



# Detroit Water and Sewerage Department

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## Legislation Details (With Text)

**File #:** 18-0254      **Version:** 1      **Name:**

**Type:** Resolution, BOWC      **Status:** Approved  
**In control:** Office of the General Counsel

**On agenda:** 11/14/2018      **Final action:** 11/14/2018

**Title:** The Board of Water Commissioners for the City of Detroit Water and Sewerage Department adopt resolution acknowledging its Duties Under Amendments to Michigan Department of Environmental Quality Supplying Water to the Public Administrative Rules Regarding Public Education and Consumer Notification of Lead in Drinking Water.

**Indexes:** Capital Improvement Plan Committee

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/14/2018	1	Board of Water Commissioners	approved	Pass
11/7/2018	1	Capital Improvement Program and Operations Committee	recommended for approval	Pass

The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **adopt resolution acknowledging its Duties Under Amendments to Michigan Department of Environmental Quality Supplying Water to the Public Administrative Rules Regarding Public Education and Consumer Notification of Lead in Drinking Water.**

**Agenda of November 14, 2018**

**Item No. 18-0254**

**Lead and Copper Rule**

**TO:** The Honorable  
Board of Water Commissioners  
City of Detroit, Michigan

**FROM:** Gary Brown, Director  
Water and Sewerage Department

**RE:** Michigan Department of Environmental Quality *Supplying Water to the Public Administrative Rules - "Lead and Copper Rule"*

### MOTION

Upon recommendation of Debra N. Pospiech, Chief Administrative Office and General Counsel, the Board of Water Commissioners for the City of Detroit Water and Sewerage Department **acknowledges its duties under the Michigan Department of Environmental Quality Supplying Water to the Public Administrative Rules (R 325.10102, et seq.), specifically subsection (7) of Rule 410, Public education regarding lead; consumer notice of lead and copper; and will meet at least annually to address requirements stated in the rule.**

## BACKGROUND

On June 14, 2018, amendments were adopted to Michigan Department of Environmental Quality administrative rules with regarding to the presence of lead and copper in the public water supply. The amendments are known informally as the revised “Lead and Copper Rule.” As part of the revised rule, each water supply that serves a population of 50,000 or more shall create a water system advisory council to be established by December 14, 2018, that meets the following requirements:

(7) Each water supply that serves a population of 50,000 or more, and each consecutive water system that serves a population of 50,000 or more, shall create a water system advisory council. Councils shall operate as follows:

(a) A council shall consist of at least 5 members, appointed by the community supply. To be eligible for appointment to the council, an individual shall have a demonstrated interest in or knowledge about lead in drinking water and its effects. At least one member must be a local resident who does not formally represent the interests of any incorporated organization.

(b) The members first appointed to a council shall be appointed within 180 days after the effective date of this rule.

(c) The business that the council may perform shall be conducted at a public meeting of the council and held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(d) The first meeting of a council shall be called by the water supply. At the first meeting, the council shall elect from its members a chairperson and other officers as it considers necessary or appropriate. **After the first meeting, the council shall meet at least annually.**

(e) A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(f) The council shall do the following:

(i) Develop plans for continuing public awareness about lead in drinking water, even when the action level is not exceeded.

(ii) Review public awareness campaign materials provided by the statewide drinking water advisory council to ensure the needs and interests of the community, considering the economic and cultural diversity of its residents, are addressed.

(iii) Advise and consult with the water supply on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded.

(iv) Advise and consult with the water supply on efforts to replace private lead service lines at locations where the owner declined service line replacement.

(v) Assist in promoting transparency of all data and documents related to lead in drinking water within the water supply service area.

(vi) Collaborate with local community groups to ensure that residents have the opportunity to be involved in efforts to educate the community about lead in drinking water.

[R325.10410(7). Emphasis added.]

The DWSD Board of Water Commissioners meets the requirements for a water advisory council listed in paragraphs 7(a)-(d) above. Rather than creating a separate body of 5 members, we recommend that the Board devote a segment of a formal session at least annually to address public education and consumer notification matters related to lead in drinking water, as outlined in paragraph 7(e) above.