

# COALITION STATEMENT ON COMPLAINT FOR DECLARATORY JUDGMENT INVALIDATING MDEQ'S REVISED LEAD AND COPPER RULE

December 12, 2018

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On December 11, 2018, a coalition of the Oakland County Water Resources Commissioner, the Detroit Water and Sewerage Department, the City of Livonia and the Great Lakes Water Authority filed a complaint in the Court of Claims seeking a declaratory judgment invalidating the Michigan Department of Environmental Quality's (MDEQ) Revised Lead and Copper Rules.

More than 50 communities across the State previously advised the MDEQ of objections to the Rules, and the coalition filing the complaint provides water to more than 50 percent of the State's population.

All members of this coalition of water service providers take very seriously their responsibility to protect the public health, and fully support aggressive action against lead exposure from water and other sources, including the removal of lead lines.

However, the new Rules compromise water suppliers' ability to remove lead lines in a manner that protects the public from exposure to a wide range of other contaminants in drinking water and will hinder their ability to invest in other needed infrastructure repairs and improvements vital to ensuring safe drinking water, properly functioning sanitary sewers, and to control storm water flows. The coalition also contends the Rules are an unfunded mandate that violates the Michigan Constitution. Finally, with the cost of lead line removals on private property estimated at \$5,000 per household, members are concerned the Rules will cause major increases in water rates impacting the affordability of water for many.

All members of this coalition understand how critical their role is in providing access to clean, safe drinking water and are committed to working with the MDEQ to ensure that this important service is guided by rules and regulations that are thoughtful and consistent with the law. The coalition believes strongly that the Rules were enacted through a flawed process with a flawed result and will pursue the complaint to have them set aside. The coalition also stands ready to discuss amendments to the Rules to better fund and achieve clean, safe drinking water.

The City of Detroit offers this statement from the Detroit Water and Sewerage Department Director Gary Brown: "The City of Detroit Water and Sewerage Department (DWSD) is a leader in our state in replacing lead service lines to reduce the risk of lead in drinking water -- proactively spearheading a program with a dedicated office and staff. This includes a pilot initiative to strategically replace lead services lines with copper pipe while DWSD replaces water mains through our capital improvement program. We support what the revised Michigan Lead and Copper Rule intends to accomplish. Our concern is the unfunded mandate as written violates the Michigan Constitution. Not only that, but it also may make Detroit residents face double-digit rate increases, puts other public health projects at risk by diverting an estimated \$40 million annually from water and sewer main infrastructure repairs, and requires an unrealistic time frame. Therefore, we join with a coalition of county and municipal governments in saying we cannot support this mandate as written. This action was filed to comply with statutory deadlines. We look forward to working with the new Administration."