. Key steps for

<sup>1</sup> The term "primacy agency" refers to the State, tribe or U.S. Environmental Protection Agency regional office having jurisdiction over, and primary enforcement responsibility for, a given public water system.