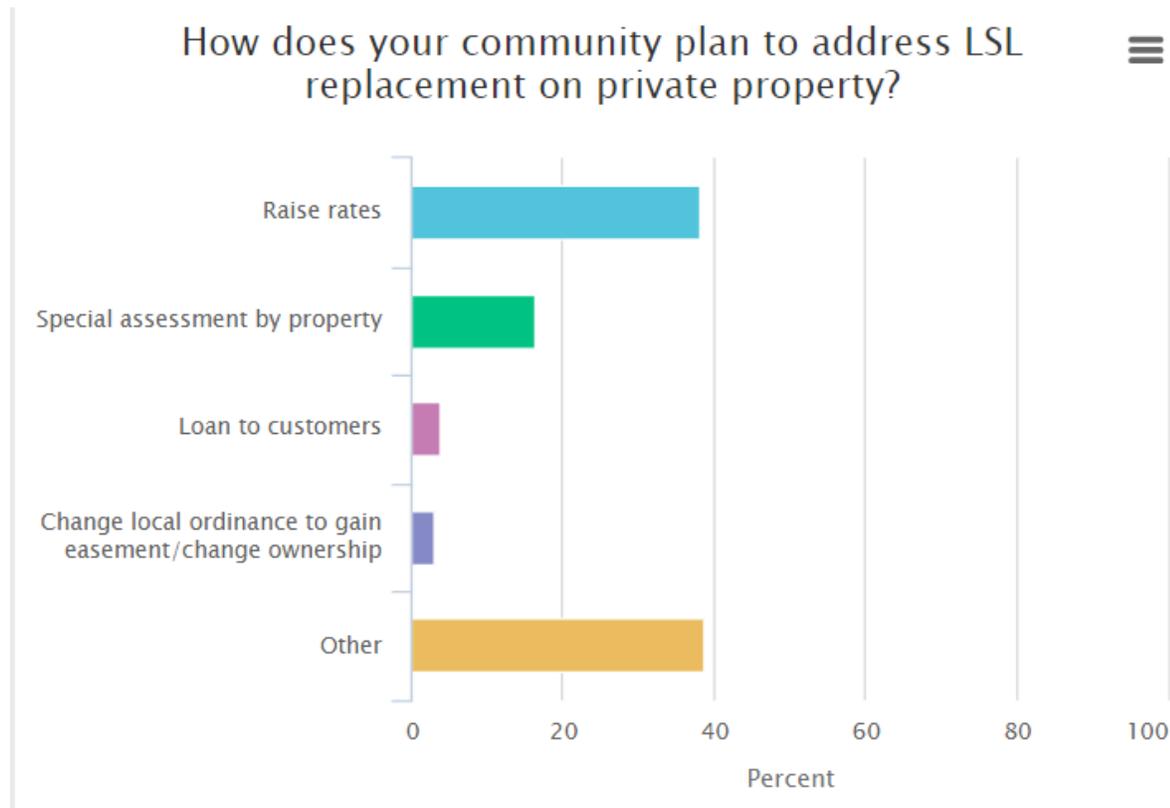


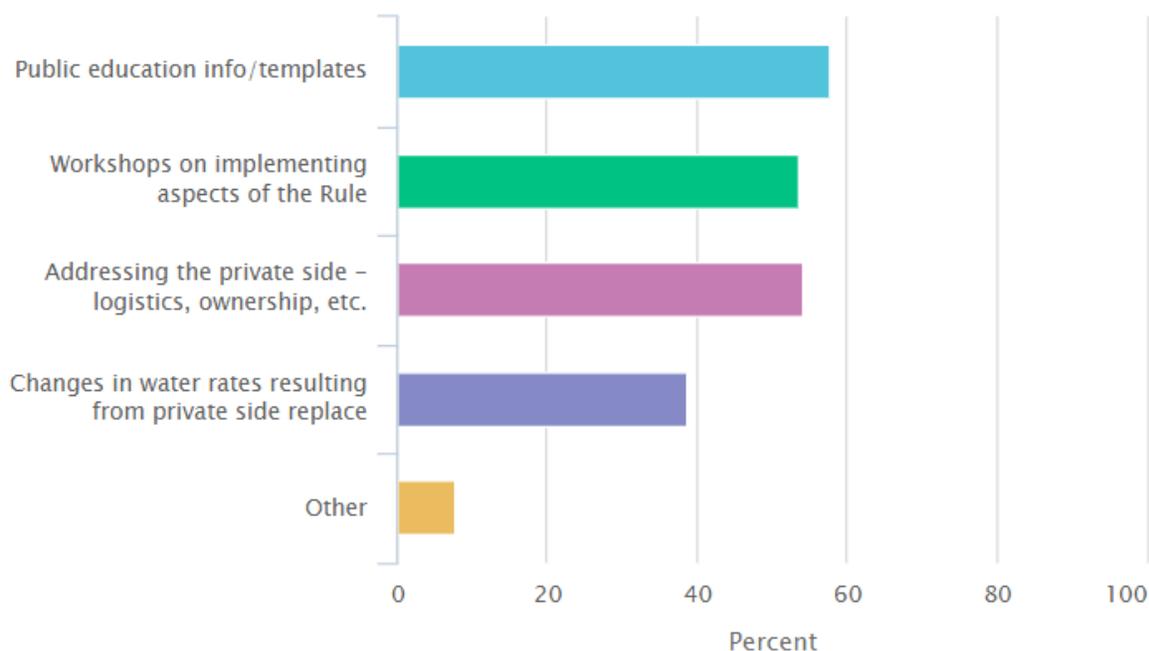
Get to Know Michigan's LCR

Through a special collaboration between the American Public Works Association Michigan Chapter, the Michigan Municipal League, Michigan Rural Water Association, Michigan Section of the American Water Works Association, the Michigan Township Association and the South East Council of Governments, events highlighting key points in Michigan's new Lead & Copper Rule have been conducted over the past four months. Questions raised during these events are compiled here in Q&A form to serve as a resource.

WEBINAR POLL QUESTIONS AND ANSWERS



What type of assistance or information would you find most helpful at this point? ☰



SUMMARY OF QUESTIONS AND ANSWERS

General

Q: We have no lead services. Do these new rules mean any changes for us?

A: Yes. There are still new requirements to perform a materials systems inventory, increased communication and education, and other items.

Q: If we have ZERO lead services in our community what, if any, inventories are required?

A: A desktop inventory and field verified inventory is required of all systems.

Q: What is the regulatory rule regarding non-compliance?

A: The action level is still based on the 90th percentile.

Q: Can you comment on the reference of CFR 141.42 implementation with the LCR change?

A: We cannot.

Q: How is a system population determined under the rule when we have continuous systems serviced and our sanitary survey includes their population?

A: Your system population is whatever MDEQ has agreed it to be. Consecutive systems are responsible for compliance with the rule.

Q: In Michigan, mobile home communities /trailer parks have separate jurisdiction from community water systems even though the community water system may provide water to the trailer park. What jurisdiction does the water system have under new rules?

A: If the MHC is considered its own community water supply, the MHC is responsible for its own system. Otherwise it is the responsibility of the community water system.

Q: For service lines, is there a size limitation? For example, anything over 2" diameter doesn't use a corporation.

A: There is no limit.

Q: How is "control" of the entire service line defined?

A: Excerpt from Act 399:

(g) A supply is presumed to control the entire service line unless the supply demonstrates in writing that it does not have any of the following forms of control over the entire service line, as provided by state statute, local ordinance, public service contract, or other applicable legal authority:

(i) Authority to set standards for construction, repair, or maintenance of the service line.

(ii) Authority to replace, repair, or maintain the service line.

(iii) Ownership of the service line.

(h) Coating and lining techniques shall not be used to meet the service line replacement requirements under this subrule.

Inventory

Q: Who approves the Asset Management Plan (AMP) from the state level to coordinate our AMP with other municipal projects?

A: MDEQ

Q: Can you put 2% LSLR in AMP and get it approved by MDEQ? Why is it viewed as "so important" to get in our AMP unless you place a lower % in the AMP?

A: MDEQ determines approval

Q: Where does it require that we "field" verify each service line?

A: R 325.11604 Contents of general plans for all applicable systems.

Community and nontransient noncommunity water supplies shall complete a distribution system materials inventory as follows:

(i) By January 1, 2020, a supply shall complete and submit to the department, a preliminary distribution system materials inventory in a form and manner specified by the department. The preliminary inventory shall consist of a thorough assessment of distribution system materials based on existing sources of information.

(ii) By January 1, 2025, a supply shall submit a complete distribution system materials inventory, including verification methodology, and provide the results of the inventory to the department in a form and manner specified by the department. The

materials inventory under this subsection shall identify whether and where construction materials listed in 40 C.F.R. §141.42(d) are present in the piping, storage structure, pumps, and controls used to deliver water to the public, including service lines.

Q: What is involved in field verification of public side of service? Which services need to be verified?

A: See above.

Q: What is the extent of field verify, checking interior of home or digging up the lead in the front yard?

A: See above.

Q: Does the desktop and field verification information need to be collected and submitted for both public and private services that contain NO LEAD?

A: Yes.

Q: Do 100% of lead service lines need to be field verified on both the public and private side within a certain timeframe?

A: The inventory must be in a form and manner approved by MDEQ. In other words, they will determine how many must be field verified.

Q: Does the new rule address interior home/building plumbing which in many cases could still be galvanized or copper with lead solder joints??

A: No.

Q: If you have a copper service line (main to curb stop) and it was installed that way but the homeowner (curb stop to house) installed galvanized. That would be ok, correct?

A: If the galvanized line on the private side was ever connected to a lead service line (as defined in Act 399) then it has to be replaced. Otherwise no.

Q: Are there health concerns for galvanized pipe that is not connected to a LSL?

Q: What data was used to determine galvanized steel would have lead contamination? Our internal testing has yet to detect any lead for galvanized lines.

A: Participant offered references regarding lead contamination in galvanized lines previously connected to lead:

- HDR Engineering 2009; McFadden et al. 2011; Clark et al. 2015
- McFadden, M.; Giani, R.; Kwan, P.; & Reiber, S., 2011. Contributions to Drinking Water Lead From Galvanized Iron Corrosion Scales. Journal AWWA, 103:4:76.
- Clark B. N., Masters S. V. & Edwards M. A. 2015. Lead release to drinking water from galvanized steel pipe coatings. Environmental Engineering Science, 32(8), 713-721.
HDR Engineering, 2009. An Analysis of the Correlation between Lead Released from Galvanized Iron Piping and the Contents of Lead in Drinking Water. Prepared for the District of Columbia Water and Sewer Authority. September 2009.

Participant comment: It was very common practice for pipe galvanizers to place lead in the molten zinc up to 10% in order to enhance the coating process. 100% zinc does not adhere well to iron pipe.

Sampling

Q: Can you explain the sample draw procedures again, i.e. the 1st draw and then 5th liter draw?

A: Collect the first 1 liter that comes out of the tap after a period of at least 6 hours stagnation. Then measure but do not collect) 3 more liters (so the 2nd, 3rd and 4th liter). Then collect that 5th liter.

Q: For 2019 triennial sampling, if there are service lines of unknown material are they to be treated as lead? Would these supersede lines of known non-lead lines?

A: MDEQ will provide guidance on rule implementation dates.

Q: How is the 90th % calculated, is it based off the highest samples of all collected?

A: If you have LSL, it is based on the highest sample collected at each site. If you do not have LSL, you only collect one sample per site so the 90th % is calculated from that sample.

Q: Do the sampling requirements (1st and 5th liter draws, etc.) apply to non-LSL's?

A: No. if there is no LSL, just collect the first draw.

Q: For systems without LSL, are two samples still required (1st draw and 5th liter) or just one?

A: Just one. See above.

Q: The revised samples of (2) two per site...is there a time frame between samples or at the same date and time?

A: Same date and time.

Q: Explain the requirement to NOT remove the aerator before a lead sample is collected. Can aerator cleaning be part of a normal maintenance plan NOT timed with sampling?

A: People drink water with the aerator on, so leaving it on is representative of the water customers drink. If the water system wants to suggest fixture and plumbing maintenance to residents that isn't tied to sampling or LCR, that is their choice.

Q: What do you do for sampling when a customer has inline treatment systems & filters that can't be removed to obtain a sample?

A: Please consult with MDEQ.

Q: How does the homeowner with a lead service line measure their sample water? How do they know they are collecting the 5th liter?

A: We recommend sample collection by the community water system, rather than the homeowner, to reduce the risk of incorrect sampling. Keep in mind that the new rule says that if the homeowner samples, the results cannot be disputed

Q: If a second sampling period is required in July-Dec of 2018, which sampling protocol do we follow, old or new?

A: Sample as you've been sampling. MDEQ will provide guidance on rule implementation dates.

Q: For those not familiar with the chloride-sulfate ratio, please explain its significance.

A: It is used as an indicator of potential lead release.

Q: Has this new rule addressed Copper in any way?

A: It adds notification requirements for elevated levels.

Q: Should we continue our triennial sampling since we are below the Action Level.

A: Yes unless MDEQ tells you otherwise.

Q: If we are scheduled in 2019 to perform our triennial sampling, are we subject to the new LCR?

A: MDEQ will provide guidance on rule implementation dates.

Replacement

Q: Does this new rule protect municipalities from legacy issues...example...future basement leaks, damage to finished basements, landscaping, and other structural issues on Private Property?

A: Protection and legal matters are up to each CWS.

Q: Does this new Lead Line Replacement rule protect municipalities from private property issues...structural, damage to private property?

A: See question above.

Q: What was the banned date for partial service line replacement?

A: The rule took effect June 14, 2018.

Q: Will we need to replace the water mains that have leaded joints?

A: No.

Q: If the customer wants to replace or repair their portion of the service line, are we required to replace the community's portion of the service line.

A: Yes. The CWS is responsible for replacement of the entire service line.

Q: If property owner has a galvanized service and is connected to public lead service line, and the property owner's galvanized service breaks, is the utility now obligated to replace the lead service as well as the customer's galvanized service line at the City's cost? Or can the owner simply replace their own galvanized service?

A: Partial replacements are prohibited.

Q: If we respond to an emergency break on copper between the corporation and stop box, we are now required to sample and test the line if the portion of the service line from the stop box to the house is galvanized or lead, correct?

A: Correct. We recommend replacement of the entire line.

Q: In the older communities, it may assumed that most corps attached to the water main may be pre NSF 61...even though the service line is copper...do each corporation need to be removed from the water main?

A: No but many communities are elected to install a new corporation.

Q: we have replaced LSL in the past & reused old corps. Will the old corporation have to be replaced?

A: We recommend replacement. There is not a requirement for replacement.

Q: If we are currently working on service line replacement projects does the LCR affect how we replace lines now? For example replacing galvanized lines into the house as defined by the new law?

A: Yes.

Q: After line is replaced, will the community still be responsible for the line after replacement? Or do we go back to being responsible to curb stop?

A: That is up to each community.

Q: If it is galvanized coming into the home, we must replace?

A: If it was connected to a LSL.

Q: Do all of my galvanized lines need to be replaced if I cannot prove that they were ever connected to a lead goose neck?

A: If you cannot verify you must assume it was a LSL and plan for replacement. If you can verify that the galvanized line was never connected to lead, then you do not need to replace.

Q: Situation: Lead service line for public portion, galvanized service line for private portion. If you replace only the lead portion of the service; is this considered a "Partial Service Line Replacement"?

A: Yes. That is prohibited.

Q: If a customer refuses their part of the service replacement, do we supply filters for a given time or forever?

A: The new rule does NOT mention filters at all. We believe MDEQ will require it in their guidance (based on letters some communities have received when they've had an exceedance).

Q: Are we expected to replace brass corps, stops, and meters that were made prior to lead free brass?

A: No.

Q: We replaced service leads from the main to the curb stop, do we have to go back and replace from curb to home?

A: Yes, if it was connected to a LSL.

Q: For svc abandonments, is shutting corporation off at main the same as cutting the svc line off at the main. Can this method allow us to eliminate this lead line from inventory?

A: We recommend removing all LSL rather than abandoning them. If the line is still in the ground, the risk of future connection exists.

Q: When you say replacement does that mean removal or can the service lines be abandoned?

A: Removal.

Q: Replacing lines previously connected to lead lines seems excessive. Does health data exist to justify this, or is this only an abundance of caution?

A: Yes, there is data that shows disturbance of lines connected to lead can release lead.

Q: In the case where by ordinance a municipality has never “controlled” or owned “the entire service line,” does this exempt the municipality from this service line replacement requirement? If so, is this simply demonstrated by submittal of the pertinent portion of the ordinance?

A: Here is an excerpt from the rule that explains how they define forms of control. Many municipalities have authority via Code to set standards for the privately owned portion of the service line.

A supply is presumed to control the entire service line unless the supply demonstrates in writing that it does not have any of the following forms of control over the entire service line, as provided by state statute, local ordinance, public service contract, or other applicable legal authority:

- (i) Authority to set standards for construction, repair, or maintenance of the service line.
- (ii) Authority to replace, repair, or maintain the service line.
- (iii) Ownership of the service line

Q: Is an Existing Ordinance requiring that the Homeowner is responsible for and owns the portion of the service line beyond the PL adequate proof that the community (water purveyor) is not responsible for the entire service line?

A: Control is defined as follows (note i below):

(g) A supply is presumed to control the entire service line unless the supply demonstrates in writing that it does not have any of the following forms of control over the entire service line, as provided by state statute, local ordinance, public service contract, or other applicable legal authority:

- (i) Authority to set standards for construction, repair, or maintenance of the service line.
- (ii) Authority to replace, repair, or maintain the service line.

(iii) Ownership of the service line.

(h) Coating and lining techniques shall not be used to meet the service line replacement requirements under this subrule.

Q: How are certified water filters referenced in the rule?

Q: Are filters required for a full LSLR?

A: The rule does not require this. However, MDEQ guidance on this and other points of clarification are being developed.

Financing

Q: Has the impact to customers' rates been estimated given that the supply must cover the cost of the entire line?

A: The Rule does not address rate impact.

Q: Can a system assess a property for the replacement of a LSL or are systems required to pay for it?

A: The Rule says the LSL must be replaced at the water system's expense. MDEQ has indicated they will not allow assessments.

Q: Is there going to be funding available for these new samples as well as lead line replacement?

A: Replacement is eligible under DWRF.

Q: How does the state propose the municipality spend public money for a private good (the private line)?

A: This was not addressed as part of the rule.

Q: Are there going to be future grants available?

A: Unknown.

Q: Is the State still taking applications for the Pilot Program, or are there any alternate funding programs available?

A: No and not right now.

Q: Are there grants that are available for helping to supplement the cost of replacement?

A: Unknown.

Public Outreach

Q: Are inventories and replacement schedules available to the public?

A: Yes

Q: During the presentation, a speaker indicated “that there is a 45-day advance notification requirement.” Can you elaborate on that? Who gets the notification?

A: From Page 109 of the most recent publication:

Not less than 45 days before commencing replacement of a lead service line, the water system shall provide notice to the resident or residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The water supply may provide notice under the previous sentence less than 45 days before commencing lead service line replacement where the replacement is in conjunction with emergency repairs.

(ii) The water supply shall provide the information required by paragraph (i) of this subdivision to the residents of individual dwellings by mail or by other methods approved by the department. If multifamily dwellings are served by the line, the supply shall have the option to post the information at a conspicuous location.

(iii) In the event of a partial lead service line replacement resulting from an emergency repair, the water supply shall inform the resident or residents served by the line that the supply will, at the supply's expense, collect a sample from each partially replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under R 325.10710a(2)(c), within 72 hours after the completion of the partial replacement of the service line. The supply shall collect the sample and report the results of the analysis to the owner and the resident or residents served by the line within 3 business days of receiving the results. Mailed notices postmarked within 3 business days of receiving the results are satisfactory.

Questions pending answers or resolution

Q: Our water ordinance doesn't own galvanized svc lines where renewal is a cost to the owner to renew to meet water system materials & the water system then maintains the line and owns it perpetually. Under the new LCR can a water system assess the property for galvanized svc line replacement? If not we will need to change our water ordinances accordingly. Please advise.

Compiled through a collaboration of

