

DNR 2019 Case 2. A Corrosive Influence in Water Quality Management

The public water utility in a city of 300,000 began to see increasingly higher concentrations of lead in the water, and it has now implemented a system to feed ortho-phosphate into the water to control the corrosion of lead pipes in the system.

They have a PE consultant, Henry, who has long experience with a number of smaller public water utilities in the area. Prior to this consulting work, Henry worked for ten years with a chemical company, Miracle-Ortho, which sells a particular blend of ortho-phosphate plus a cleaning agent. Henry maintains a good relationship with his former employer by recommending Miracle-Ortho to all of the public utilities for whom he is hired as a consultant. He believes it is clearly the best choice on the market, though it is a little pricier than some competitors.

Stanley is a young DNR field engineer who is monitoring the regular tests of the system, and he notices that they continue to get somewhat irregular test results – all between 6 ppb and 14 ppb. He suspects that Miracle-Ortho is not the best choice for this particular water system, and he has multiple conversations with Henry and the supervisor of the Public Water Utility about the chemicals they are using. He is curious about how they decided to go with Miracle-Ortho, but they do not provide him with any details. Henry insists that Stanley needs to give the system more time, and that the chemicals they are using sometimes take “a little bit of time” to have an effect. Stanley tells Henry that he knows of a less expensive alternative that could be more effective, and maybe they should switch to it. But Henry insists that the system just needs a more time, and in the long run it will be the best solution.

A day after that conversation, Stanley receives an email from a writer at a small local news reporter in Murray suggesting that he look into the “coziness” between the public water utility and the executives at Miracle-Ortho. Henry has been spotted in the corporate suite of Miracle-Ortho at a major NFL stadium in the state.

What can Stanley, the DNR engineer, do at this point if he has concerns? Does he have an obligation to act? Should he respond to the email? Should he share it with someone?