

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

December 12, 2018

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 fixed. The coalition also stands ready to discuss amendments to the Rules to better fund and achieve clean, safe drinking water.

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