
From: WyantD@michigan.gov
Sent: Wednesday, December 23, 2015 2:01 PM
To: Baird, Richard (GOV); Hollins, Harvey (GOV); Murray, David (GOV)
Cc: Anderson, Madhu (DEQ); Sygo, Jim (DEQ); Krisztian, George (DEQ); Wurfel, Brad (DEQ); Tommasulo, Karen (DEQ); Pallone, Maggie (DEQ)
Subject: Fwd: DRAFT - Auditor General Letter - City of Flint Drinking Water
Attachments: Auditor General Letter - City of Flint Drinking Water.pdf; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "MI_Office_of_the_Auditor_General" <mi_auditor_general@audgen.michigan.gov>
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>
Cc: "Sygo, Jim (DEQ)" <Sygol@michigan.gov>, "Ringler, Doug (OAG)" <dringler@audgen.michigan.gov>, "Hirst, Laura (OAG)" <L.Hirst@audgen.michigan.gov>
Subject: DRAFT - Auditor General Letter - City of Flint Drinking Water

Director Wyant,

Attached is a draft of the letter we intend to send to Senator Ananich by close of business today, December 23. You will note that we made some changes based on information we obtained at the December 18 meeting. We keep this document confidential. We will copy you on the version we send to the Senator.

Take care. Doug.



OAG

Office of the Auditor General

201 N. Washington Square, Sixth Floor • Lansing, Michigan 48913 • Phone: (517) 334-8050 • www.audgen.michigan.gov

Doug A. Ringler, CPA, CIA
Auditor General

December 23, 2015

The Honorable Jim Ananich
Senate Minority Leader
State Capitol, Room S-105
Lansing, Michigan

Dear Senator Ananich:

Enclosed are answers to the questions you posed in your October 20, 2015 letter to our office regarding the audit we are conducting of the Office of Drinking Water and Municipal Assistance (ODWMA), Department of Environmental Quality (DEQ), specific to lead contamination in the City of Flint's drinking water. Also enclosed are additional questions we developed that are relevant to these issues, along with five exhibits:

- A map showing Flint water samples by zip code.
- A map showing lead counts of 5 parts per billion or higher.
- Two charts showing the number of samples by time period and zip code.
- A time line of the Flint water review.

We appreciate the opportunity to assist you in answering questions regarding this topic. If you have further questions or a request for other services, please do not hesitate to contact our office.

Sincerely,

Doug Ringler
Auditor General

Enclosures



Questions and Answers

Q1: How does ODWMA ensure the data it receives is accurate?

A: With regard to the United States Environmental Protection Agency (EPA) Lead and Copper Rule (LCR) monitoring requirements, DEQ relies on the following key controls to ensure the accuracy of test results:

- State-owned laboratories test water samples.
- State-owned laboratories send test results directly to DEQ.
- The City of Flint Water Treatment Plant (Flint WTP) certifies whether sample sites are classified as tier 1*.

The current Flint WTP LCR sampling process includes:

1. DEQ informs the Flint WTP of the required water lead and copper sample size.
2. The Flint WTP determines the pool of tier 1 sites for sampling.
3. The Flint WTP selects the sample.
4. The Flint WTP sends out sample kits and instructions to residents for collecting water samples.
5. Residents leave samples and signed sampling forms outside their front doors.
6. The Flint WTP employee picks up samples and forms from residents.
7. The Flint WTP employee reviews sample forms for completeness.
8. The Flint WTP employee sends samples to the State-owned laboratories.
9. State-owned laboratories test samples and provide results directly to DEQ.
10. DEQ receives water lead and copper sample results, which include the following information: date collected, date received, address where collected, type of residence (e.g., single family or apartment), and sample point (e.g., kitchen sink or bathroom sink).
11. DEQ tracks, and follows up if necessary, the number of samples collected by the Flint WTP to help ensure that the required minimum number of samples are collected by the monitoring period deadline.

* Single-family or multiple-family residence with lead service line, lead solder copper piping constructed after 1982, or lead plumbing.

12. The Flint WTP submits lead and copper report to DEQ that certifies whether sample sites meet tier 1 criteria.
13. DEQ prepares the LCR 90th percentile calculation report.

During our review, we noted two potential improvements for the Flint WTP sampling process (see Question 5 of the additional questions answered by the OAG regarding tier 1 sample validity):

- DEQ could verify that the sampling pool was limited to only tier 1 sample sites to ensure that the Flint WTP is in compliance with the LCR (Title 40, Part 141, section 86(a)(3) of the *Code of Federal Regulations* [CFR]).
- DEQ could independently verify the validity of sample site certifications.

Q2: What accountability measures are in place for ODWMA staff who fail to follow data verification protocols?

A: DEQ does not provide any direct oversight over the Flint WTP and, therefore, does not have any accountability measures over the Flint WTP's LCR data verification protocols. DEQ's data verification protocol for lead and copper water sampling is limited to verification that the WTP certifies samples submitted to the State-owned laboratories for analysis (see steps 7 and 12 in the Flint WTP LCR sampling process noted in Question 1 above). We did not identify any instances in which ODWMA staff failed to verify that submitted samples were certified by the Flint WTP.

Q3: What accountability measures are in place for ODWMA staff who lie or misrepresent information to the EPA?

A: As with all classified employees, ODWMA staff must adhere to the rules and regulations established by the Michigan Civil Service Commission. If any ODWMA staff were determined to misrepresent information to the EPA, they would be subject to Civil Service Rule 2-6, Discipline, which allows an appointing authority to discipline an employee for just cause up to and including dismissal. We are not aware of any DEQ-established measures that are in addition to the Civil Service Rules.

We gained access to the e-mail accounts of key DEQ management (DEQ Director, Deputy Director, ODWMA Chief, and other key ODWMA staff) extending back to January 1, 2013. We did so to identify the key decision points and conversations that occurred leading up to and through the situation in Flint. Our review was also intended to determine whether State, Flint, or other officials attempted to conceal key test results or other information.

We noted one e-mail exchange between DEQ and the EPA that appears to be a significant contributor to the concern that DEQ misrepresented information to the EPA. The EPA requested clarification on February 26, 2015 regarding the type of optimized corrosion control **treatment** the Flint WTP was using. DEQ responded on February 27, 2015 that the city had an optimized corrosion control **program** in place, but DEQ did not provide any program details. DEQ informed us that the Flint WTP corrosion control **program** included performing

lead and copper monitoring for two consecutive six-month periods to determine whether corrosion control **treatment** would be necessary in the future. However, it appears the EPA interpreted corrosion control **program** to mean that corrosion control **treatment** was being performed.

On April 23, 2015, the EPA again inquired as to what the Flint WTP was doing for corrosion control **treatment**. DEQ responded on April 24, 2015 that the Flint WTP was not practicing corrosion control **treatment**.

Based on our review of this and other e-mails, we have no specific reason to believe that DEQ willfully misrepresented the information to the EPA.

Q4: What policies do DEQ and ODWMA have in place to escalate major infractions up the chain of command?

A: We did not note any instances of major infractions (i.e., intentional disregard of policies, laws, regulations or specific directions) committed by DEQ staff during the course of our review. DEQ does not have a formal policy or procedure in place to escalate major infractions performed by ODWMA employees; however, our review of DEQ correspondence confirmed the escalation of key issues up the chain of command related to the Flint situation. DEQ stated that its informal policy is for staff to notify the proper level of management of infractions to determine necessary action.



Additional Questions Answered by the OAG

Application of the LCR

Q1: How did the Flint WTP become the primary water supplier for the City of Flint?

A: Upon notification of the City of Flint's plans to switch to the Karegnondi Water Authority (KWA) in April 2013, the Detroit Water and Sewerage Department (DWSD) submitted a letter to the City of Flint stating that it would terminate its agreement to provide water services on April 17, 2014.

According to DEQ management, the Flint WTP attempted to negotiate with the DWSD to maintain it as the City of Flint water supplier; however, after negotiations were unsuccessful, the City of Flint notified DEQ through a permit request of its intent to operate the Flint WTP full time using the Flint River. Although the Flint City Council voted in March 2013 in support of moving to the KWA pipeline, the vote was silent on the use of the Flint River as a temporary drinking water source.

The Flint River was approved by DEQ in 2006 as a backup source of water for emergency purposes prior to the switch from the DWSD WTP to the Flint WTP. On a quarterly basis, the Flint WTP tested the treated Flint River water at the Flint WTP, which met water quality standards; however, the Flint WTP did not test the water's effect on the distribution system at consumer tap locations.

Q2. Did DEQ consult with the EPA prior to determining how to apply the LCR?

A: DEQ did not consult with the EPA on how to apply the LCR prior to implementing two consecutive six-month monitoring periods of the Flint WTP beginning July 1, 2014. Based on past experiences applying the LCR monitoring requirements, DEQ believed that it had appropriately applied the LCR requirements of a large water system.

Q3: When Flint switched to the Flint River water source, should corrosion control treatment have been maintained?

A: We believe that corrosion control treatment should have been maintained.

According to the LCR, a water system can achieve optimized corrosion control if it submits results of tap water monitoring for two consecutive six-month monitoring periods with acceptable lead levels. However, a water system that has optimized corrosion control, and which has treatment in place, should continue to operate and maintain optimal corrosion control treatment.

DEQ staff explained that they did not treat the switch to Flint River water as a new system, but as a new source. DEQ further stated that because the Flint River was a new water source and there was a change in chemicals needed to treat the new source, a corrosion control study was needed to determine the impact on the water distribution system. Therefore, it was DEQ's interpretation that two rounds of six-month monitoring were still needed to evaluate the water quality and determine optimal corrosion control treatment.

The Flint water system had optimal corrosion control treatment when the DWSD WTP was the water supplier. Based on our review of notes from a July 21, 2015 EPA and DEQ conference call on DEQ's implementation of the LCR regarding whether the Flint WTP should have continued to maintain corrosion control treatment, it appeared that the EPA did not agree with DEQ's interpretation of the LCR. Region 5 EPA staff explained that they would talk to the EPA headquarters about the interpretation of regulations and believes that systems that have been deemed optimized need to "maintain" corrosion control. The Region agreed to provide supporting regulatory citations for the language about maintaining corrosion control.

On November 3, 2015, the EPA issued a memorandum stating that the LCR had differing possible interpretations; however, the EPA concluded that it is important for large water systems to take the steps necessary to ensure that appropriate corrosion control treatment is maintained at all times, thus ensuring that public health is protected. Based on this clarification, it appears that corrosion control treatment should have been maintained.

Q4: Should DEQ have required the Flint WTP to start pursuing optimized corrosion control treatment after the first round of six-month sampling results were above the lead action level of 5 parts per billion (ppb)?

A: Yes. According to DEQ's application of the LCR, within six months after the end of the monitoring period in which the water sample results exceeded the acceptable lead level, DEQ should have required the Flint WTP to start pursuing optimized corrosion control treatment.

The LCR states that the lead action level is exceeded if the lead level, as determined by the 90th percentile calculation, is greater than 15 ppb. If the lead action level is exceeded, water systems are required to take additional actions including educating the public about lead in drinking water as well as commencing lead service line replacement if the water system has already installed corrosion control and/or source water treatment. However, for water systems that have not yet implemented corrosion control treatment, they can be deemed to have optimized corrosion control without installing treatment if they can demonstrate lead levels below 5 ppb for two consecutive six-month periods.

The first round of six-month sampling results was received in late March 2015. Because the results were 1 ppb over the lead action level of 5 ppb, DEQ would not be able to achieve two consecutive six-month periods below 5 ppb. Therefore, DEQ should have notified the Flint WTP to start pursuing optimized corrosion control treatment. However, DEQ waited until the second round of sampling was completed (June 30, 2015) to assess whether water sample results improved.

Water Samples

Q5: Did DEQ verify that only tier 1 sample sites were selected by the Flint WTP in the two rounds of six-month samples?

A: DEQ did not verify that only tier 1 sample sites were selected. DEQ relies on the Flint WTP's certification of sample sites and does not perform any independent verification of those certifications.

In a November 19, 2015 *Flint Journal* article, the Flint WTP indicated that it did not have the ability to ensure that all sites were tier 1. In fact, water samples came from the random distribution of 175 testing bottles without regard for whether the homes were at risk for high lead levels. DEQ issued a formal memorandum on November 9, 2015 requesting that the Flint WTP verify the classification of all prior sample items. The results are due back from the Flint WTP on December 30, 2015.

Q6: DEQ dropped two water sampling sites from its second six-month sample (January 1, 2015 through June 30, 2015). Was this appropriate?

A: Yes, it was appropriate for DEQ to drop these two water sampling sites. Federal regulation 40 *CFR* 141.86(a) states:

"... each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section . . . All sites from which first draw samples are collected shall be selected from this pool . . . Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants."

This regulation also requires that a water system's targeted sampling pool consist of only tier 1 sampling sites if an adequate number is available to meet monitoring requirements.

According to federal regulation 40 *CFR* 141.86(f), the State may invalidate a water sample if it determines that the sample was taken from a site that did not meet the site selection criteria. A sample invalidated per this regulation does not count toward determining lead or copper 90th percentile levels or toward meeting the minimum monitoring requirements.

DEQ dropped one water sample site from its 90th percentile calculations because the site was from a business that does not meet the tier 1 requirements of being a single-family or multiple-family residence. The second sample site was dropped because the home had a point-of-entry treatment device to filter contaminants. Based on the criteria specified above, it appears that DEQ's rationale for dropping the samples from these two sites appropriately met the requirements for invalidating samples per federal regulation 40 *CFR* 141.86.

Q7: Was flushing of the taps the night before drawing a sample an appropriate sample methodology?

A: Yes. The LCR requires that samples be a first draw of water after six hours of stagnation. The LCR does not indicate whether or not the water line should be flushed prior to collecting the sample. In the sample instructions, DEQ required preflushing to ensure that sampled faucets were not stagnant for an excessive period of time beyond the targeted six hours (e.g., rarely used faucets or when a homeowner has been gone for an extended period of time.)

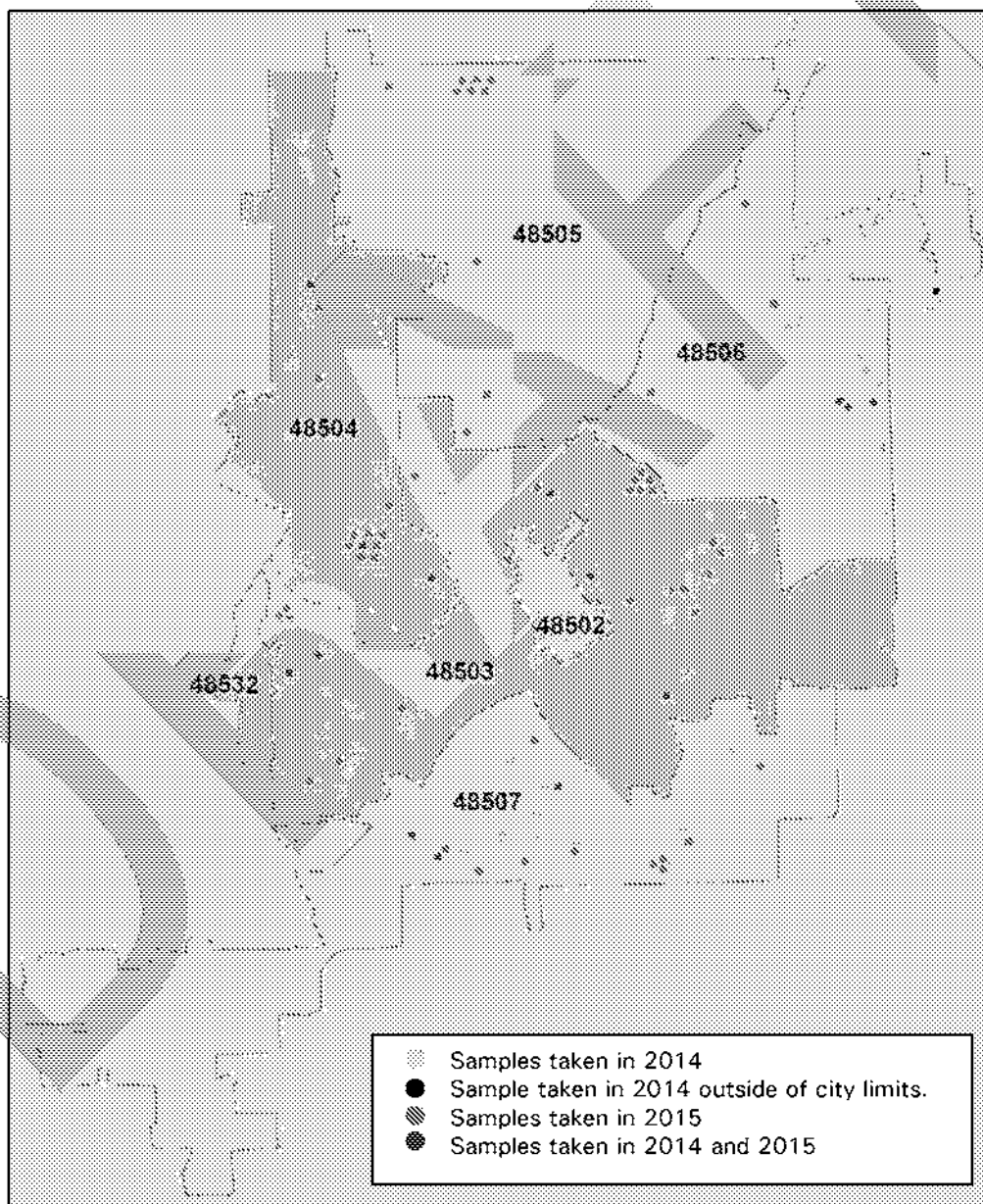
The LCR requires six hours of stagnation; however, it does not preclude DEQ from instructing residents to flush prior to stagnation.



Flint WTP 2014 and 2015 Sample Locations (Exhibit #1)

In calendar year 1992, the Flint WTP established a tier 1 sample site pool for LCR monitoring. With the change to the Flint River water, the Flint WTP needed to increase the pool of sample locations because of additional sampling requirements. The following exhibit documents the 2014 and 2015 sample locations for LCR monitoring. Based on the data obtained during our review, we could not determine how the locations were selected or whether they were properly classified as tier 1 sample sites.

As noted in Question 5 of the additional questions answered by the OAG, DEQ has requested the Flint WTP to verify the tier 1 classification of all prior sample items.

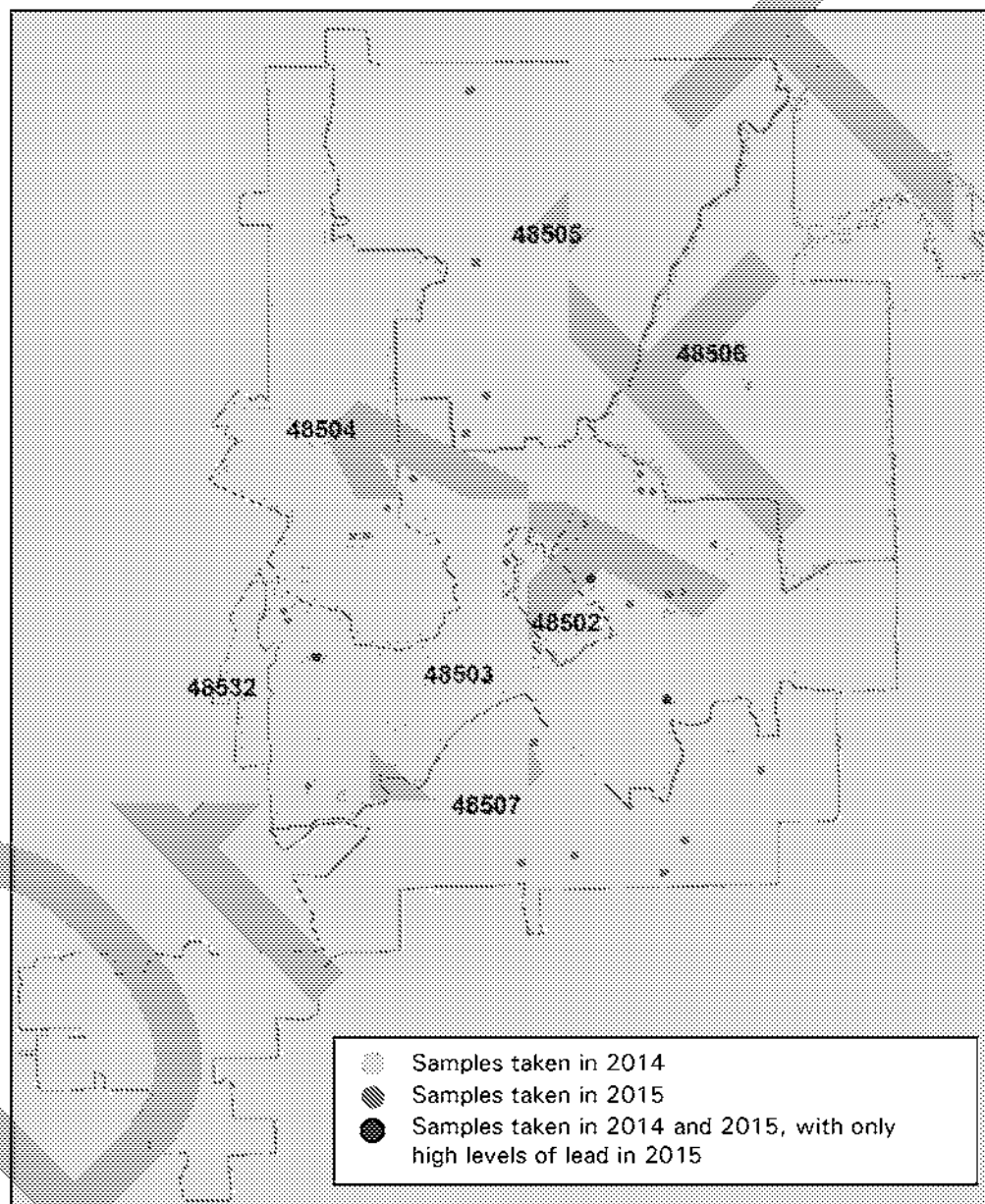


Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.



**Flint WTP 2014 and 2015
Sample Locations With Lead Counts of
5 Parts Per Billion or Higher (Exhibit #2)**

This exhibit documents the 2014 and 2015 sample locations with lead counts of 5 ppb or higher. This information is used in aggregate by DEQ to determine if the city has optimized lead levels.

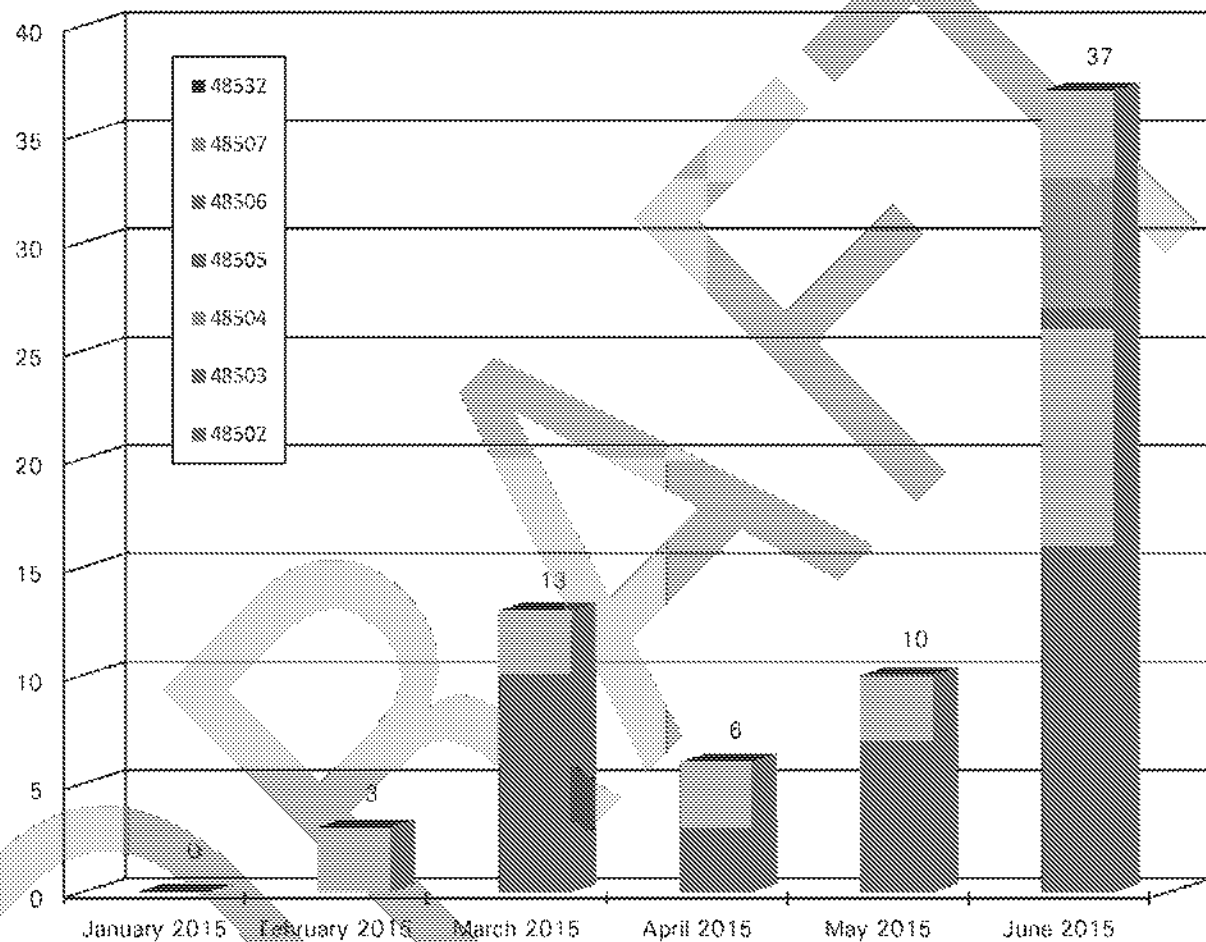


Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.



Flint WTP 2015 Number of Samples by Time Period and Zip Code (Exhibit #3)

This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.

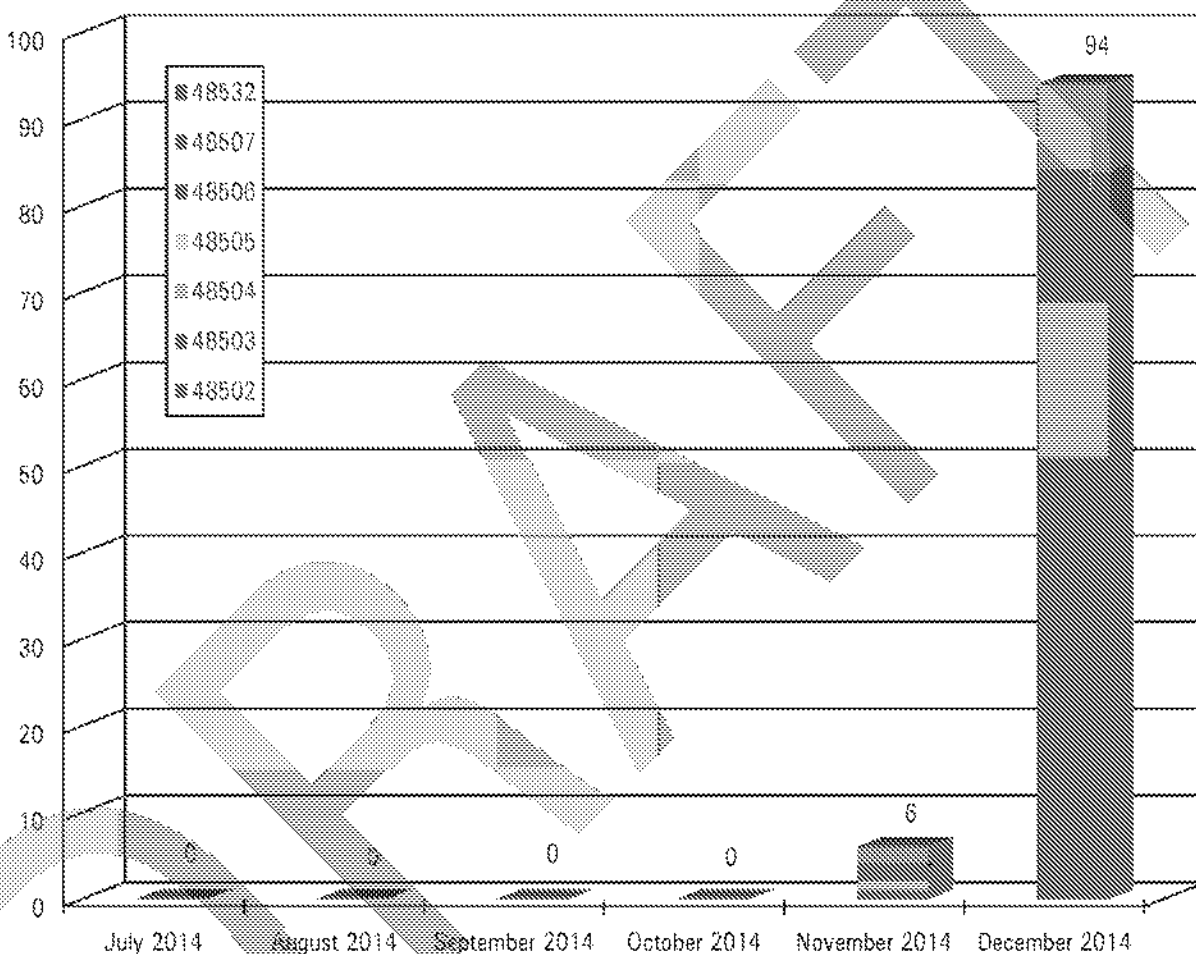


Source: The OAG prepared this chart using data obtained from DEQ.



Flint WTP 2014 Number of Samples by Time Period and Zip Code (Exhibit #4)

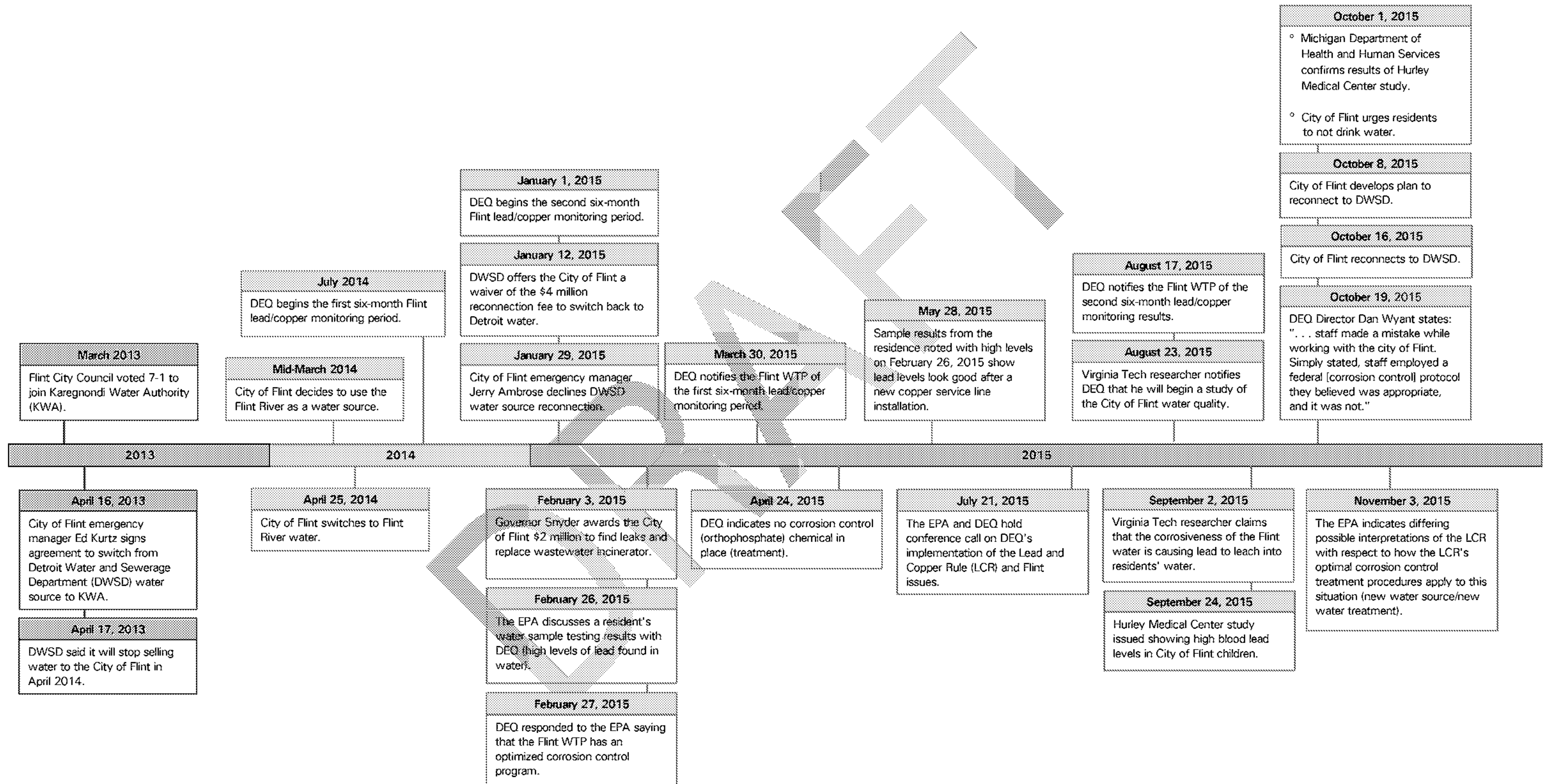
This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.



Source: The OAG prepared this chart using data obtained from DEQ.



Flint Water Review Time Line (Exhibit #5)



Source: The OAG prepared this time line using data (e-mails, meeting notes, and letters) obtained from DEQ, newspaper and press release articles, the Flintwaterstudy.org, and the Hurley Medical Center survey results.

From: Wyant, Dan (DEQ)
Sent: Thursday, March 28, 2013 10:36 PM
To: Hichez, Amy (Treasury)
Subject: Accepted: --Call regarding KWA

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 6:51 AM
To: Sygo, Jim (DEQ); Creal, William (DEQ); Shekter Smith, Liane (DEQ)
Cc: Anderson, Madhu (DEQ)
Subject: FW: KWA and City of Flint
Attachments: KWA and City of Flint.pdf; ATT00001.htm

Bill and Liane,

Can you have your staff's take a quick look at this and let me know today if they think this changes their thoughts and comments to me last week.

Dan Wyant, Director
 Department of Environmental Quality
 517-373-7917

From: Dillon, Andy (Treasury)
Sent: Monday, April 15, 2013 7:55 PM
To: Wyant, Dan (DEQ); Dennis Muchmore; Roberts, John (GOV)
Cc: Stibitz, Brom (Treasury); Saxton, Thomas (Treasury)
Subject: Fwd: KWA and City of Flint

FYI

Dan, any thoughts re the attached?

We gave dwsd until today to put best offer on table. Flint is to get back to us tmrw. I want to make sure their expected rejection is made in good faith.

Sent from my iPad

Begin forwarded message

From: "Debra Ragland" <dragland@dwsd.org>
To: "ekurtz@cityofflint.com" <ekurtz@cityofflint.com>
Cc: "jwright@co.genesee.mi.us" <jwright@co.genesee.mi.us>, "Dillon, Andy (Treasury)" <DillonA2@michigan.gov>, "James Fausone" <fausone@dwsd.org>, "orrk@detroitmi.gov" <orrk@detroitmi.gov>, "Sue McCormick" <mccormick@dwsd.org>
Subject: KWA and City of Flint

Please see attached on behalf of Sue F. McCormick.

Faxed copy forwarded to Mayor Dayne Walling and Jeff Wright.

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 6:52 AM
To: Sygo, Jim (DEQ)
Subject: FW: KWA and City of Flint
Attachments: KWA and City of Flint.pdf; ATT00001.htm

Jim,

Liane is out of the office today, Can you forward this directly to her staff that worked on this with us.

Dan Wyant, Director
 Department of Environmental Quality
 517-373-7917

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 6:51 AM
To: Sygo, Jim (DEQ); Creal, William (DEQ); Shekter Smith, Liane (DEQ)
Cc: Anderson, Madhu (DEQ)
Subject: FW: KWA and City of Flint

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Cc: "jwright@co.genesee.mi.us" <jwright@co.genesee.mi.us>, "Dillon, Andy (Treasury)" <DillonA2@michigan.gov>, "James Fausone" <fausone@dwsd.org>, "orrk@detroitmi.gov"

<ork@detroitmi.gov>, "Sue McCormick" <mccormick@dwsd.org>

Subject: KWA and City of Flint

Please see attached on behalf of Sue F. McCormick.

Faxed copy forwarded to Mayor Dayne Walling and Jeff Wright.

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 8:41 AM
To: Thelen, Mary Beth (DEQ)
Subject: FW: KWA and City of Flint
Attachments: KWA and City of Flint.pdf; ATT00001.htm

Mary Beth Thelen
 Executive Management Assistant to the Director
 Department of Environmental Quality
Thelenm2@michigan.gov
 517-373-7917 or 517-241-7390

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 6:51 AM
To: Sygo, Jim (DEQ); Creal, William (DEQ); Shekter Smith, Liane (DEQ)
Cc: Anderson, Madhu (DEQ)
Subject: FW: KWA and City of Flint

Bill and Liane,

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Dan Wyant, Director
 Department of Environmental Quality
 517-373-7917

From: Dillon, Andy (Treasury)
Sent: Monday, April 15, 2013 7:55 PM
To: Wyant, Dan (DEQ); Dennis Muchmore; Roberts, John (GOV)
Cc: Stibitz, Brom (Treasury); Saxton, Thomas (Treasury)
Subject: Fwd: KWA and City of Flint

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To: "ekurtz@cityofflint.com" <ekurtz@cityofflint.com>
Cc: "jwright@co.genesee.mi.us" <jwright@co.genesee.mi.us>, "Dillon, Andy (Treasury)"

<DillonA2@michigan.gov>, "James Fausone" <fausone@dwsd.org>, "orrk@detroitmi.gov"
<orrk@detroitmi.gov>, "Sue McCormick" <mccormick@dwsd.org>

Subject: KWA and City of Flint

Please see attached on behalf of Sue F. McCormick.

Faxed copy forwarded to Mayor Dayne Walling and Jeff Wright.

April 15, 2013

Karengondi Water Authority
4160 Beecher Rd.
Flint, Michigan 48532-2617

Ed Kurtz, Emergency Manager
City of Flint
1101 South Saginaw Street
Flint, Michigan

Gentlemen:

Over the last several months, governed by a process laid out by the State of Michigan, the Detroit Water and Sewerage Department (DWSD) has proposed a number of alternatives for long term water supply to the City of Flint. Each alternative was offered in the spirit of working in earnest to address the needs, priorities and concerns of the City of Flint and each provided an immediate cost reduction when compared to the current costs of water purchased from DWSD. In the final analysis conducted by Flint, these proposals did not overcome the desire for the Flint/Genesee region to be served by the same system and to have a voice in the future decisions governing the provision of water to this region.

Many of the proposals DWSD has made to Flint during this period are applicable to Flint/Genesee County or KWA with adjustments to demand and use requirements and would provide similar overall benefit. These options remain available for further discussion should the parties' desire. These prior proposals are included in summary form in Attachment 1 as an expanded table 6-1 from the February 2013 State of Michigan Contract No. 271N3200089, City of Flint Water Supply Assessment, submitted by Tucker, Young, Jackson, Tull, Inc. For comparison purposes only, DWSD's new proposal (Flint's 30% allocated share) is inserted.

The proposal scenarios outlined today offer a public/public partnership with options tailored to Flint/Genesee County or KWAs interests. For ease of writing, the remainder of this memo will present this proposal to KWA. Two basic scenarios are presented for consideration, both of which contemplate that KWA would enter a multi-year contract. Service commitments and usage definitions would be negotiated in the same manner as employed that have resulted in new contracts for other customers.

In brief, the proposal provides a unique opportunity to reserve capacity at DWSD's Lake Huron Water Treatment Plant and to participate in decision making for facility operation and capital investment through a joint operating committee. The proposal envisions that KWA would enter into a 30-year contract to purchase treated water directly onsite at DWSD's Lake Huron Water Treatment Plant.

In Scenario 1 the purchased water can either be pressurized or unpressurized. This first scenario results in a "supply only" rate schedule, with a "standby delivery" component to provide for emergency service at the existing Baxter / Potter connection. This scenario provides KWA the ability to construct new transmission owned and operated by KWA.

Scenario 2 maintains the public/public partnership concept and extends it to transmission facilities through which the Lake Huron Water Treatment Plant provides water. This scenario results in a "full service" rate schedule. The standby delivery component is eliminated, since the rate structure to KWA includes costs associated with the transmission system between the Lake Huron Water Plant and the Baxter / Potter connection.

DWSD proposes a modified rate schedule for the customers currently served through the contract with the City of Flint, which includes Flint and Genesee County. This modified schedule is intended to facilitate negotiations for a new water service agreement with the Karegnondi Water Authority (KWA). The scenarios presented herein represent the innovative thinking that DWSD and its new leadership are bringing to the table. Our goal is to provide the lowest cost water solution for the KWA service area.

The potential rate structures are introduced in summary form herein, with preliminary calculations using the proposed rate structures with FY 2013-14 as a baseline. These calculations and the accompanying discussion are based on the assumptions regarding contract terms that approximate recent discussions amongst the parties.

The proposal introduces the concepts, but does not definitively present all of the specifics, appreciating that such specifics are best addressed through negotiations designed to produce a new contractual agreement satisfactory to all parties.

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Scenario 1 – Lake Huron Direct Supply Purchase:

- KWA enters into a long term partnering arrangement with DWSD to purchase all of its primary water supply directly at the DWSD Lake Huron water treatment plant.
- Supply rate schedule is designed to recover only water treatment revenue requirements. This rate schedule does not contain any delivery costs (pumping, transmission, storage, etc.).
- Supply rate schedule is computed based on specific costs associated with the Lake Huron Plant. No other DWSD revenue requirements, including those associated with other DWSD water plants, are included in the rate to KWA.
- Revenue requirements are separated into capital recovery and operation and maintenance expense elements. Baseline revenue requirement data (including operating budget, rate of return, depreciation assumptions, etc.) are identical to those developed for all other wholesale customers.
- KWA is allocated Lake Huron Plant capital revenue requirements based on the proportion of their contracted max day demand (assumed in these calculations at 40.6 mgd) relative to the total capacity at the Lake Huron Plant (400 mgd). The resulting revenue requirements are recovered through a fixed monthly charge.
- KWA is allocated Lake Huron Plant operating revenue requirements based on the proportion of their contracted average daily usage (assumed in these calculations at 24 mgd) relative to the total average daily usage at the Lake Huron Plant (assumed at 125 mgd in these calculations).
- Calculations are conducted for two alternatives. Purchase of *pressurized* water (after high lift pumping) and *unpressurized* water (KWA takes directly from clearwell.)
- Contract includes an arrangement for emergency service at the existing Baxter / Potter connection, and computes a standby charge related to such service.
- The standby charge is computed in the manner set for the by the American Water Works Association (AWWA) in its Manual of Water Supply Practices M1 - "Principles of Water Rates, Fees, and Charges" Manual M1.
 - KWA is allocated one day's worth of transmission related capital revenue requirements.

Scenario 2 – "Full Service" Lake Huron System

- Same as the "pressurized" option in Scenario 1, except that concept is extended to the pumping, storage, and transmission facilities directly served by the Lake Huron Plant
- Transmission rate schedule is computed based on specific costs associated with these facilities. No other DWSD revenue requirements, including those associated with other DWSD transmission mains, etc, are included in the rate to KWA.
- Revenue requirements are separated into capital recovery and operation and maintenance expense elements. Baseline revenue requirement data (including operating budget, rate of return, depreciation assumptions, etc.) are identical to those developed for all other wholesale customers.
- KWA is allocated Lake Huron "transmission system" capital revenue requirements based on the proportion of their contracted max day demand (assumed in these calculations at 40.6 mgd) relative to the total capacity at the Lake Huron Plant (400 mgd). The resulting revenue requirements are recovered through a fixed monthly charge.

- KWA is allocated Lake Huron "transmission system" operating revenue requirements based on the proportion of their contracted average daily usage (assumed in these calculations at 24 mgd) relative to the total average daily usage at the Lake Huron Plant (assumed at 125 mgd in these calculations).
- Standby charge is eliminated.

The resulting potential proposed rate structures under both Scenarios are summarized below.

Potential Proposed DWSD Water Rate to KWA
Lake Huron Direct Scenario

	1 - Supply Rate @ LH Plant		2 - Full Service
	<u>Unpressurized</u>	<u>Pressurized</u>	<u>Wholesale Rate</u>
<u>Supply Rate</u>			
Fixed Monthly Capital Charge - \$	219,900	316,600	503,200
Commodity Rate - \$/Mcf	2.60	4.16	5.31
<i>Average Unit Cost - \$/Mcf</i>	<i>4.85</i>	<i>7.40</i>	<i>10.46</i>
Monthly Standby Charge	167,500	110,300	0
Total Monthly Charge	387,400	426,900	503,200
<i>Total Average Unit Cost - \$/Mcf</i>	<i>6.57</i>	<i>8.53</i>	<i>10.46</i>

The direct comparison over the period 2013-2042 is demonstrated in Attachment 2.

As KWA considers this proposal, I offer the following observations for consideration:

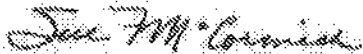
- The Public Partnership requires the least near term capital investment and preserves the economy of scale associated with operation of a large regional system resulting in an immediate reduction in the cost of water supply for Flint/Genesee, making the identified and necessary near term investment in local water infrastructure more feasible.
- The Public Partnership provides the opportunity to optimize service level and efficiency through collaborative asset management decision making.
- The Public Partnership provides representation for critical decision making consistent with DWSD newly demonstrated interest in engaging our customers in critical decisions impacting them. This formalizes that interest in contractual terms.
- The Public Partnership reduces the risks identified with a 'go alone' solution, including further declines in use/sales (see graph), project cost overruns or schedule delays and other unforeseen costs inherent in starting a new venture. See Attachment 3
- The DWSD Board of Commissioners has previously approved sale of raw water from the Lake Huron facilities for raw water end use. We remain open to further discussion about the raw water capacity needs and stand ready to provide an affordable commodity option.



DWSD is an organization in transformation. In April of 2011, a new Board of Commissioners was seated with additional autonomy and more direct customer representation. In the past year we have demonstrated the ability to reduce costs, resolve long standing compliance issues and have gained support for establishing a new legal and operational model for DWSD that could enable broadened representation for Flint/Genesee on the Governing Board.

I remain available to discuss this proposal to assure that each of the issues critical to Flint/Genesee are addressed.

Best regards,



Sue McCormick, Director
Detroit Water and Sewerage Department

Cc: Andy Dillon, State Treasurer
Dayne Walling, Mayor – City of Flint
Kevyn Orr, City of Detroit Emergency Financial Manager
Jeff Wright, Genesee County Drain Commissioner
James Fausone, Chair – Detroit Board of Water Commissioners

Attachment 1

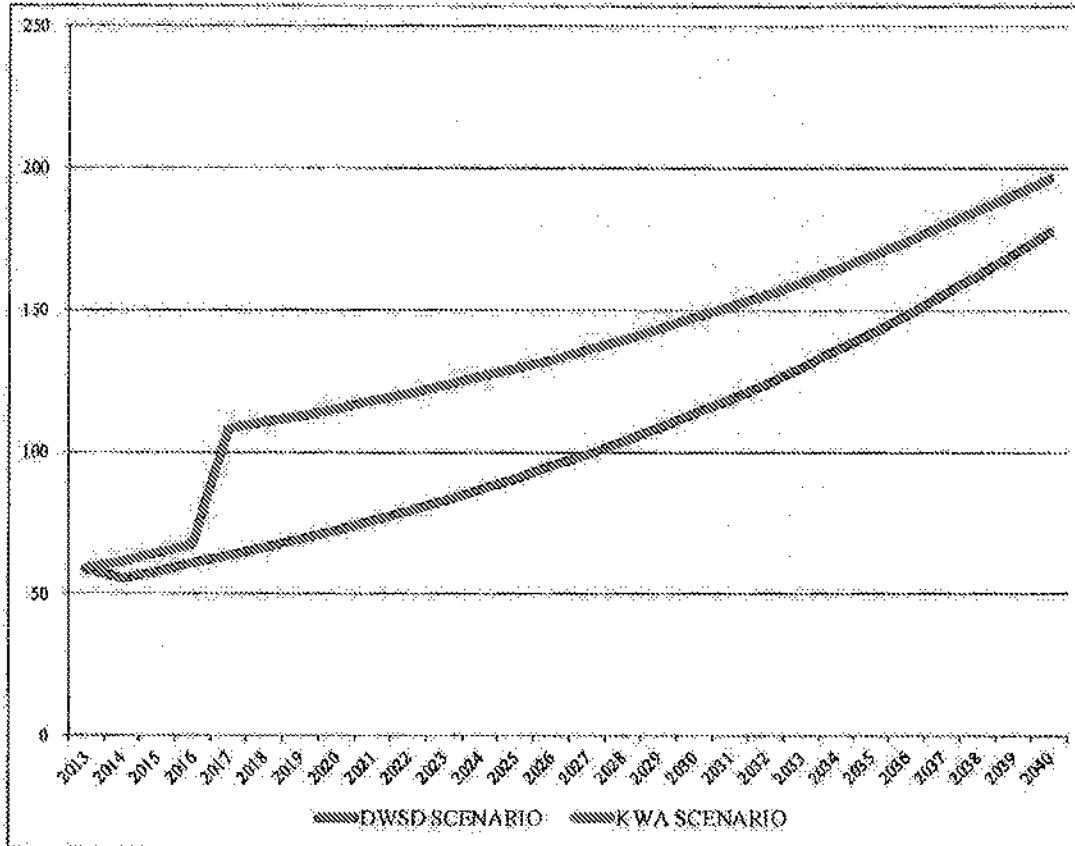
DWSD Water Supply Costs Estimates to Flint

<u>Option</u>	Water Supply Costs (\$) <u>through</u> <u>2042</u>	Ranking by <u>Cost</u>
DWSD 4/15/2013 Scenario 2	587,990,650	1
<i>DWSD 8 MGD Max Day @ Imlay</i>	634,795,488	2
<i>KWA (10/31/12 No Overruns, As Provided) *</i>	649,775,166	3
<i>DWSD 8 MGD Max Day @ Baxter / Potter</i>	672,671,705	4
<i>KWA-1 (10/31/12 No Overruns with Financing Costs)</i>	707,279,715	5
<i>DWSD 12 MGD Max Day @ Imlay</i>	725,576,803	6
<i>DWSD 12 MGD Max Day @ Baxter / Potter</i>	762,110,308	7
<i>KWA-2 (Treasury Estimate)</i>	766,784,313	8
DWSD 12 mgd Twin Line Proposal / No blending	818,092,150	9
<i>DWSD 18 MGD Max Day @ Baxter / Potter</i>	821,226,268	10

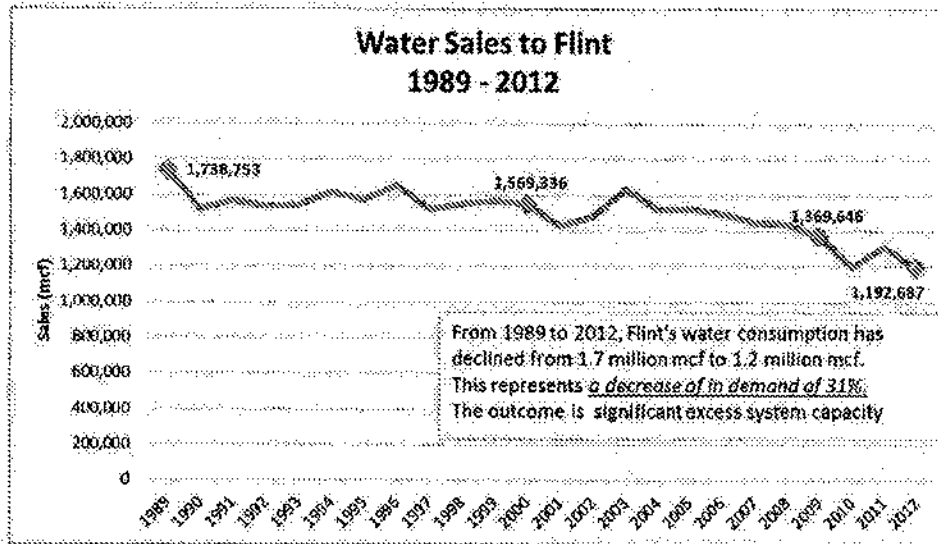
Italicized Options as presented in TYJT ReportDWSD Water Supply Costs Estimates to Flint / GCDC
\$ millions

<u>Option</u>	All Water Costs (\$) <u>through</u> <u>2042</u>	Ranking by <u>Cost</u>
DWSD 4/15/2013 Scenario 2	3,282.00	1
Estimate of KWA	4,090.06	2

Attachment 2

SUMMARY OF TOTAL PROJECTED WATER COSTS TO FLINT/UCDC - SCENARIO COMPARISON (\$ millions)

Attachment 3



From: Wyant, Dan (DEQ)
Sent: Wednesday, April 17, 2013 7:25 AM
To: Anderson, Madhu (DEQ)
Subject: FW: KWA and City of Flint

Dan Wyant, Director
Department of Environmental Quality
517-373-7917

From: Dillon, Andy (Treasury)
Sent: Tuesday, April 16, 2013 5:12 PM
To: Wyant, Dan (DEQ)
Cc: Stibitz, Brom (Treasury); Saxton, Thomas (Treasury); Muchmore, Dennis (GOV); Roberts, John (GOV)
Subject: Re: KWA and City of Flint

Thanks Dan.

Sent from my iPad

On Apr 16, 2013, at 4:17 PM, "Wyant, Dan (DEQ)" <WyantD@michigan.gov> wrote:

Andy,

I have checked with multiple staff from both the Drinking Water Program and the Water Resource Division today. Their comments to me today are the same as before. KWA saves money if they separate.

Dan Wyant, Director
Department of Environmental Quality
517-373-7917

From: Creal, William (DEQ)
Sent: Tuesday, April 16, 2013 1:27 PM
To: Wyant, Dan (DEQ); Sygo, Jim (DEQ)
Cc: Verona, Laura (DEQ); Shekter Smith, Liane (DEQ)
Subject: Fwd: KWA and City of Flint

Here are Wrd comments.

Begin forwarded message:

From: "Verona, Laura (DEQ)" <VERONAL@michigan.gov>
Date: April 16, 2013, 12:00:29 PM EDT
To: "Creal, William (DEQ)" <CREALW@michigan.gov>
Cc: "Alexander, Christine (DEQ)" <ALEXANDERC2@michigan.gov>, "Smith, Laura (DEQ)" <SMITHL16@michigan.gov>
Subject: RE: KWA and City of Flint

Hi Bill,

From a capacity standpoint, supplying KWA is completely feasible under either proposal with no adverse impact to the rest of the DWSD supply network. The proposal lists KWAs contracted max day demand at 40.6 mgd, the design and rated capacity of the Lake Huron Plant is 400 mgd. The DWSD service area average and max day are about 650 and 950 mgd; the other four water plants combined have a rated capacity of over 1100 mgd.

I don't know the details of the cost analysis other than what has been reported by DWSD. It is my understanding that over the 30 year pay back period that full service water provided from DWSD would be more a lot more expensive than what KWA has projected if they separate. Several intermediate proposals of varying cost estimates have been presented without success. KWA was issued a permit last fall for constructing an intake (independent of DWSDs) and I think the plan is to start construction as early as this fall. Then a treatment plant would be constructed to treat the water. Flint has a water plant that draws raw water from the Flint River, but the plan would be to purchase raw water from the KWA intake and treat at their plant, using the River as a backup source. KWA has estimated a project cost of \$274 million, DWSD estimated the project cost at \$375 million; but I don't know exactly what the scope of work was for those estimates so I'm not sure that it's an apples to apples comparison.

Overall, besides the know impacts to DWSD for loss of revenue and increased cost to the rest of the system users to cover fixed cost, debt, etc., there could be other systems revisiting their proposals to separate. Grosse Ile and a few surrounding communities had looked into forming a water authority and building a plant to serve them; Grosse Pointe Park had submitted incomplete plans a few years back to build their own microfiltration plant. At one point, Grosse Pointe Shores was considering a study to see if they could re-work the Grosse Pointe Farms network to purchase water from them rather than DWSD through GP Woods.

Let me know if you want to discuss this further.

thanks,
Laura

From: Creal, William (DEQ)
Sent: Tuesday, April 16, 2013 8:02 AM
To: Verona, Laura (DEQ)
Cc: Alexander, Christine (DEQ); Smith, Laura (DEQ)
Subject: FW: KWA and City of Flint
Importance: High

Laura, please take a look at this and let me know if you have any comments. Need quickly. This appears to be mainly a drinking water issue right now. Thanks.

From: Wyant, Dan (DEQ)
Sent: Tuesday, April 16, 2013 6:51 AM
To: Sygo, Jim (DEQ); Creal, William (DEQ); Shekter Smith, Liane (DEQ)
Cc: Anderson, Madhu (DEQ)
Subject: FW: KWA and City of Flint

Bill and Liane,

Can you have your staff's take a quick look at this and let me know today if they think this changes their thoughts and comments to me last week.

Dan Wyant, Director
Department of Environmental Quality
517-373-7917

From: Dillon, Andy (Treasury)
Sent: Monday, April 15, 2013 7:55 PM
To: Wyant, Dan (DEQ); Dennis Muchmore; Roberts, John (GOV)
Cc: Stibitz, Brom (Treasury); Saxton, Thomas (Treasury)
Subject: Fwd: KWA and City of Flint

FYI

Dan, any thoughts re the attached?

We gave dwsd until today to put best offer on table. Flint is to get back to us tmrw. I want to make sure their expected rejection is made in good faith.

Sent from my iPad

Begin forwarded message

From: "Debra Ragland" <dragland@dwsd.org>
To: "ekurtz@cityofflint.com" <ekurtz@cityofflint.com>
Cc: "jwright@co.genesee.mi.us" <jwright@co.genesee.mi.us>, "Dillon, Andy (Treasury)" <DillonA2@michigan.gov>, "James Fausone" <fausone@dwsd.org>, "orrk@detroitmi.gov" <orrk@detroitmi.gov>, "Sue McCormick" <mccormick@dwsd.org>
Subject: KWA and City of Flint

Please see attached on behalf of Sue F. McCormick.

Faxed copy forwarded to Mayor Dayne Walling and Jeff Wright.

From: Wyant, Dan (DEQ)
Sent: Wednesday, December 10, 2014 5:26 PM
To: Wurfel, Brad (DEQ)
Subject: Re: Draft Violation Notice for comment

Good. I will be here. Out next two days.

Dan Wyant

On Dec 10, 2014, at 5:20 PM, Wurfel, Brad (DEQ) <WurfelB@michigan.gov> wrote:

My bad. They want to issue this letter MONDAY.

From: Busch, Stephen (DEQ)
Sent: Wednesday, December 10, 2014 5:11 PM
To: Wurfel, Brad (DEQ); Datema, Maggie (DEQ); Shekter Smith, Liane (DEQ)
Cc: Benzie, Richard (DEQ); Prysby, Mike (DEQ); Rosenthal, Adam (DEQ)
Subject: Draft Violation Notice for comment

Attached is a draft violation notice to the City of Flint regarding the exceedance of the drinking water standard for total trihalomethanes (TTHM).

If you have any comments please let me know by Friday, we would like to mail this out by Monday at the latest. An electronic copy of the signed letter will be provided to Maggie for forwarding to legislative members in the Flint area.

If you have any questions, please contact me directly.

Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
MDEQ
517-643-2314

<Flint DBP MCL 4Q14 draft.doc>

From: Wyant, Dan (DEQ)
Sent: Tuesday, December 16, 2014 2:01 PM
To: Hartwell, Helen
Subject: Accepted: Dan Wyant/Karen re: Check-in on Flint Water Quality

From: Wyant, Dan (DEQ)
Sent: Monday, January 05, 2015 2:47 PM
To: Wurfel, Brad (DEQ)
Subject: RE: Conference Call w/Valerie Brader re: Genesee County

Excellent.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

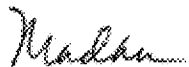
From: Wurfel, Brad (DEQ)
Sent: Monday, January 05, 2015 2:04 PM
To: Anderson, Madhu (DEQ); Wyant, Dan (DEQ); Tommasulo, Karen (DEQ)
Subject: RE: Conference Call w/Valerie Brader re: Genesee County

Thanks. Mike Prysby just came to see me about an interview he gave Ron Fonger and one he's going to do with a local TV station in Flint later today. What I discussed with him was helping to tamp-down public concern by providing three messages of street-level perspective on the situation.

1. This notice does not represent any imminent health threat from the water in Flint. Folks can relax.
2. The notice is an example of the state's role (protecting public water supplies) at work. Public water supplies are tested regularly for all kinds of things. Some things (e.coli or giardia) are an immediate concern. This one is more a long-term concern, and we are working with the city to address it.
3. What's happening in Flint is not unheard of. It happens sometimes with systems that draw from surface water, as Flint is doing now.

From: Anderson, Madhu (DEQ)
Sent: Monday, January 05, 2015 11:24 AM
To: Wyant, Dan (DEQ); Wurfel, Brad (DEQ); Tommasulo, Karen (DEQ)
Subject: FW: Conference Call w/Valerie Brader re: Genesee County

Thought you might want to see this as well.



From: Shekter Smith, Liane (DEQ)
Sent: Monday, January 05, 2015 11:11 AM
To: Sygo, Jim (DEQ); Datema, Maggie (DEQ); Anderson, Madhu (DEQ)
Cc: Busch, Stephen (DEQ); Prysby, Mike (DEQ); Shaler, Karen (DEQ); Benzie, Richard (DEQ)
Subject: Conference Call w/Valerie Brader re: Genesee County

Mike Prysby and I spoke with Valerie Brader this morning regarding emergency service/backup needs of Genesee County. Specifically, Valerie was interested in knowing whether Genesee County was required to have an agreement with DWSD for emergency service.

In short, there is no requirement under the Safe Drinking Water Act for the County to have an emergency interconnect with another supply. There are requirements for a supply to have adequate capacity and to be able to provide a means to continuously supply finished water during normal power service interruption. At this time, Genesee County is proposing design criteria that are acceptable for establishing its rated capacity, they are proposing to have interconnect agreements with Grand Blanc Township and the City of Flint, and they are proposing to have excess finished water storage capacity.

Please let us know if you have questions.

Liane

Liane J. Shekter Smith, P.E., Chief
Office of Drinking Water and Municipal Assistance
Michigan Department of Environmental Quality
517-284-6543

From: Wyant, Dan (DEQ)
Sent: Tuesday, March 03, 2015 6:38 PM
To: Andy Dillon
Subject: Re: Flint Leak Detection

I look forward to hearing from you.

Dan Wyant

> On Mar 3, 2015, at 4:38 PM, Andy Dillon <adillon@conwaymackenzie.com> wrote:

>

>

> Dan,

>

> I hope this finds you well.

>

> Email below is an FYI. You may recall Tucker Young assisted me in evaluating the KWA oppty. They asked me to advise you they are familiar (obviously) w/ Flint and would like to help w/ leak detection/correction.

>

> Actually, I have another matter I am working on I think you will find very interesting. I am off this week but will follow up when I return to Michigan as its a cutting edge, technology play that I believe the DEQ will find of interest. I introduced it to Tony Earley and he expressed great interest. Will advise in greater detail when I return from vacation (ugh, yes working while on vacation).

>

> Best,

>

>

>

> Andy Dillon

>

> Conway MacKenzie Inc.

>

> 401 S. Old Woodward Avenue, Suite 340, Birmingham, MI 48009

>

> 248.952.8868 (office) | 517.420.6825<<tel:517.420.6825>> (cell) |

> 248.433.3143 (fax)

>

> adillon@conwaymackenzie.com<<mailto:adillon@conwaymackenzie.com>>

>

>

>

> ----- Forwarded message -----

> From: George Karmo <GKarmo@tyjt.com<<mailto:GKarmo@tyjt.com>>>

> Date: Fri, Feb 27, 2015 at 1:28 PM

> Subject: Flint Leak Detedtion

> To: "adillon@conwaymackenzie.com<<mailto:adillon@conwaymackenzie.com>>"

> <adillon@conwaymackenzie.com<<mailto:adillon@conwaymackenzie.com>>>

> Cc: David Guastella <DGuastel@tyjt.com<<mailto:DGuastel@tyjt.com>>>

>
>
> Andy,
>
> It was good talking to you this morning.
>
> I'm referencing the Crain article attached related to City of Flint Water issues.
> As you are aware when TYJT completed its report for the State of Michigan Treasury (assessment of Flint continuing with DWSD or partnering with Karegnondi Water Authority), we had recommended that Flint implement a program for leak detection of its water system. It was believed that the system experienced up to 50% leakage! We had indicated that the effort was necessary so that Flint could dramatically reduce the amount of water it needed to purchase from the Karegnondi Water Authority prior to designing and constructing the new pipe line.
>
> As you are aware, TYJT is knowledgeable of the Flint area water system and well experienced in conducting leak detections and water audits. We therefore ask, based on the fact that the State of Michigan maybe granting Flint some funds to do the leak detection (see attached article) that TYJT use its existing DTMB as-needed contract with the State to accomplish this task.
>
> Please let me know if you need additional information. We will be available to immediately meet with representatives of the State and City of Flint to discuss this leak detection program.
>
> Regards,
> George Karmo, P.E., BCEE
> President
> Tucker, Young, Jackson, Tull Inc.
> 615 Griswold Street
> Detroit, Michigan 48226
> 313-234-0337<tel:313-234-0337> office direct
> PPI cell
> gkarmo@tyjt.com<<mailto:gkarmo@tyjt.com>>
>
>
> <hppsca185.pdf>

From: Wyant, Dan (DEQ)
Sent: Tuesday, March 17, 2015 9:44 AM
To: Thelen, Mary Beth (DEQ)
Subject: Re: Flint

Yes. Please. With note:

Harvey, the attached consultants are working with Flint and are in the best position to recommend a water filter system. The locals should be asked to use their consultants to recommend a technology.

Dan Wyant

On Mar 17, 2015, at 9:30 AM, Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov> wrote:

Dan,
Do you want me to send this info to Harvey? Please advise. Thanks.

Mary Beth

From: Wurfel, Brad (DEQ)
Sent: Tuesday, March 17, 2015 9:17 AM
To: Thelen, Mary Beth (DEQ); Wyant, Dan (DEQ)
Subject: Fwd: Flint

Here's one of the things we talked about getting for Harvey.

Sent from my iPhone

Begin forwarded message:

From: "Busch, Stephen (DEQ)" <BUSCHS@michigan.gov>
Date: March 17, 2015 at 8:23:17 AM EDT
To: "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>, "Shekter Smith, Liane (DEQ)" <SHEKTERL@michigan.gov>, "Benzie, Richard (DEQ)" <BENZIER@michigan.gov>
Subject: RE: Flint

The City has currently contracted with two main engineering consulting firms. The primary contact for each firm is listed below.

Warren Green with Lockwood, Andrews & Newman, Inc.
630-918-2494
and
Marvin Gnagy with Veolia North America
419-450-2931

Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
MDEQ
517-643-2314

-----Original Message-----

From: Wurfel, Brad (DEQ)
Sent: Monday, March 16, 2015 4:44 PM
To: Shekter Smith, Liane (DEQ); Busch, Stephen (DEQ); Benzie, Richard (DEQ)
Subject: Flint

Hey, all. Harvey has a meeting with city residents Wednesday. Need that enforcement info ASAP, tomorrow at latest and sooner is better. Also, on the water filter issue, spoke with Wyant today and he much liked the idea of having a specific product recommendation come from one of the cities contractors.

Steve, can you please get contact information for the best contractor in Flint to address this?

Thank you!

Sent from my iPhone

From: Wyant, Dan (DEQ)
Sent: Sunday, March 22, 2015 3:28 PM
Subject: March 9, 2015, SMT Highlights - Message from Director Dan Wyant
Attachments: Legislation List 3.9.15.doc; OWMRP Presentation to SMT 3-9-2015.pptx; ALT project solicitation letter_2015_final.pdf

Dear DEQ Staff,

Below is the information from the March 9, 2015, Senior Management Team (SMT) meeting. If you have any questions or need clarification, please contact your division/office management directly.

DEQ SENIOR MANAGEMENT TEAM MEETING NOTES

Director's Report

Calendar items include a speech at the Michigan Municipal League, meetings with other state department directors, SMT/State Chamber reception, Michigan Recycling Council meeting, and other internal meetings. The Director will be at the Environmental Council of the States (ECOS) meeting on March 16-18, 2015, in Washington D.C. This travel will also include a meeting regarding ozone as well as Congressional visits.

Deputy Director's Report

Jim Sygo meet with the Department of Treasury regarding water and air permits tax exemptions. Jim will review the issues with Bill Creal and Lynn Fiedler.

Rich Alexander will be retiring this spring and interviews will be held in the near future for the chief of the Office of Environmental Assistance position. In addition, we are working on position descriptions for the district coordinator positions so that they can also be posted and filled as the time will be expiring on the current district coordinators.

DTMB Partnership Session - Laura Mester, MDOT Chief Administrative Officer, provided an overview of MDOT's partnership effort with DTMB to identify opportunities to address service issues. MDOT and DTMB underwent a yearlong process specifically focused on information technology service issues and were able to identify and implement solutions to provide greater role clarity, strengthened communication, and improved services. DEQ is considering undergoing a similar process.

Office of Policy

Dave Fiedler reported that the rules-set for 2013-101 EQ "Oil and Gas Operations" may be filed with the Office of the Great Seal the week of March 9, 2015 (this was done on March 11, 2015).

Jim Goodheart reported that the Healthy Waters initiative is progressing. Tribal meetings continue to be held as well.

Office of Communications

Brad Wurfel reported that the informational session and public hearing for two DTE Electric Company permits will be held on March 11, 2015, in River Rouge.

Brad continues to work on the city of Flint issues with the Office of Drinking Water and Municipal Assistance and with other agencies.

The State Journal did a recent article on the aging of state employees and future retirements.

Legislative

Sarah Howes reported that the House and Senate Natural Resources Committees will be holding a joint committee on Tuesday, March 10, 2015. Industry representatives including Andy Such of Michigan Manufacturers Association, John Griffin of API, and Jason Geer of the Michigan Chamber of Commerce will be testifying on the successes of the legislative changes to Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and to Part 213, Leaking Underground Storage Tanks, of NREPA. They will also discuss their increasingly positive relationships with the DEQ.

The House Tax Policy and House Oversight and Ethics Committees will be holding a hearing on the 2014 Brownfield Redevelopment Financing Program's Performance Audit. The Department of Treasury, Michigan Economic Development Corporation and the Department of Environmental Quality will present on this together.

House Regulatory Reform Committee will be voting out House Bill 4054, authored by Representative Andy Schor, which aims to create better communication between regulatory agencies in regards to mobile home communities.

Attached is the legislative update for the week of March 9, 2015.

Division/Office Chief Reports

Remediation and Redevelopment Division

Please see the legislative report.

Office of Oil, Gas, and Minerals

In a recent case, the Michigan Court of Appeals agreed with landowners that the MPSC did not document its review of environmental impacts for a pipeline segment. This is just a reminder of the importance of documenting our processes, even if that means just checking a box that it has been done. Our high-volume hydraulic fracturing rules will have resided with JCAR for the requisite 15 session days as of March 10, 2015. Controversy over oil and gas drilling in high-density residential areas continues; two bills were recently introduced—one to grant zoning authority over oil and gas operations to townships and counties, and one to increase setbacks to 1,000 feet in high-population counties.

Office of Drinking Water and Municipal Assistance

The ODWMA staff attended the Michigan Groundwater Association (well drillers) Convention and Trade Show in Battle Creek. Staff participated both as speakers and as attendees. The conference was an excellent opportunity to improve communications and develop our ongoing relationship with stakeholders.

Office of Waste Management and Radiological Protection

Bryce Feighner, Chief, OWMRP, presented information on priorities and updates. Please see the attached PowerPoint for some great information on the OWMRP.

Office of Environmental Assistance

The DEQ will host the next planning meeting of the Governor's Recycling Summit in Constitution Hall on March 17, 2015. Registration for the Recycling Summit along with the Michigan Recycling Coalition Annual Conference begin March 9, 2015

http://michiganrecycles.org/index.php?option=com_content&view=article&id=109&Itemid=1498.

The OEA and OWMRP are once again delivering the Introduction to Hazardous Waste Webinar Series. The first part of the series was held on March 4, 2015, with over 440 people in attendance. More information about the three part series as well as other upcoming training can be found at www.michigan.gov/deqworkshops.

The on-line application for the Quality of Life Leadership Academy will go live Monday, March 16, 2015. The application can be accessed at the QOL Leadership Academy SharePoint. Brown bag information sessions will be offered the week of March 16, 2015, in DEQ's Cadillac, Gaylord, Jackson, Warren, and Constitution Hall locations. There will also be an information session offered at the MDARD's Third Thursday Leadership meeting on March 19, 2015.

Proposals for QOL Leadership Academy action learning projects are being accepted until May 1, 2015. Please read the attached letter for details, which includes a link to the on-line submittal form. Questions may be directed to Mary Goodhall at 284-6859, or goodhallm@michigan.gov.

Water Resources Division

Bill Creal, Chief, Water Resources Division, has decided to retire after 36 years of service to the State of Michigan. His last day will be April 30, 2015.

District Updates

Jackson:

The Jackson district hosted an IDP brownbag lunch, the brownbag lunch was organized by Larry Bean and was held on Wednesday, March 4, 2015. It was well attended by approximately 10 district staff.

On Monday afternoon March 9, 2015, the Jackson district facilitated a meeting on the Tyler Dam, involving Revolving Loan Fund staff and multiple others inside and outside the department to address multi-program issues in an effort to aid in getting an approvable loan closed by the end of this fiscal year.

The RRD staff will be having its quarterly meeting with RACER Trust, Ypsilanti Township; Walbridge, Ann Arbor Spark, and others on Tuesday, March 10, 2015.

The Jackson district supervisors are sponsoring the Jackson district annual Employee Appreciation lunch on Thursday, March 12, 2015.

Jackson district coordinator Mitch Adelman is doing a Guest Lecture on Urban geochemistry at Eastern Michigan University on March 16, 2015.

Jackson district's Scott Miller has organized a Quality of Life Leadership Academy Question and Answer session for interested Jackson district staff to be held on March 17, 2015.

Other Items

Next Meeting: March 23, 2015

Thank you. Happy Spring!

Dan Wyant
Director

Attachments

From: Wyant, Dan (DEQ)
Sent: Thursday, April 16, 2015 4:54 PM
To: Thelen, Mary Beth (DEQ)
Subject: Fwd: Conference Call with Congressman Kildee
Attachments: image001.gif; image002.gif; image003.jpg; image004.png

Please schedule.

Dan Wyant

Begin forwarded message:

From: "Brunner, Nathan" <Nathan.Brunner@mail.house.gov>
Date: April 16, 2015 at 10:24:59 AM EDT
To: "wyantd@michigan.gov" <wyantd@michigan.gov>
Cc: "Dickinson, Jordan" <Jordan.Dickinson@mail.house.gov>
Subject: Conference Call with Congressman Kildee

Mr. Wyant,

Congressman Kildee would like to schedule a conference call with you to discuss the water issues in Flint and Michigan's Wetland Program.

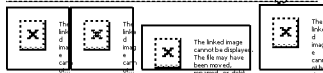
I would like to see if you would have time for this discussion next Thursday, April 23, at 10:00AM.

Thank you,

Nathaniel A. Brunner
Scheduler/Executive Assistant

Congressman Dan Kildee (MI-05)
227 Cannon House Office Building
Washington, D.C. 20515
Office Phone: (202) 225-3611
Office Fax: (202) 225-6393
Cell Phone: **PPI**

www.dankildee.house.gov



[Sign up for Congressman Dan Kildee's e-newsletter](#)

From: Wyant, Dan (DEQ)
Sent: Wednesday, July 22, 2015 3:08 PM
To: Muchmore, Dennis (GOV)
Cc: Hollins, Harvey (GOV)
Subject: Re: Flint

Will do.

Sent from my iPhone

> On Jul 22, 2015, at 3:05 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

>

> I'm frustrated by the water issue in Flint. I really don't think people are getting the benefit of the doubt. Now they are concerned and rightfully so about the lead level studies they are receiving from the DEQ samples. Can you take a moment out of your impossible schedule to personally take a look at this? These folks are scared and worried about the health impacts and they are basically getting blown off by us (as a state we're just not sympathizing with their plight).

From: Wyant, Dan (DEQ)
Sent: Wednesday, September 16, 2015 1:26 PM
To: Olszewski, Rosemarie (DEQ)
Subject: FW: Draft Background, Timeline, Quadrant Diagram
Attachments: Flint-QuadrantDiagram-Draft.xlsx; City of Flint Background-Draft.docx

2 sets ASAP.

From: Busch, Stephen (DEQ)
Sent: Wednesday, September 16, 2015 1:05 PM
To: Pallone, Maggie (DEQ); Wurfel, Brad (DEQ)
Cc: Shekter Smith, Liane (DEQ); Sygo, Jim (DEQ); Benzie, Richard (DEQ); Wyant, Dan (DEQ)
Subject: Draft Background, Timeline, Quadrant Diagram

Attached are drafts of the Quadrant Diagram and the Background-Timeline. I am now working on a draft FAQ.

Below are some additional general informational handouts available from EPA that we may want to consider including.

Understanding the Safe Drinking Water Act

http://water.epa.gov/lawsregs/guidance/sdwa/upload/2009_08_28_sdwa_fs_30ann_sdwa_web.pdf

Drinking Water Costs and Federal Funding

http://water.epa.gov/lawsregs/guidance/sdwa/upload/2009_08_28_sdwa_fs_30ann_dwsrf_web.pdf

Water Facts

http://water.epa.gov/lawsregs/guidance/sdwa/upload/2009_08_28_sdwa_fs_30ann_waterfacts_web.pdf

Public Access to Information and Public Involvement

http://water.epa.gov/lawsregs/guidance/sdwa/upload/2009_08_28_sdwa_fs_30ann_publicinvolve_web.pdf

Let me know if you have questions or need anything further.

Stephen Busch, P.E.
MDEQ Lansing District Coordinator
Office of Drinking Water and Municipal Assistance
Lansing and Jackson District Supervisor
517-643-2314
buschs@michigan.gov

	A	B
1	DRAFT	
2	DRINKING WATER - LEAD - DISTRIBUTION OF RESPONSIBILITIES	
3		
4	Environmental Protection Agency	Michigan Department of Environmental Quality
5		
6	Promulgation of Federal Safe Drinking Water Act Rules	Primacy - Michigan Safe Drinking Water Act and Administrative Rules
7	1974 Safe Drinking Water Act	Oversight of public water systems
8	1991 Lead and Copper Rule	Inspections
9	2000 Lead and Copper Rule Minor Revisions	Construction Permitting
10	2007 Lead and Copper Rule Short Term Revisions	Provide loans to water systems for public infrastructure improvements
11	???? Lead and Copper Rule Long Term Revisions	State Laboratory Services
12	Granting Primacy of Federal Regulations to States	Laboratory Certification
13	Auditing of State Public Water Supply Programs	Establish monitoring requirements, quantity and frequency
14	Provide Funding to States	Verification of monitoring results and compliance determination
15		Notify water systems of Action Level Exceedance
16		Establish Water Quality Parameter Ranges, as necessary
17		State Reporting to EPA
18		Operator Training and Certification
19		
20	City of Flint Water System	Water Customers
21		
22	Certified Operation of public water system	Participate in lead sampling as requested
23	Establish Water Rates	Request lead testing if concerned
24	Obtain construction permits	Follow lead sampling Instructions
25	Reporting to MDEQ	Provide signed information on how sample was collected
26	Coordination of lead and copper sampling	Review individual result material
27	Establishing a Tiered Sampling Pool	Follow instructions for reducing lead exposure
28	Providing Sampling Kits and Instructions to customers	Replace private leaded service line and plumbing materials with lead-free products
29	Obtain signed statements from participating customers	Obtain plumbing permits and comply with code requirements
30	Obtain sample analysis	Pay Water Bills
31	Provide individual lead sample result to participants	Read Annual Report (CCR)
32	Comply with Action Levels for lead and copper	Read and follow Public Notification materials
33	Provide lead monitoring and notice Certification to MDEQ	
34	Provide Annual Report (CCR) to all customers	
35	Conduct Water Quality Parameter Monitoring	
36	Recommend and Install Optimized Corrosion Control Treatment	
37	Provide Public Notification, as necessary	
38	Replace public portion of lead service, as necessary	

DRAFT

City of Flint Water System Background

Water Service Land Area 34 square miles
 550+ miles of public water mains
 250+ miles of water mains 75+ years old
 70% of public water mains are unlined cast iron pipe
 Service population 99,763
 Service connections 32,900
 Flint Water System established in 1883
 Flint Water Treatment Plant #2 completed in 1954
 Connection to Detroit Water and Sewerage Department 1967
 Flint Water Treatment Plant #2 rehabilitated 1999 – 2005

City of Flint Timeline

December 2011 – Flint Emergency Financial Manager Appointed by Governor Snyder
 April 2013 – Flint rejects DWSD contract and instead joins the Karegnondi Water Authority
 April 2013 – DWSD sets termination of Flint water service contract to April 17, 2014
 June 2013 – Karegnondi Water Authority groundbreaking
 June 2013 – Flint Requests full time use of Flint Water Treatment Plant with Flint River
 May 2014 – Flint stops purchasing DWSD. Starts using the City of Flint WTP and Flint River
 August 2014 – Flint E.Coli Bacteria violation, Partial System Boil Water Advisory
 August 2014 – Disinfection Byproducts, DEQ requests preemptive Operational Evaluation
 September 2014 – Flint Total Coliform Bacteria violation, Partial System Boil Water Advisory
 November 2014 – Disinfection Byproducts violation begins
 January 2015 – 1st 6 month lead and copper sampling completed 100 samples, 90th% = 6 ppb
 April 2015 – Flint Financial Emergency Ends
 July 2015 – 2nd 6 month lead and copper sampling completed 69 samples, 90th% = 11 ppb
 August 2015 – Disinfection Byproducts return to compliance
 August 2015 – Flint required by DEQ to recommend and install Optimized Corrosion Control Treatment

 January 2016 – Flint plans to have Optimized Corrosion Control Treatment operational
 July 2016 – Planned connection to Karegnondi Water Authority (Lake Huron water to Flint WTP)

From: Wyant, Dan (DEQ)
Sent: Saturday, September 26, 2015 6:47 PM
To: Hedman, Susan
Subject: Re: Do you have a few minutes to chat sometime this weekend?

Okay. Thanks.

Sent from my iPhone

> On Sep 26, 2015, at 6:46 PM, Hedman, Susan <hedman.susan@epa.gov> wrote:

>

> Thanks -- I'd like to talk further about the situation in Flint. Please give me a call on my cell: PPI tomorrow at 12:30 eastern.

>

> Sent from my iPhone

>

>> On Sep 26, 2015, at 5:37 PM, Wyant, Dan (DEQ) <WyantD@michigan.gov> wrote:

>>

>> Anytime Sunday after noon.

>>

>> Dan Wyant

>>

>> Sent from my iPhone

>>

>>> On Sep 26, 2015, at 5:22 PM, Hedman, Susan <hedman.susan@epa.gov> wrote:

>>>

>>>

>>>

>>> Sent from my iPhone

From: Wyant, Dan (DEQ)
Sent: Monday, September 28, 2015 3:26 PM
To: Muchmore, Dennis (GOV)
Cc: Lyon, Nick (DCH); Hollins, Harvey (GOV); Wurfel, Sara (GOV); Lasher, GERALYN (DCH); Thelen, Mary Beth (DEQ)
Subject: Re: Proposed Press Conference on Flint Drinking Water

Great point. Thanks.

Sent from my iPhone

On Sep 28, 2015, at 2:27 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

Thank you, you're always ahead of us. I don't have any reservations about the PC, although as I mentioned I don't see any reason to have Mr. Sienko, as we have a top notch professional in Eden Wells and certainly Tim and GERALYN if need be.

From: Wyant, Dan (DEQ)
Sent: Monday, September 28, 2015 7:18 AM
To: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Lyon, Nick (DCH) <LyonN2@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>
Cc: Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Lasher, GERALYN (DCH) <lasherz@michigan.gov>; Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>
Subject: Proposed Press Conference on Flint Drinking Water

Per the ongoing issues in Flint concerning their drinking water, I would offer the following recommendations. Let's discuss.

Recommendation

Press Conference in Flint – Wednesday, Thursday or Friday.

Participants

Mayor of Flint
 Dan Wyant – Michigan Department of Environmental Quality
 Nick Lyon – Department of Community Health
 Susan Hedman – Region 5 Administrator or EPA
 Harvey Hollins – Governor's office
 Local Public Health Department

Announcement

Federal – State – Local action plan to address Flint Drinking Water

1. Governor Snyder names Dr. Dean Sienko as Flint drinking water Public Health Advisor.

2. All Flint schools water will immediately be tested to ensure that drinking water is safe.
3. Advisories will be disseminated recommending citizens flush your cold water pipes, use only water from the cold water tap for drinking, cooking and especially for making baby formula.
4. Implementation of fully optimized corrosion controls in the Flint drinking water system.
5. Expanded water testing of at risk properties.
6. Offer water testing at no cost to Flint residents to assure water is safe.
7. Convene a safe drinking water “ Technical Review Advisory” to ensure best technology, practices and science is being utilized, including EPA’s expertise and assistance from their Office of Research and Development.
8. Offer bottled water and premixed formula if test results indicate high levels of lead.
9. Accelerate water system improvements to address replacement of lead service lines.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Wyant, Dan (DEQ)
Sent: Thursday, October 01, 2015 3:39 PM
To: Karen Teeples
Subject: Re: info to expedite KWA construction

Thanks.

Sent from my iPhone

On Oct 1, 2015, at 2:43 PM, Karen Teeples <K_TEEPLES@gcdcwvs.com> wrote:

Per your conversation with Jeff Wright, find attached the document I spoke to you about.
Karen

<bulletpoints-Oct2015-KWAconstruct.docx>

From: Wyant, Dan (DEQ)
Sent: Thursday, October 01, 2015 6:02 PM
To: Susan Hedman
Subject: Fwd: talking points
Attachments: 151001. Talking points.docx; ATT00001.htm

Talking points. I will make the adjustment you and I talked about. Thanks for your help.

Sent from my iPhone

Begin forwarded message:

From: "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>
Date: October 1, 2015 at 4:27:53 PM EDT
To: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Minicuci, Angela (DHHS)" <MinicuciA@michigan.gov>, "Eisner, Jennifer (DHHS)" <EisnerJ@michigan.gov>, "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>, "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Murray, David (GOV)" <MurrayD1@michigan.gov>, "Thelen, Mary Beth (DEQ)" <THELENM2@michigan.gov>, "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Paciorek, Josh (GOV)" <Paciorekji@michigan.gov>, "Lasher, GERALYN (DHHS)" <lasherg@michigan.gov>
Subject: talking points

Here's the talking points we've been working from. Feel free to add DHHS' info.

Karen Tommasulo
Public Information Officer
Michigan Department of Environmental Quality
517-284-6716 | 517-599-5733
tommasulok@michigan.gov

Flint Drinking Water Action Plan

Talking Points

Overall Messaging

- Repeated testing shows the water leaving Flint's drinking water system is safe to drink and meets all federal guidelines, including lead.
- After the switch the Flint River, the compliance testing protocol yielded results of 6 ppb in December 2014 and 11 ppb in June 2015. Both results were below the federal action level of 15 ppb.
- However, we recognize some residents experience higher levels of lead in the water that comes out of their faucets because of lead plumbing in the home, and that's a concern.
- Out of an abundance of caution, we want to address the needs of all Flint families, and so we have developed an action plan that includes both short- and long-term solutions.
- The state plan focuses on increasing water testing, offering additional precautions for families, and providing long-term solutions to address the city's water infrastructure.

Messaging regarding the action plan

The city and the state are working together to gather more data to ensure the water that leaves the treatment plant as well as the water that arrives in Flint homes is safe for all residents.

- **Immediately test Flint public schools to ensure that drinking water is safe. Testing will also be available at no cost to any other school in Flint.**
 - Although Flint's drinking water meets all federal requirements, the state wants to take extra steps to ensure that drinking water is safe for the city's children.
 - The state will fund this testing (about \$30,000) at no cost to the city or the local schools, and make the results publicly available.
- **Expand health exposure testing of individual residences.**
 - To double-check its data as well as provide residents with an additional layer of assurance, the DEQ will conduct more tests at Flint properties.
 - The Technical Advisory Committee will determine the scope of this expanded testing.
- **Offer water testing at no cost to Flint residents to assure water is safe.**
 - Although all testing indicates water in the city of Flint meets all federal standards, we understand some residents are concerned.
 - To ensure water in individual homes is safe, free water testing is available to all Flint residents.
 - We encourage anyone with a concern to get their water tested.
 - Contact the city water department to have your water tested.
- **Begin optimizing corrosion controls in the Flint drinking water system.**

- A fully optimized corrosion control system can help coat the inside of pipes to minimize the amount of lead that enters the drinking water after it leaves the treatment plant.
- This is a helpful step that can help minimize lead system-wide, and we're pleased the city is moving to take this step.
- If asked: This was not initially required because a fully optimized corrosion control system is not federally required in many water systems. Even today, since Flint is meeting all federal standards, this fully optimized system is not required. However, to address public concerns and ensure every possible precaution is taken, the city is moving forward with installing this corrosion control system.
- **Convene a "Safe Drinking Water Technical Advisory Committee" to ensure the best technology, practices and science are being utilized, and add an expert from the EPA's Office of Research and Development to the group.**
 - The Safe Drinking Water Technical Advisory Committee will meet Oct. 7 to discuss fully optimizing the corrosion control system, expanding testing of at-risk properties, and other topics.
 - Tom Burke, the Deputy Assistant Administrator of EPA's Office of Research and Development as well as the EPA's Science Advisor, will participate on the committee. Prior to joining EPA, he held prominent positions at the Johns Hopkins Bloomberg School of Public Health and founded the Johns Hopkins Risk Sciences and Public Policy Institute. He brings substantial expertise, and we're pleased he is able to join the committee.
- **Accelerate water system improvements to address replacement of lead service lines.**
 - Regardless of the drinking water source – whether it be DWSD, the Flint River or Lake Huron – the only permanent fix for lead is to replace all 18,000 of the private lead service lines in the city. These are the lines on private property that lead from the curb to individual homes.
 - This is a problem in communities statewide, and one we want to address with a long-term solution.
 - The state and EPA are working together to find a way for the city to access Drinking Water Revolving Loan funds for the work.
- **Expedite completion of Karegnondi Water Authority.**
 - The move to the Flint River was always a temporary measure until the connection to the KWA and to Lake Huron was completed.
 - This is the ultimate goal of the venture, and the state and locals will work together to speed up completion of the connection.
- **Governor Snyder names Dr. Eden Wells as Flint Drinking Water Public Health Advisor.**
 - Dr. Wells is the Director for the Preventive Medicine Residency at the University of Michigan School of Public Health in Ann Arbor as well as the Chief Medical Executive for MDHHS.

- She brings years of experience in epidemiology and preventative medicine to the issue, and we're thrilled to have her expertise.
- Dr. Wells will coordinate with Hurley Medical Center to share data on blood lead levels in children, as well as address other emerging issues.
- **Provide water filters to residents of Flint.**
 - As an additional precaution, water filters will be available to low-income families.
 - This provides another safeguard to ensure everyone in the city of Flint has access to clean drinking water that they feel confident drinking.
- **Expand a comprehensive lead education initiative.**
 - Lead plumbing is common in homes built prior to 1986, and anyone in the state with lead pipes in their home can take some extra precautions to minimize lead in their drinking water.
 - It takes time for lead to accumulate in drinking water from plumbing, and so flushing your pipes prior to using them can minimize your exposure.
 - To flush your pipes, run the water until it's as cold as it will go. This can take as little as 5 to 30 seconds if you have recently flushed the toilet or otherwise used water in your home, or as long as 2 to 5 minutes if you have not used any water in hours.
 - In the city of Flint, running the water for 5 minutes only costs about 3-16 cents, depending on your faucet.
 - Additionally, more lead gets into hot water than cold water. Use only cold water for drinking, cooking and making baby formula.

From: Wyant, Dan (DEQ)
Sent: Thursday, October 01, 2015 7:49 PM
To: Hedman, Susan
Subject: Re: talking points

Thank you.

Sent from my iPhone

On Oct 1, 2015, at 7:27 PM, Hedman, Susan <hedman.susan@epa.gov> wrote:

Further to our conversation, please note that lead and copper monitoring is used to determine:

- 1) Whether corrosion control is optimized. Under 141.81(b)(3), a water system is deemed to have optimum corrosion control if it submits results of tap water monitoring that demonstrates for 2 consecutive six-month periods that the 90th percentile level is below 5 ug/L (ppb). Because Flint exceeded this level, the City is required to implement corrosion control – as noted in MDEQ's August 17th letter to the City of Flint which states: "Since the City did not meet these criteria in both the July–December 2014, and January-June 2015, sampling periods, the City must now recommend a treatment to fully optimize corrosion control treatment"
- 2) Whether the lead action level (15ug/L) has been exceeded. Under 141.84(a), systems that fail to meet the lead action level in tap samples after installing corrosion control treatment must replace lead service lines – 7% of the lead service lines in its distribution system.

From: Wyant, Dan (DEQ) [<mailto:WyantD@michigan.gov>]
Sent: Thursday, October 01, 2015 5:02 PM
To: Hedman, Susan
Subject: Fwd: talking points

Talking points. I will make the adjustment you and I talked about. Thanks for your help.

Sent from my iPhone

Begin forwarded message:

From: "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>
Date: October 1, 2015 at 4:27:53 PM EDT
To: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Minicuci, Angela (DHHS)" <MinicuciA@michigan.gov>, "Eisner, Jennifer (DHHS)" <EisnerJ@michigan.gov>, "Hertel, Elizabeth (DHHS)" <HertelE@michigan.gov>, "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Murray, David (GOV)" <MurrayD1@michigan.gov>, "Thelen, Mary Beth (DEQ)" <THELENM2@michigan.gov>, "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Paciorek, Josh (GOV)" <Paciorekji@michigan.gov>, "Lasher, GERALYN (DHHS)"

<lasherg@michigan.gov>

Subject: talking points

Here's the talking points we've been working from. Feel free to add DHHS' info.

Karen Tommasulo
Public Information Officer
Michigan Department of Environmental Quality
517-284-6716 | 517-599-5733
tommasulok@michigan.gov

From: Wyant, Dan (DEQ)
Sent: Sunday, October 04, 2015 1:36 PM
To: Pallone, Maggie (DEQ)
Subject: Fwd: DRAFT Freep Editorial
Attachments: DRAFT freep editorial short 092015.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
Date: October 1, 2015 at 2:15:15 AM EDT
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfeis@michigan.gov>, "Lasher, GERALYN (DHHS)" <lasherg@michigan.gov>, "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>
Cc: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Subject: DRAFT Freep Editorial

First cut at the Free Press rebuttal editorial. Please review and advise.

Phone conversations preferable.

b

Brad Wurfel
Communications Director
Michigan Department of Environmental Quality
517-284-6713

PPI cell

A new way forward in Flint

State regulatory leaders were disappointed by recent Free Press editorials mischaracterizing Lansing's oversight of the City of Flint's drinking water system. The paper's portrayal of the state as uncaring about drinking water quality and the community's exposure to lead are simply off the mark.

State and federal regulators run programs to monitor lead in drinking water and in kids' blood levels specifically to track lead impacts on our communities. Lead is a real concern, particularly in children, and we take our responsibility seriously.

But it is important to remember that lead is all around us. It is in soils, deposited for decades by leaded fuel and industrial processes. It is paint, in homes built in the mid-1970s or earlier. And it is unfortunately common in the plumbing and service connections of older homes, which is why the DEQ requires community water sources around the state to track and record it and take steps when levels surpass federal action thresholds.

Let's be clear: The Flint River is not contributing lead. The water leaving the drinking water plant is clean and safe. The water traveling through the distribution system also is free of lead. The lead issues are the result of water in homes that have lead service lines or lead plumbing. And because the contamination factor is at the homeowner level, it is difficult to track or assess with the kind of specificity customers would like to think regulators have. Two homes on the same block might have very different results from lead testing, based on what kind of plumbing they have and how homeowners use their water.

Moreover, the City's efforts to test for lead involve sending water sampling kits to homeowners and relying on them to participate and follow the sampling instructions, and that has been a long-standing challenge in Flint. This year, the City sent out 200 bottles in January and got 60 samples back by June. We must operate on the best knowledge we have available, and we only know what the customers let us know by participating in the City's testing.

Emerging data from local doctors, however, added to our knowledge enough to spark some unusual precautionary actions. They reported to the media that blood lead levels in Flint kids at their offices are up this year. It's still early to know exactly what that means, but because lead is a serious threat to children's development, we have decided to take some short-term precautionary measures and do more to learn exactly what is happening in the city.

The state today joined with local and federal authorities to present an 11-step action plan designed to produce a clearer picture of lead in the community's water, offer immediate protection for its kids and families with corrosion control and free lead water

filters, review and audit testing protocols, and immediately assess the schools to reassure parents their kids are not exposed to lead at the drinking fountains.

Critics in the community and at the Free Press have said we have been slow to respond to Flint's drinking water concerns. The truth is that local, state and federal authorities have been paying very close attention to Flint's drinking water all along, but we have the responsibility to check facts and use the knowledge we have to develop responsible, meaningful strategies that will help everyone clearly understand the real risk level and take appropriate actions.

We will be transparent with all we are doing and everything we determine. But Flint residents should also recognize our ultimate success depends on their help. Residents with lead concerns should have their home water tested – customers of Flint water can request it for free. Parents of younger kids should have their children get free blood lead level testing at the local community health department. Residents who receive a testing kit from the City should recognize that this is an important opportunity to learn about their lead exposure while helping the city better track the quality of the water they provide.

We are committed to doing all we can to protect drinking water and public health, in Flint and the rest of Michigan. Possibly the most difficult crisis to address in Flint right now is a crisis of public confidence. The plan set forth today should send the strong signal that residents can be assured the city, state and federal regulators are accountable, forthright and working hard to protect them. It is the community's responsibility to take the steps available to them as well. Ensuring public health is a public service, but the public can play a key role.

Learn more at Michigan.gov/FlintDrinkingWater

From: Wyant, Dan (DEQ)
Sent: Sunday, October 04, 2015 1:39 PM
To: Pallone, Maggie (DEQ)
Cc: Thelen, Mary Beth (DEQ)
Subject: Fwd: Mlive guest column 092015
Attachments: Mlive guest column 092015.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
Date: October 1, 2015 at 3:40:28 AM EDT
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Lasher, Geralyn (DHHS)" <lasherg@michigan.gov>, "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>
Cc: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Subject: Mlive guest column 092015

First cut at Mlive guest column. Same drill as last email, please review and advise before we share it around to the broader group.

Thanks.

b

Leaders address ‘crisis of confidence’ with Flint water

Residents of Flint have been hearing concerning news about the municipal water supply for more than a year. Since the City switched water supplies and began using the Flint River as its source, some have complained that the water is different. State regulators have cited the system for various compliance issues.

More recently, voices within the community – and some from other states – have alleged state regulators failed to do their jobs. It simply is not the case. Leaders from the regulatory community today announced an 11-point plan to build our knowledge about lead in flint, better protect the community and restore public confidence in the regulatory framework.

Over the past year, the city has completed lead and copper testing required by law. Lead is a real concern, particularly in children. State and federal regulators run programs to monitor lead in drinking water and in kids’ blood levels specifically to track lead impacts on our communities.

It is important to remember lead comes from many sources, particularly in the state’s urban and industrial areas. It is in soils, deposited for decades by leaded fuel and industrial processes. It is paint, in homes built in the mid-1970s or earlier. And it is common in the plumbing and service connections of older homes, which is why the DEQ requires community water sources around the state to track and record it and take steps when levels surpass federal action thresholds.

Flint’s drinking water passed its lead and copper test. However, testing done by non-regulatory entities produced a different picture, creating confusion and concern – for residents of Flint as well as city, state and federal regulators.

The lead in question does not come from the Flint River. The water leaving the drinking water plant is clean and safe. The water traveling through the distribution system also is free of lead. The lead issues happen when the water reaches homes that have lead service lines or lead plumbing. This is important to know for two reasons: One, because the contamination happens at the homeowner level, it is very difficult to track precisely. And, the longer water sits in lead pipes, the more lead it takes on, so homes on the same block might have very different results from lead testing, based on what kind of plumbing they have and how homeowners use their water.

The City’s efforts to test for lead involve sending water sampling kits to homeowners and relying on them to participate and follow the sampling instructions, and that has been a long-standing challenge in Flint. This year, the City sent out 200 bottles in January and got 60 samples back by June. Regulators must operate on the knowledge available, and we only know what the customers let us know by participating in the City’s testing.

However, a recent announcement by local doctors that blood lead levels are rising in children residing in Flint's most at-risk zip codes added enough to the state's knowledge to spark some unusual precautionary measures. Experts are still working the data to determine exactly what it means, but the state takes lead seriously. Leaders have put forth an 11-point plan with short-term and long-term actions that will bolster our knowledge of the situation and provide a more accurate assessment of the threat level.

In the near term, the state will move immediately to provide free lead water filters for Flint water customers. We will test the drinking water at Flint schools. We will provide bottled water and formula to Flint mothers at risk. The system will be optimized for corrosion controls by the end of the month. These precautions will help protect the community while the state takes a deeper look at the drinking water system, the last round of test results and the testing protocols.

Flint residents should understand the state has been focused on Flint's water and Flint's kids for decades, but state leaders cannot make knee-jerk decisions based on unchecked allegations in the media. We have the responsibility to check facts and make decisions carefully, using the knowledge we have available to direct public resources.

Community participation plays a key role in our success. Residents who receive a testing kit from the City should recognize that this is an important opportunity to learn about their lead exposure while helping the city better track the quality of the water they provide. Residents with lead concerns should request a free home test from the city. Parents of young kids should take advantage of free blood lead level testing at the local community health department.

The plan set forth by the state speaks to a coordinated partnership among city, state and federal leaders. With community involvement, Flint's residents can be assured of more accurate and effective protection from lead exposure.

Learn more at Michigan.gov/FlintDrinkingWater

From: Wyant, Dan (DEQ)
Sent: Tuesday, October 06, 2015 6:07 PM
To: Arwood, Steve (MEDC)
Subject: Re: Flint

Thanks.

Sent from my iPhone

On Oct 6, 2015, at 5:38 PM, Steve Arwood (MEDC) <arwoods1@michigan.org> wrote:

Hey....if there is a need for short term finance for some infrastructure, I can help through MSF. Sent the offer over to Romney and now to you. Not sure what is needed on that score, but if there is a need and we have someone that we can talk to on it we can get started. Hang in there. Best, Arwood.

STEVE ARWOOD, DIRECTOR
STATE OF MICHIGAN | TALENT AND ECONOMIC DEVELOPMENT
ARWOODS1@MICHIGAN.ORG | LANSING 517-241-1400



Steve Arwood
Chief Executive Officer
Michigan Economic Development Corporation
300 N. Washington Square | Lansing, MI 48913
Office: 517.241.1400
Arwoods1@michigan.org

This message contains information which may be confidential and privileged. Unless you are the intended recipient (or authorized to receive this message for the intended recipient), you may not use, copy, disseminate or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 07, 2015 10:54 AM
To: Lasher, Geralyn (DHHS)
Subject: Re: I will be in Flint tomorrow

Excellent.

Sent from my iPhone

> On Oct 7, 2015, at 10:22 AM, Lasher, Geralyn (DHHS) <lasherg@michigan.gov> wrote:
>
> FYI. Nick will be in Flint with you tomorrow.
>
> -----Original Message-----
> From: Lyon, Nick (DHHS)
> Sent: Wednesday, October 07, 2015 9:31 AM
> To: Becker, Timothy (DHHS) <beckert1@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov>; Hertel, Elizabeth (DHHS) <HertelE@michigan.gov>; Lasher, Geralyn (DHHS) <lasherg@michigan.gov>; Eisner, Jennifer (DHHS) <EisnerJ@michigan.gov>; Eden Wells <ewells@umich.edu>; Moran, Susan (DHHS) <MoranS@michigan.gov>
> Subject: I will be in Flint tomorrow
>
>
>
>

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 07, 2015 6:51 PM
To: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ)
Subject: FW: Flint Water Summary for Governor
Attachments: City of Flint Water Funding Solution.pdf

Importance: High

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Duncan, Nancy (DTMB)
Sent: Wednesday, October 07, 2015 6:17 PM
To: Wyant, Dan (DEQ); Khouri, Nick (TREASURY); Saxton, Thomas (Treasury); Lyon, Nick (DHHS); Becker, Timothy (DHHS); Pallone, Maggie (DEQ); Zimmer, Mike (LARA); Pohl, Allan (LARA); Hanley, Farah (DHHS)
Cc: Roberts, John (DTMB); McNeely, Jacques (DTMB); Harrison, Jennifer (DTMB); Harkins, Chris (DTMB); Shoemaker, Lisa (DTMB); Starr, Scott (DTMB); Fosdick, David (DTMB); Kimmith, Dean (DTMB)
Subject: Flint Water Summary for Governor
Importance: High

Attached is a summary of the funding commitments to address the Flint Water situation. The total state commitment is \$10.4m; \$7.9m of that amount is GF/GP. [The DHHS number needs to be verified tomorrow morning, but the final number should be close to this estimate.]

The funding will address 4 priority areas:

1. Provision of filters for residential service;
2. 50% of the estimated cost to reconnect temporarily to the Detroit Water System;
3. Funding for testing water samples; and
4. Other state assistance (e.g., home/school/health facility inspections and follow-up for children with elevated blood levels).

We are preparing a formal supplemental request to transmit to the Legislature tomorrow. John intends to talk with Rep. Pscholka and Sen. Hildenbrand about including this funding in HB 4102, the pending supplemental bill now awaiting House concurrence. Assuming that they agree, we would ask for final action next week.

Please let me know if you have any questions or concerns about our planned approach.

Nancy

City of Flint Water - Funding Solution
State of Michigan Commitment

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	\$1,016,000	\$1,016,000	AY15 work project
Health & Human Services	\$0	\$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	\$1,016,000	\$2,016,000	
Reconnect to DSW:			Reconnection costs ~\$1.3m/month x 9 mos. to be shared by state & Flint
Environmental Quality	\$5,000,000	\$6,000,000	DEQ State Restricted Settlement Fund of \$1m; balance GF/GP
Subtotal Reconnect:	\$5,000,000	\$6,000,000	
Testing Costs:			
Environmental Quality	\$1,000,000	\$1,000,000	Additional tests at state lab; cost per sample: \$26
Subtotal Testing:	\$1,000,000	\$1,000,000	
Additional Agency Support:			
LARA	\$0	\$200,000	Support for plumbing inspectors to do schools (public and parochial) and health facilities (hospitals, Long Term Care, etc.).
MSHDA	\$0	\$249,900	
Health & Human Services	\$600,000	\$600,000	Follow-up on children with elevated blood levels
Environmental Quality	\$300,000	\$300,000	Home and school inspections.
Subtotal Additional Support:	\$900,000	\$1,349,900	
ALL TOTAL	\$7,916,000	\$10,365,900	

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 07, 2015 7:09 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Dickinson, Sarah (GOV); Emmitt, Beth (GOV)
Subject: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: City of Flint Water Funding Solution.pdf; FLINT SCHOOL TESTING RESULTS.DOCX; Drinking Water Regulations for Monitoring of Lead in Schools and Child C....doc; Response to Corrosion Control Questions.docx; Fwd: TAC Meeting Highlights; CC Meeting Minutes 3-25-2013 (1).doc; Flint.pdf; KWA Contract (amended) 130165.2.pdf

Governor Snyder,

I wanted to provide you with the attached documents to address a number of the questions that you are asking today. A full briefing for the press conference, including press release, talking points, run of show, and frequently asked questions, will be provided by your team. Included in this e-mail are the following attachments:

1. Flint Drinking Water FY 2016 supplemental budget request summary
2. Summary of the Flint schools water testing results and our response to the results
3. Drinking water regulations for monitoring lead in schools and child care centers
4. Response to the questions on corrosion control
5. Summary of today's Safe Drinking Water Technical Advisory Committee meeting
6. Flint City Council Minutes from March 25, 2013; the Resolution to Purchase Capacity from Karegnondi Water Authority; and the Amended Contract

Other Updates

Mayor Duggan and Sue McCormick of DWSD were contacted, briefed, and are supporting tomorrow's announcement. Both have indicated they would provide positive comments supporting the decision.

Dan Wyant

City of Flint Water - Funding Solution
State of Michigan Commitment

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	\$1,016,000	\$1,016,000	AY15 work project
Health & Human Services	\$0	\$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	\$1,016,000	\$2,016,000	
Reconnect to DSW:			Reconnection costs ~\$1.3m/month x 9 mos. to be shared by state & Flint
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Health & Human Services	\$600,000	\$600,000	Follow-up on children with elevated blood levels
Environmental Quality	\$300,000	\$300,000	Home and school inspections.
Subtotal Additional Support:	\$900,000	\$1,349,900	
ALL TOTAL	\$7,916,000	\$10,365,900	

FLINT SCHOOL TESTING RESULTS:

WHAT DID WE FIND?

- 1) The results of the initial screening conducted over the course of the last week are consistent with the last round of community lead and copper testing.
- 2) There were a total of 37 samples taken from 13 schools. Of those 37 samples, 4 exceeded the 15 ppb action level. There were 3 schools that had samples exceeding the action level: Eisenhower Elementary (which had two samples exceeding 15 ppb). Brownell STEM Academy and Freeman Elementary each had one sample exceeding 15 PPB. The sample from Freeman Academy was significantly higher than the other samples at 101 PPB.
- 3) Looking at the data from a health based perspective, the data clearly demonstrates that more detailed sampling needs to occur so that the various sources of lead contamination contained within each respective school's plumbing can be identified and addressed.

WHAT DOES THE DATA MEAN?

- 1) The data underscores the need for a complete and thorough evaluation of the plumbing system within each school.
- 2) We have developed a protocol for evaluating the plumbing systems and we will be working with schools to implement these protocols and to assist them in determining a corrective action plan to address this issue.
- 3) The State is identifying staff within DEQ, DHHS, LARA and Local County Health Departments to assist schools in conducting evaluations of their plumbing systems.

WHAT IS YOUR PROTOCOL?

- 1) DEQ's protocols are based on similar work done in Michigan and in other States.
- 2) Multiple samples from each tap used for cooking or drinking water will be collected at prescribed intervals to identify levels of lead and its likely source.
- 3) Once an evaluation is complete, we will be able to assist each School in developing a comprehensive plan to address issues on a site specific basis.

HOW DO SCHOOLS RESPOND?

- 1) Schools should continue protective measures that are currently in place until a complete study can be conducted at each school. This includes the continued use of bottled water for consumption purposes.
- 2) We will be reaching out to schools to schedule a complete evaluation, assessment and sampling, of their plumbing systems.

Drinking Water Regulations for Monitoring of Lead in Schools and Child Care Centers

There is no federal or Michigan law requiring sampling of drinking water in schools that receive water from other public water systems, although schools that have their own water supply are subject to regulation and sampling as non-community public water systems. Schools served by a public water system may be included as a sampling site (i.e., tap) for a public water system's lead and copper monitoring program if there are insufficient single-family homes that qualify. There are no federal requirements for more extensive testing.

The 1986 Amendments to the Safe Drinking Water Act (SDWA) required EPA to develop regulations to control for lead in drinking water. The Lead and Copper Rule (LCR), issued in 1991, is focused on controlling corrosion within the distribution system that delivers water to customers. The 1986 SDWA Amendments also required that only lead-free materials be used in new plumbing and in plumbing repairs.

In 1988, the SDWA was further amended by the Lead Contamination Control Act (LCCA), to reduce the exposure of lead to children in schools and child care facilities. The LCCA prohibited the sale of any drinking water cooler that is not lead-free and required that:

- the EPA identify each brand and model of drinking water cooler, indicating which are lead free and which have a lead-lined tank and distribute the list to states (SDWA Sec. 1463),
- the Consumer Product Safety Commission order that manufacturers and importers of all drinking water coolers identified as having a lead-lined tank repair, replace, or recall and provide a refund for such coolers (SDWA Sec. 1462),
- the EPA publish a guidance document and testing protocol to assist states in determining the source and degree of lead contamination in school drinking water (SDWA Sec. 1464), and
- states establish programs to assist schools and child care facilities to test for and remedy lead contamination problems, with public availability of results of such testing (SDWA Sec. 1464(d)).

As a result of a 1996 court decision, States are not required to establish testing programs. In its decision, the Fifth Circuit held that provisions in section 1464(d) were unconstitutional under the Tenth Amendment to the U.S. Constitution because they directly compelled the state to enact and enforce a federal regulatory program and provided no options for the State to decline the program. The decision did not, however, restrict states from developing and carrying out their own programs to assist schools.

In 1989 and subsequent years, EPA released guidance and information to inform states and school systems how to test for and reduce the risk of lead exposure in school drinking water. EPA's guidance provides a protocol for testing water in schools and recommends that schools take action at fixtures where the lead concentration exceeds 20 ppb. This concentration differs from the 15 ppb action level that public water systems are required to follow. ***The 20 ppb action level is based on a smaller sample collection volume of 250 milliliters (ml) and is designed to pinpoint specific fountains and outlets that require attention.***

In 1990, Michigan did provide schools and licensed child care centers with information to assist in testing and remediating potential lead contamination of their drinking water as required by the Lead Contamination Control Act of 1988. This information included a sampling protocol and guidance on flushing their system to minimize lead exposure.

In 2004, EPA surveyed states to determine what additional programs may exist to control exposure to lead in drinking water at schools and child care centers. Forty-nine states, Puerto Rico, the District of Columbia and the Navajo Nation responded. Only 16 respondents indicated they have or will conduct special sampling or studies to target lead exposure at schools and child care centers. Michigan has not included any additional sampling programs or studies. However, some local agencies have conducted voluntary programs. For example, the W.K. Kellogg Foundation funded a program implemented by the Calhoun County Health Department that sampled schools in Battle Creek. In Michigan's response to this EPA survey, we included a recommendation for EPA to allow schools to be considered as a primary LCR monitoring site so that more information about lead levels in schools would become available. However, no changes in sampling criteria have occurred to date.

In 2005, a Memorandum of Understanding was signed between the EPA, the Department of Education, the Centers for Disease Control and Prevention (CDC), the American Water Works Association, the Association of Metropolitan Water Agencies, the Association of State Drinking Water Administrators, the National Association of Water Companies and the National Rural Water Association to facilitate actions that reduce children's exposure to lead from drinking water at schools and child care facilities.

Across the country and in Michigan, most schools and child care facilities receive water from other community water systems. However, those schools that have their own source of drinking water are considered non-transient non-community water systems and are subject to the LCR. In Michigan, there are 755 such schools and child care centers that must monitor for lead to demonstrate compliance.

Response to Corrosion Control Questions

- Lime Softening can affect the pH in water
- The pH of the water is one physical characteristic that can affect the leaching of lead from pipes into the water
- As per the requirements in the Lead/Copper rule the Flint Water system was evaluated for two consecutive monitoring periods and the results of the monitoring demonstrated that further action was necessary.
- The DEQ promptly notified the Flint water system of the need for additional measures and the city of Flint promptly began putting together an action plan to address this need.

From: Sygo, Jim (DEQ)
Sent: Wednesday, October 07, 2015 6:00 PM
To: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ); Wyant, Dan (DEQ)
Subject: Fwd: TAC Meeting Highlights

Summary of advisory committee meeting

Sent from my iPhone

Begin forwarded message:

From: "Prysby, Mike (DEQ)" <PRYSBYM@michigan.gov>
Date: October 7, 2015 at 4:56:44 PM EDT
To: "Sygo, Jim (DEQ)" <Sygo.J@michigan.gov>
Subject: TAC Meeting Highlights

Below is a summary of the Flint TAC meeting to obtain the committee's endorsement to switch back to Detroit water.

1. The TAC endorses the switch back to the DWSD
2. Marc Edwards of VA Tech supports the switchover to DWSD with conclusion that Flint River water with corrosion control will still be 4 times more corrosive than water from DWSD after 5 weeks of treatment.
3. Genesee County states two weeks to prepare pipeline for re-use (flush, disinfect, sample, etc)
4. Supplemental corrosion control still needed with DWSD water and ACT 399 submittal can be made in approx one week.
5. No pros were brought to the table for staying on the Flint River.

Sent from my iPhone

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Minutes - Draft

Monday, March 25, 2013

5:33 PM

Agenda amended to include Board of Hospital Managers appointments

Council Chambers

CITY COUNCIL

*Scott Kincaid, President, Ward 9
Bryant W. Nolden, Vice President, Ward 3*

<i>Claudia Croom, Ward 1</i>	<i>Jacqueline Poplar, Ward 2</i>
<i>Joshua M. Freeman, Ward 4</i>	<i>Bernard Lawler, Ward 5</i>
<i>Sheldon A. Neeley, Ward 6</i>	<i>Dale K. Weighill, Ward 7</i>
<i>Michael J. Sarginson, Ward 8</i>	

Inez M. Brown, City Clerk

CALL TO ORDER

President Scott Kincaid called the meeting to order at 5:33 p.m.

ROLL CALL

Councilperson Michael Sarginson arrived at 5:37 p.m.

Present: Councilperson: Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, Kincaid, Councilperson Weighill and Councilperson Croom

PLEDGE OF ALLEGIANCE

Councilperson Sheldon Neeley led the Pledge of Allegiance.

SPECIAL ORDER

130217 Special Order/Information & Discussion/Karegnondi Water Authority (KWA)

A Special Order as requested by Council President Scott Kincaid to continue discussion and review of information on the Karegnondi Water Authority (KWA).

Presented

PETITIONS AND UNOFFICIAL COMMUNICATIONS

130193 Change to Digital/All Limited Basic Service Channels/Comcast Cablevision

Communication dated March 6, 2013, from Gerald W. Smith, Government Affairs Manager, Comcast, to Flint City Clerk, re: On or shortly after April 9, 2013, Comcast will convert all Limited Basic service channels -- including Public, Government and Educational Access (PEG) channels to digital format, and will provide customers with digital equipment.

This matter was Placed on File. The motion carried.

130199 Certified Letter/Loyst Fletcher, Jr. & Associates

Communication received from Loyst Fletcher, Jr. to Chief Legal Officer, re: He questions the tax-exempt status of Word of Life Christian Church, which received a tax bill from the city.

This matter was Placed on File. The motion carried.

130200 Local Approval Notice/Michigan Liquor Control Commission (MLCC)/Time Square/Ward 3

Local Approval Notice dated March 14, 2013, from MLCC to Flint City Clerk, re: The MLCC has received a request to transfer all stock in 2012 Class C license with Sunday Sales Permit (PM) and Dance Permit, located at 4522 N. Saginaw,

Flint, Michigan, 48505, Genesee County, held by the estate of Myra Seals, Inc., 1028 Cora Dr., Flint, MI 48532, to Carisa Mays Bishop, Personal Representative. [NOTE: Approval order enclosed.]

This matter was Placed on File. The motion carried.

- 130202** Local Approval Notice/Michigan Liquor Control Commission (MLCC)/D & R Market, Inc./Ward 6

Local Approval Notice dated March 6, 2013, and received March 15, 2013, from MLCC to Flint City Clerk, re: The MLCC has received an application from 2 AAR, LLC, requesting to Transfer Ownership of a Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) licensed business with Sunday Sales permit (PM) and Direct Connection-I to D & R Market, Inc., located at 1402-1404 N. Chevrolet, Flint, Michigan, 48504, Genesee County, from 2 AAR, LLC, 3079 Shattuck Arms Blvd., Apt. 5, Saginaw, MI 48603. [NOTE: The application was cancelled pursuant to a request from an attorney.]

This matter was Placed on File. The motion carried.

- 130204** Changes/Cable Channel Lineup/Comcast Cablevision

Communication dated March 18, 2013, from Gerald W. Smith, Government Affairs Manager, Comcast, to Flint City Clerk, re: effective on or about May 22, 2013, Fox Business Network/Fox Business Network HD (ch. 06/243) will from the Digital Preferred Service to the Digital Starter Service.

This matter was Placed on File. The motion carried.

- 130205** Media Alert/Flint Public Art Project/Announcement of Design Winner

Media Alert received via e-mail on March 19, 2013, from the American Institute of Architects (AIA), re: The Flint Public Art Project and the Flint Chapter of the AIA will announce the winner of the \$25,000.00 grand prize in the inaugural Flat Lot competition to design and build a temporary summer pavilion on Flint's central downtown parking lot at 9:30 a.m. Thursday, March 21, 2013, at the John Gazall & Associates, Mott Building, 503 S. Saginaw Street, Flint.

This matter was Placed on File. The motion carried.

- 130207** Damage Claims

MAYFIELD, LINDA, 2518 Walter Street, Flint, MI (WARD 2)
LANE, WILLIE C., 3130 Concord Street, Flint, MI (WARD 6)

This matter was Placed on File. The motion carried.

COMMUNICATIONS FROM CITY OFFICIALS

- 130194** Press Release/City of Flint/Hiring of New Police Officers/Recruitment of Others

Press Release dated March 11, 2013, from Jason Lorenz, City of Flint Public

Information Officer, re: The City of Flint has seven new police officers on the job from the public safety millage passed last November by voters. The city's next step is to hold a recruitment drive by working with a local college, which will set up a Police Academy when the city has gathered sufficient interest from its efforts.

This matter was Placed on File. The motion carried.

130195 Press Release/City of Flint/Sunday Sales of Alcohol Before Noon Not Permitted on St. Patrick's Day

Press Release dated March 12, 2013, from Jason Lorenz, City of Flint Public Information Officer, re: The City of Flint will not be able to permit Sunday alcohol sales before noon this Sunday, March 17, St. Patrick's Day. While the city adopted a resolution to allow a one-time exception to the Sunday morning alcohol ban, the Michigan Liquor Control Commission has taken the position that the city cannot create a one-day exemption.

This matter was Placed on File. The motion carried.

130196 Flint City Council/Public Notice/Special City Council Meeting/March 18, 2013

Public Notice posted March 14, 2013, re: The Flint City Council will hold a Special City Council Meeting, followed by a Finance Committee Meeting, at 5:30 p.m. Monday, March 18, 2013, in the City Council Chambers, 3rd Floor, City Hall, to consider a contract with the Karegnondi Water Authority (KWA).

This matter was Placed on File. The motion carried.

130201 Emergency Financial Manager (EFM) Order #10/Grant Applications

Order #10 issued by Emergency Financial Manager on March 15, 2013, "Grant Applications," re: "all city officials, department heads, division heads and employees shall adhere to ...requirements regarding the approval of any and all grant applications on behalf of the City of Flint or grant applications submitted by others which in any way involves the financial, programmatic or personnel support by the City of Flint." The five requirements, including the stipulation that only the Emergency Financial Manager or City Administrator are authorized to accept grants on behalf of the city, are included in the order.

This matter was Placed on File. The motion carried.

130203 Press Release/City of Flint/Flint Lifelines/Meeting Announcement

Press Release dated March 16, 2013, from Jason Lorenz, City of Flint Public Information Officer, re: Flint Lifelines, formerly CeaseFire Flint, will hold community meetings on the fourth Thursday of each month, beginning at 1 p.m. Thursday, March 28, 2013 at Flint Northwestern High School. The meetings are open to the public.

This matter was Placed on File. The motion carried.

130206 Flint City Council/Public Notice/Finance Committee Meeting/March 20, 2013

Public Notice posted March 19, 2013, re: The Flint City Council will hold a Finance Committee Meeting at 5:30 p.m. Wednesday, March 20, 2013, in the City Council Committee Room, 3rd Floor, City Hall.

This matter was Placed on File. The motion carried.

130208 Flint City Council/Public Notice/Special Affairs Committee Meeting/March 25, 2013

Public Notice posted March 22, 2013, re: The Flint City Council will hold a Special Affairs Committee Meeting at 5 p.m. Monday, March 25, 2013, in the City Council Committee Room, 3rd Floor, City Hall. A regular City Council meeting will immediately follow in the Council Chambers.

This matter was Placed on File. The motion carried.

130209 Traffic Engineering/Note for Bulletin/Street-Sidewalk-Lane Closures

Notes for Bulletin (3) dated February/March 2013, for street, sidewalk, or lane closures, re: (1) Harrison Street, Saginaw Street and Second Avenue (cable failure-March 11-March 20); (2) First Street, Harrison Street, Wallenberg, Kearsley, Crapo, Horrigan, and Harrison (St. Patrick's Day Pot O' Gold 4-Mil Run/Walk-March 17); and (3) Chevrolet Avenue (University Corner Grand Opening-March 22).

This matter was Placed on File. The motion carried.

Passed The Consent Agenda

A motion was made. The motion carried.

PUBLIC SPEAKERS**ROLL CALL**

Councilperson Dale Weighill left at approximately 7 p.m.

Present: Councilperson: Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, Kincaid and Councilperson Croom

Absent: Councilperson: Councilperson Weighill

APPOINTMENTS**130169.1** Amendment/Reappointment/Zoning Board of Appeals/Christine Monk (Ward 6)

Amended resolution resolving that the Flint City Council recommends the reappointment of Christine Monk (821 Frank Street, Flint MI 48504 - Ward 6), to the Zoning Board of Appeals for a three-year term, commencing September

1, 2011, and expiring September 1, 2014. [By way of background, Ms. Monk's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.] [Resolution amended to fix typographical error in first paragraph of resolution from "Board of Review" to "Zoning Board of Appeals."]

Sponsors: Sheldon A. Neeley

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130211 Appointment/Zoning Board of Appeals/Chris Zuwala (Ward 4)

Resolution resolving that the Flint City Council recommends the appointment of Chris Zuwala (3510 Whittier Avenue, Flint MI 48506 - Ward 4) to the Zoning Board of Appeals for a three-year term, expiring September 1, 2013. [NOTE: By way of background, Gloria Kelly's term as the 4th Ward representative expired in September 2007, but she continued to serve until resigning in January 2013.]

Sponsors: Joshua M. Freeman

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130212 Reappointment/Zoning Board of Appeals/Birdie V. Brooks (Ward 5)

Resolution resolving that the Flint City Council recommends the reappointment of Birdie V. Brooks (1307 Columbia Lane, Flint MI 48503 - Ward 5), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2014. [By way of background, Ms. Brook's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.]

Sponsors: Bernard Lawler

A motion was made by Councilperson Lawler, seconded by Councilperson Neeley, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130213

Resolution resolving that the Flint City Council recommends the reappointment of Marcia Braden (984 Barney Avenue, Flint MI 48503 - Ward 8), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2014. [By way of background, Ms. Braden's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.]

Sponsors: Michael J. Sarginson

A motion was made by Councilperson Sarginson, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130214 Reappointment/Zoning Board of Appeals/David C. Veasley (Ward 9)

Resolution resolving that the Flint City Council recommends the reappointment of David C. Veasley (2618 Pinetree Drive, Flint MI 48507 - Ward 9), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2015. [By way of background, Mr. Veasley's term on the Zoning Board of Appeals expired in September 2009, but he has continued since that time to serve.]

Sponsors: Scott Kincaid

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130215 Appointment/Genesee County Land Bank Citizens' Advisory Council/Anthony Tucker (Ward 4)

Resolution resolving that the Flint City Council recommends the appointment of Anthony Tucker (2960 Henry Street, Flint MI 48506 - Ward 4) to the Genesee County Land Bank Citizens' Advisory Council for the remainder of a three-year term, expiring in January 2016. [NOTE: By way of background, Dan Anderson's term as the 4th Ward representative expired in January 2013.]

Sponsors: Joshua M. Freeman

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130218 Reappointment/Hurley Board of Hospital Managers/Philip W. Shaltz

Resolution resolving that the Flint City Council approves the reappointment of Philip W. Shaltz (14144 Moffet Drive, Fenton, MI 48430) to an additional five-year term on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018.

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130219 Appointment/Hurley Board of Hospital Managers/Delrico Loyd

Resolution resolving that the Flint City Council approves the appointment of Delrico Loyd (2641 Westwood Parkway, Flint, MI 48507) to a five-year term on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018. [By way of background, Carl E. Mason was appointed in June 2008; his term expires April 30, 2013.]

Approved

Substituted

A motion was made by Councilperson Neeley, seconded by Councilperson Lawler, that this matter be POSTPONED for March 27, 2013. The motion failed by the following vote:

Aye: 3 - Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

No: 5 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

Substituted

A motion was made by Vice President Nolden, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 5 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, President Kincaid and Councilperson Croom

No: 3 - Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

Absent: 1 - Councilperson Weighill

130220 Appointment/Hurley Board of Hospital Managers/Donna Poplar

Resolution resolving that the Flint City Council approves the appointment of Donna Poplar (5277 Kimberly Woods Circle, Flint, MI 48504) to a five-year term

on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018. [By way of background, Frances Gilcreast was appointed in August 2008; her term expires April 30, 2013.]

Approved

Substituted

A motion was made by Councilperson Lawler, seconded by Councilperson Neeley, that this matter be POSTPONED for March 26, 2013. The motion carried by the following vote:

Aye: 7 - Councilperson Poplar, Vice President Nolden, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

No: 1 - Councilperson Freeman

Absent: 1 - Councilperson Weighill

RESOLUTIONS

130165.1 Amended Resolution/Contract/City of Flint/Karegnondi Water Authority (KWA)

Amended resolution resolving that city officials are authorized to enter into a contract with Karegnondi Water Authority (KWA) to purchase fifteen (15) units of capacity, AND, resolving that the City Administrator is authorized to provide KWA information needed to administer the contract, and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract. [NOTE: For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one-time fee of \$32,300. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount NOT-TO-EXCEED \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00, the buyer has a right to cancel the contract. Over the next 25 years, it is expected that continuing with Detroit will cost the region \$2.1 billion, compared to \$1.9 billion with a pipeline.] [NOTE: Contract not included.] [NOTE: Resolution amended from 18 to 15 units of capacity.]

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Amended. The motion carried by the following vote:

Aye: 5 - Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

No: 3 - Councilperson Poplar, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130165.2 Amended Resolution/Contract/City of Flint/Karegnondi Water Authority (KWA)

Amended resolution resolving that city officials are authorized to enter into a contract with Karegnondi Water Authority (KWA) to purchase sixteen (16) units

of capacity, AND, resolving that the City Administrator is authorized to provide KWA information needed to administer the contract, and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract. [NOTE: For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one-time fee of \$32,300. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount NOT-TO-EXCEED \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00, the buyer has a right to cancel the contract. Over the next 25 years, it is expected that continuing with Detroit will cost the region \$2.1 billion, compared to \$1.9 billion with a pipeline.] [NOTE: Contract not included.] [NOTE: Resolution amended from 15 to 16 units of capacity.]

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Adopted. The motion carried by the following vote:

Aye: 7 - Councilperson Poplar, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

No: 1 - Vice President Nolden

Absent: 1 - Councilperson Weighill

130216

Approval/The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint

Resolution that the City of Flint hereby approves and The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint, attached hereto. [NOTE: The City of Flint created the DDA, in accordance with Public Act 197 of 1975, as amended, and approved The Rules Governing the DDA in 1977. Public Act 197 has been amended and revised at various times since then, which required the proposed changes.] [NOTE: The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint is attached.]

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Amended. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130216.1

Amended Resolution/Approval/The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint

Amended resolution that the City of Flint hereby approves and The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint, attached hereto. [NOTE: The City of Flint created the DDA, in accordance with Public Act 197 of 1975, as amended, and approved The Rules Governing the DDA in 1977. Public Act 197 has been

amended and revised at various times since then, which required the proposed changes.] [NOTE: The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint is attached.] [Resolution amended for changes to rules.]

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

RESOLUTIONS - MAY BE REFERRED FROM S.A.

130210 Resolution/City Council/Mayor Dayne Walling/Request for Appointment of Transition Advisory Board

Resolution resolving that Mayor Dayne Walling and the Flint City Council request and recommend to Gov. Rick Snyder that a receivership transition advisory board be appointed for the City of Flint under Public Act 436 no later than July 1, 2013. [NOTE: On December 1, 2011, Gov. Snyder appointed Michael K. Brown as Emergency Manager under Public Act 4 for the City of Flint, due in part to a consistent deficit in the general fund, the decline in pooled cash, budget issues and unfunded liabilities for post-employment benefits. Due to the suspension and subsequent repeal of Public Act 4, Gov. Snyder appointed Edward J. Kurtz as Emergency Financial Manager under Public Act 72 for the City of Flint, effective August 9, 2012. Both the Emergency Manager and the subsequently appointed Emergency Financial Manager were authorized by virtue of their appointment to "act for and in the place and stead of the governing body and the office of chief administrative officer of the City of Flint." On March 28, 2013, Public Act 436 will become effective and provides that an emergency financial manager appointed and serving under state law immediately prior to the effective date shall continue to serve as an emergency manager under Public Act 436. As an alternative to continuation of an emergency manager, and if the financial emergency has been rectified, Public Act 436 authorizes the governor to appoint a receivership transition advisory board, which serves at the pleasure of the governor and monitors the affairs of the local government until the receivership is terminated.]

No vote was taken on this amendment.

Amended

130210.1 Amended Resolution/City Council/Mayor Dayne Walling/Request for Appointment of Transition Advisory Board

Amended resolution resolving that Mayor Dayne Walling and the Flint City Council request and recommend to Gov. Rick Snyder that a receivership transition advisory board be appointed for the City of Flint under Public Act 436 no later than July 1, 2013. [NOTE: On December 1, 2011, Gov. Snyder appointed Michael K. Brown as Emergency Manager under Public Act 4 for the

City of Flint, due in part to a consistent deficit in the general fund, the decline in pooled cash, budget issues and unfunded liabilities for post-employment benefits. Due to the suspension and subsequent repeal of Public Act 4, Gov. Snyder appointed Edward J. Kurtz as Emergency Financial Manager under Public Act 72 for the City of Flint, effective August 9, 2012. Both the Emergency Manager and the subsequently appointed Emergency Financial Manager were authorized by virtue of their appointment to "act for and in the place and stead of the governing body and the office of chief administrative officer of the City of Flint." On March 28, 2013, Public Act 436 will become effective and provides that an emergency financial manager appointed and serving under state law immediately prior to the effective date shall continue to serve as an emergency manager under Public Act 436. As an alternative to continuation of an emergency manager, and if the financial emergency has been rectified, Public Act 436 authorizes the governor to appoint a receivership transition advisory board, which serves at the pleasure of the governor and monitors the affairs of the local government until the receivership is terminated.] [Six-page resolution amended for changes proposed by City Council, City Clerk and Mayor Dayne Walling.]

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

MEETING SCHEDULE

ADDITIONAL COUNCIL DISCUSSION

ADJOURNMENT

Having no further business, Council President Scott Kincaid adjourned the meeting at 8:59 p.m.

Respectfully transcribed and submitted,

Janell Johnson. Administrative Secretary to City Council

EM SUBMISSION NO.: 2013EM041PRESENTED: 3-28-13ADOPTED: 3-29-13

BY THE EMERGENCY MANAGER:

**RESOLUTION TO PURCHASE CAPACITY FROM
KAREGNONDI WATER AUTHORITY**

The Karegnondi Water Authority (KWA) is a governmental consortium of cities and counties in southeastern Michigan that was created to build a water pipeline that will provide water from Lake Huron to interested communities in Sanilac, Lapeer, and Genesee counties. The incorporating bodies that created the KWA are Sanilac County, Lapeer County, Genesee County, the City of Flint, and the City of Lapeer.

The City of Flint is currently in a year to year contract with the City of Detroit for the purchase of water. A study was conducted that projected that staying with Detroit will cost the region \$2.1 billion over the next 25 years. In contrast, if the region builds its own pipeline, the projected costs are \$1.9 billion over the same period. After the initial 25 year period, the projected costs would be less than 25% of the projected water costs from Detroit.

In order to build the pipeline, the KWA needs commitment from its members regarding the capacity that each member will purchase in the pipeline. The KWA is allowed to withdraw 85 million gallons of water per day. Capacity is available to members in increments of 1 million gallons per day known as units. For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one time fee of \$32,300.00. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount not to exceed \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00 the buyer has a right to cancel the contract.

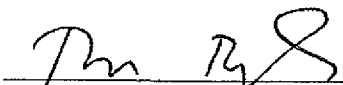
The purchase of capacity along with the payment of other costs necessary to operate the pipeline gives the member a right to water for sale to its customers. The buyer has a right to resell capacity and water rights. Each party entering into a capacity contract shall also be entitled to appoint additional board members equal to the party's percentage share of the total capacity under contract.

It is in the long term best interests of the City of Flint to enter into a contract with the KWA to purchase up to eighteen (18) units of capacity.

IT IS RESOLVED that City officials are authorized to enter into a contract with KWA to purchase up to eighteen (18) units of capacity.

IT IS FURTHER RESOLVED that the City Administrator is authorized to provide KWA information needed to administer the contract and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract.

APPROVED AS TO FORM:


Peter M. Bade, City Attorney

APPROVED AS TO FINANCE:


For Gerald Ambrose, Finance Director

EM DISPOSITION:

ENACT ✓ FAIL _____

DATED 3-29-13


Edward L. Kurtz, Emergency Manager

Flint

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed



[<http://connect.mlive.com/staff/dadams1/index.html>] By Dominic Adams | dadams5@mlive.com [<http://connect.mlive.com/staff/dadams1/posts.html>]
Follow on Twitter [<http://www.twitter.com/dominicadams>]
on March 25, 2013 at 10:45 PM, updated March 26, 2013 at 1:28 AM

FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.

The vote, **approved 7-1 at the Flint City Council meeting Monday, March 25**

[http://www.mlive.com/news/flint/index.ssf/2013/03/flint_city_council_again_delay.html] , may have set in motion the end to Flint paying to get its water from Detroit.

Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.

Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.

Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.

"We got there," Councilman Joshua Freeman said. "That's the important thing."

There were more than 50 people at Monday's meeting.

"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."

Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.

Wright said construction could start in May.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over \$50,000 must be approved.

Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly \$6.4 million annually for water service if it joined the pipeline – a nearly \$4 million savings on what it pays Detroit for water.

Walling previously said the **city would save \$19 million over eight years**

[http://www.mlive.com/news/flint/index.ssf/2013/03/flint_city_council_delays_deci.html] by getting water from the KWA.

"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."

He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.

Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.

Councilman Bryant Nolden was the lone dissenting vote.

"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."

Karegnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.

Flint is the second municipality, behind Genesee County, to officially decide to purchase raw water through the KWA. Lapeer city officials said they intend to purchase water, but an agreement has been finalized.

Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter [<http://www.twitter.com/dominicadams>], Facebook [<http://www.facebook.com/dominic.adams.1865>] or Google+ [<https://plus.google.com/103690672506808729911?rel=author>].

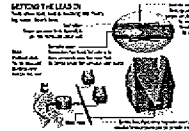


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Here's how that toxic lead gets into Flint water

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GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

JEFFREY WRIGHT
COMMISSIONER

G-4608 BEECHER ROAD, FLINT, MI 48532
PHONE (810) 732-1590 FAX (810) 732-1474



FOR IMMEDIATE RELEASE

CONTACT: Jeff Wright

March 26, 2013

810-287-1925

What: Jeff Wright Statement on Flint City Council Approving Resolution to Join KWA.

When: March 26, 2013

Additional Info: Jeff Wright, CEO of the KWA, today praised the Flint City Council for voting to approve a resolution to officially have the City of Flint join the KWA and its' water line.

"I have said from the beginning that this decision must be made by Flint's City Council and Mayor," said Wright. "I appreciate the council voting the way they did, but even more than that, I am glad the residents of Flint were able to have their voices heard via their elected officials." The next step in the process will come with the KWA Board executing the contract for the City.

"The most important aspect from the vote is the fact that we as an Authority can move forward knowing Flint's intentions," said Wright.

Despite Emergency Manager Ed Kurtz publicly supporting the project, Wright had made a vote by council a condition of Flint joining the KWA so the residents would have their say.

"There is a basic tenet that government is best when it has local control. We saw that with the council vote. Nobody, whether they live in Flint, Grand Blanc, Davison, Fenton, or anywhere in Genesee County, should have these types of decisions made by people who live outside of their community," said Wright.

At the next Water and Waste Advisory Board meeting a vote will be taken to award a contract for construction of the intake portion of the water line. All bids were submitted to the board at their last meeting for review.



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

ANDY DILLON
STATE TREASURER

Mr. Edward Kurtz
Emergency Manager
City of Flint
1101 South Saginaw Street
Flint, MI 48502

April 11, 2013

Dear Mr. Kurtz:

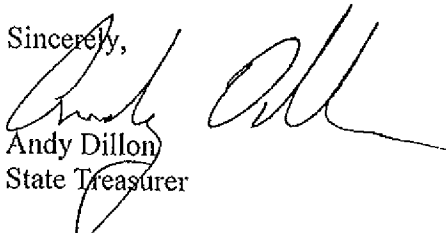
Thank you for your March 29, 2013 letter, which is attached for reference. As the Emergency Manager for the City of Flint ("Flint" or "City"), you have asked for my concurrence, pursuant to Public Act 436 of 2012, the Local Financial Stability and Choice Act, to authorize a contract in excess of \$50,000.00 not subject to competitive bidding. This request was related to the City entering into an agreement with the Karegnondi Water Authority (KWA) for provision of raw water for the City.

In considering your request, I took note of the following facts in support of Flint joining KWA. First, there is widespread support in the City for this move, including the support of the Mayor, the City Council, and the Emergency Manager. Second, this move will provide a unique opportunity for the City and County to partner on an important project, which will hopefully lead to future regional collaboration. Third, the Department of Environmental Quality is supportive of the City participating in the KWA project. Finally, your representations that this deal will lead to substantial savings for the City over the coming decades, savings that are desperately needed to help with the turnaround of the City of Flint.

It is my understanding that the Detroit Water and Sewer Department is making a final best offer to Genesee County and the City of Flint next Monday, April 15, 2013. As such, this approval will be effective at 5 pm on April 16, 2013 after receiving written notice from the City that either no such offer was presented to the county and the City or that an offer was received and was rejected in good faith based upon specified objections.

For the reasons described above and subject to the conditions set forth herein, pursuant to Section 12 (3) of PA 436 of 2012, I am authorizing you to proceed with adopting the resolution and entering into a contract with KWA.

Sincerely,


Andy Dillon
State Treasurer

Flint

Flint council supports buying water from Lake Huron through KWA



[<http://connect.mlive.com/staff/dadams1/index.html>] By Dominic Adams | dadams6@mlive.com [<http://connect.mlive.com/staff/dadams1/posts.html>]
Follow on Twitter [<http://www.twitter.com/dominicadams>]
on March 25, 2013 at 7:17 PM, updated March 26, 2013 at 7:43 AM

FLINT, MI -- Flint residents may soon get their water from Lake Huron.

The Flint City Council voted 7-1 to get 16 million gallons per day from the Karegnondi Water Authority.

"This is about compromise," said Councilman Sheldon Neeley.

Neeley got support from Councilman Joshua Freeman, after the two were previously at odds about the amount the city should withdraw from Lake Huron.

Councilman Bryant Nolden was the lone "no" vote.

"It was a protest vote," Nolden said. "I just feel like the Flint River is our best option."

Genesee County Drain Commissioner said construction of the pipeline could start in May.

The city currently pays to get its water from Detroit.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over \$50,000 must be approved.

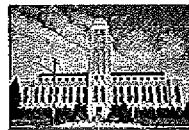
Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter [<http://www.twitter.com/dominicadams>], Facebook [<http://www.facebook.com/dominic.adams.1865>] or Google+ [<https://plus.google.com/103690672506808729911?rel=author>].

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From: Wyant, Dan (DEQ)
Sent: Thursday, October 08, 2015 9:02 AM
To: Pallone, Maggie (DEQ)
Subject: Fwd: RESENT: Flint Water Summary for Governor
Attachments: City of Flint Water Funding Solution.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Duncan, Nancy (DTMB)" <duncann1@michigan.gov>
Date: October 8, 2015 at 8:43:27 AM EDT
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Khouri, Nick (TREASURY)" <KhouriN@michigan.gov>, "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>, "Lyon, Nick (DHHS)" <LyonN2@michigan.gov>, "Becker, Timothy (DHHS)" <beckert1@michigan.gov>, "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Zimmer, Mike (LARA)" <zimmerm@michigan.gov>, "Pohl, Allan (LARA)" <pohlal1@michigan.gov>, "Hanley, Farah (DHHS)" <hanleyf@michigan.gov>
Cc: "Roberts, John (DTMB)" <RobertsJ9@michigan.gov>, "McNeely, Jacques (DTMB)" <mcneelyj@michigan.gov>, "Harrison, Jennifer (DTMB)" <harrisonj1@michigan.gov>, "Harkins, Chris (DTMB)" <HarkinsC1@michigan.gov>, "Shoemaker, Lisa (DTMB)" <shoemakerl@michigan.gov>, "Starr, Scott (DTMB)" <StarrS1@michigan.gov>, "Fosdick, David (DTMB)" <FosdickD@michigan.gov>, "Kimmith, Dean (DTMB)" <KimmithD@michigan.gov>, "Weiss, Kurt (DTMB)" <WeissK1@michigan.gov>
Subject: RESENT: Flint Water Summary for Governor

The DHHS number changed slightly from \$600k to \$850k, bringing the total commitment \$10.6m gross/\$8.2m GF. Revised chart attached.

Original message:

Attached is a summary of the funding commitments to address the Flint Water situation. The total state commitment is \$10.4m; \$7.9m of that amount is GF/GP. [The DHHS number needs to be verified tomorrow morning, but the final number should be close to this estimate.]

The funding will address 4 priority areas:

1. Provision of filters for residential service;
2. 50% of the estimated cost to reconnect temporarily to the Detroit Water System;
3. Funding for testing water samples; and
4. Other state assistance (e.g., home/school/health facility inspections and follow-up for children with elevated blood levels).

We are preparing a formal supplemental request to transmit to the Legislature tomorrow. John intends to talk with Rep. Pscholka and Sen. Hildenbrand about including this funding in HB 4102, the pending

supplemental bill now awaiting House concurrence. Assuming that they agree, we would ask for final action next week.

Please let me know if you have any questions or concerns about our planned approach.

Nancy

City of Flint Water - Funding Solution
State of Michigan Commitment

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	\$1,016,000	\$1,016,000	AY15 work project
Health & Human Services	\$0	\$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	\$1,016,000	\$2,016,000	
Reconnect to DSW:			Reconnection costs ~\$1.3m/month x 9 mos. to be shared by state & Flint
Environmental Quality	\$5,000,000	\$6,000,000	DEQ State Restricted Settlement Fund of \$1m; balance GF/GP
Subtotal Reconnect:	\$5,000,000	\$6,000,000	
Testing Costs:			
Environmental Quality	\$1,000,000	\$1,000,000	Additional tests at state lab; cost per sample: \$26
Subtotal Testing:	\$1,000,000	\$1,000,000	
Additional Agency Support:			
LARA	\$0	\$200,000	Support for plumbing inspectors to do schools (public and parochial) and health facilities (hospitals, Long Term Care, etc.).
MSHDA	\$0	\$249,900	Sufficient spending authority already exists
Health & Human Services	\$850,000	\$850,000	Follow-up on children with elevated blood levels
Environmental Quality	\$300,000	\$300,000	Home and school inspections.
Subtotal Additional Support:	\$1,150,000	\$1,599,900	
ALL TOTAL	\$8,166,000	\$10,615,900	

From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 9:26 AM
To: Zimmer, Mike (LARA)
Subject: RE: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Thanks, Mike.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Zimmer, Mike (LARA)
Sent: Friday, October 09, 2015 8:19 AM
To: Wyant, Dan (DEQ)
Subject: RE: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Our point will be Shelly Edgerton

Mike Zimmer, Director
 Dept. of Licensing and Regulatory Affairs
 611 W. Ottawa Street
 Lansing, Michigan 48909
 517-241-7124



From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 8:14 AM
To: Lyon, Nick (DHHS) <LyonN2@michigan.gov>; Zimmer, Mike (LARA) <zimmerm@michigan.gov>
Cc: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>
Subject: FW: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Importance: High

I will schedule a meeting or call to discuss. Governor would like a point person assigned to each of these items.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Wyant, Dan (DEQ)
Sent: Thursday, October 08, 2015 5:40 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Dickinson, Sarah (GOV); Emmitt, Beth (GOV); Snyder, Rick (GOV)
Cc: Wyant, Dan (DEQ)
Subject: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Importance: High

Dear Governor,

Below are our 26 action steps we are working on:

26 Action Steps for Next Week, October 12-16, 2015

1. Identify schools and prioritize for assessment
2. Get DLARA plumbers organized
3. Complete sampling instructions
4. MDARD info for restaurants
5. Update 2004 letter to EPA
6. Approve Flint plan for water line
7. Lead education plan for schools for Drinking Water
8. Begin regular meetings with Flint
9. Schedule WTP tour
10. Meet with schools and DLARA-invitation only
11. Update Web page
12. Contact DHHS to see where they are with United Way
13. Circulate protocol draft with EPA
14. Contact City about homeowner sample delivery
15. Communicate to MDARD and City that business samples should be coordinated through lab
16. Figure out number of samples from schools and child care facilities
17. Confirm Lynda Dykema is POC for DHHS
18. Contact KWA to find out if there are any bottlenecks we need to remove
19. Expedite 399 Plan and Phosphate Plan
20. Get update on service line index card conversion and identify where partial replacements exist
21. Make sure DHHS gets info so they can cross reference
22. Legislative contacts
23. Legislative time line and summary
24. Dan reconnect with state superintendent
25. Conduct After Action Plan
26. Change Part 54-Drinking Water Revolving Loan Fund

If you have any questions, please let me know.

Dan Wyant
Director

From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 9:27 AM
To: Lyon, Nick (DHHS)
Subject: RE: Daily updates

Thanks, Nick.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Lyon, Nick (DHHS)
Sent: Friday, October 09, 2015 8:37 AM
To: Wyant, Dan (DEQ)
Cc: Zimmer, Mike (LARA)
Subject: Re: Daily updates

I need to get you a filter distribution update c

On Oct 9, 2015, at 8:15 AM, Wyant, Dan (DEQ) <WyantD@michigan.gov> wrote:

If you guys have anything new, please forward it to me. The Governor has ask me to compile a daily progress on action items.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Krisztian, George (DEQ)
Sent: Friday, October 09, 2015 7:07 AM
To: Shekter Smith, Liane (DEQ)
Cc: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ); Wyant, Dan (DEQ); Sygo, Jim (DEQ)
Subject: Daily updates
Importance: High

Hi Liane,

The Governor wants daily updates regarding the progress we are making on the Flint issue. Can you please provide me with a summary of the action steps that we have taken on a daily basis? The summary should not contain excessive detail, it should be something like:

- Steve Busch contacted Natasha Henderson at the City of Flint to get details on supplemental Phosphate Dosing
- Pat Cook/Mike P Analyzed Plans for flushing and pressure testing lines to make the switch back to GLWA
- Met with city of Flint officials to review actions to date and to create a list of next steps

The above examples are for illustrative purposes only

I need to have this summary each day no later than 4:30 PM. This is a hard deadline as we need to get the summary to the Governor by 5:00 PM. Please make sure that you copy Mary Beth and Karen.

Thank you!
George

From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 9:34 AM
To: Krisztian, George (DEQ); Shekter Smith, Liane (DEQ)
Subject: FW: Daily updates

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Zimmer, Mike (LARA)
Sent: Friday, October 09, 2015 8:18 AM
To: Wyant, Dan (DEQ)
Subject: RE: Daily updates

Will get you something by 1:00. Our team met with your guys yesterday afternoon.

Mike Zimmer, Director
Dept. of Licensing and Regulatory Affairs
611 W. Ottawa Street
Lansing, Michigan 48909
517-241-7124



From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 8:16 AM
To: Lyon, Nick (DHHS) <LyonN2@michigan.gov>; Zimmer, Mike (LARA) <zimmerm@michigan.gov>
Subject: FW: Daily updates
Importance: High

If you guys have anything new, please forward it to me. The Governor has ask me to compile a daily progress on action items.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Krisztian, George (DEQ)
Sent: Friday, October 09, 2015 7:07 AM
To: Shekter Smith, Liane (DEQ)
Cc: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ); Wyant, Dan (DEQ); Sygo, Jim (DEQ)
Subject: Daily updates
Importance: High

Hi Liane,

The Governor wants daily updates regarding the progress we are making on the Flint issue. Can you please provide me with a summary of the action steps that we have taken on a daily basis? The summary should not contain excessive detail, it should be something like:

- Steve Busch contacted Natasha Henderson at the City of Flint to get details on supplemental Phosphate Dosing
- Pat Cook/Mike P Analyzed Plans for flushing and pressure testing lines to make the switch back to GLWA
- Met with city of Flint officials to review actions to date and to create a list of next steps

The above examples are for illustrative purposes only

I need to have this summary each day no later than 4:30 PM. This is a hard deadline as we need to get the summary to the Governor by 5:00 PM. Please make sure that you copy Mary Beth and Karen.

Thank you!
George

From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 9:35 AM
To: Krisztian, George (DEQ); Shekter Smith, Liane (DEQ)
Cc: Sygo, Jim (DEQ); Lyon, Nick (DHHS)
Subject: FW: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Zimmer, Mike (LARA)
Sent: Friday, October 09, 2015 8:19 AM
To: Wyant, Dan (DEQ)
Subject: RE: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Our point will be Shelly Edgerton

Mike Zimmer, Director
 Dept. of Licensing and Regulatory Affairs
 611 W. Ottawa Street
 Lansing, Michigan 48909
 517-241-7124



From: Wyant, Dan (DEQ)
Sent: Friday, October 09, 2015 8:14 AM
To: Lyon, Nick (DHHS) <LyonN2@michigan.gov>; Zimmer, Mike (LARA) <zimmerm@michigan.gov>
Cc: Thelen, Mary Beth (DEQ) <THELENM2@michigan.gov>
Subject: FW: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Importance: High

I will schedule a meeting or call to discuss. Governor would like a point person assigned to each of these items.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Wyant, Dan (DEQ)
Sent: Thursday, October 08, 2015 5:40 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Dickinson, Sarah (GOV); Emmitt, Beth (GOV); Snyder, Rick (GOV)
Cc: Wyant, Dan (DEQ)

Subject: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Importance: High

Dear Governor,

Below are our 26 action steps we are working on:

26 Action Steps for Next Week, October 12-16, 2015

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21. Make sure DHHS gets info so they can cross reference
22. Legislative contacts
23. Legislative time line and summary
24. Dan reconnect with state superintendent
25. Conduct After Action Plan
26. Change Part 54-Drinking Water Revolving Loan Fund

If you have any questions, please let me know.

Dan Wyant
Director

From: Wyant, Dan (DEQ)
Sent: Sunday, October 11, 2015 10:51 AM
To: Lyon, Nick (DHHS); Zimmer, Mike (LARA)
Cc: Krisztian, George (DEQ); Dykema, Linda D. (DHHS); Edgerton, Shelly (LARA)
Subject: Fwd: 2015-10-09 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-09 Action Steps Week of October 12-16.pdf; ATT00001.htm

Nick/Mike

For our call tomorrow. See attached list. Goal of call is coordination, identification of needed action, and identifying point people to help take lead on actions. Thanks for all you are doing.

Sent from my iPhone

Begin forwarded message:

From: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>
Date: October 9, 2015 at 4:56:47 PM EDT
To: "Scott, Allison (GOV)" <scotta12@michigan.gov>, "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>, "Agen, Jarrod (GOV)" <AgenJ@michigan.gov>, "Dickinson, Sarah (GOV)" <DickinsonS@michigan.gov>, "Emmitt, Beth (GOV)" <emmittb@michigan.gov>, "Snyder, Rick (GOV)" <SnyderR@michigan.gov>
PPI
Cc: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>
Subject: 2015-10-09 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Dear Governor,

Attached is our update for today, October 9, 2015.

We have included more information to the 26 Action Steps that we sent to you yesterday.

If you have any questions, please let me know. Thank you.

Dan Wyant
 Director

From: Wyant, Dan (DEQ)
Sent: Monday, October 12, 2015 12:29 PM
To: Tommasulo, Karen (DEQ)
Subject: Fwd: Freep on Flint

Sent from my iPhone

Begin forwarded message:

From: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>
Date: October 11, 2015 at 9:09:51 AM EDT
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Thelen, Mary Beth (DEQ)" <THELENM2@michigan.gov>, "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
Subject: Freep on Flint

This is the first balanced article I have read on this issue.

<http://www.freep.com/story/news/local/michigan/2015/10/10/missed-opportunities-flint-water-crisis/73688428/>

Maggie Pallone
Deputy Director
Policy and Legislative Affairs
Department of Environmental Quality
PPI (cell)
PalloneM@michigan.gov

From: Wyant, Dan (DEQ)
Sent: Monday, October 12, 2015 1:50 PM
To: Wurfel, Brad (DEQ); 'Sygo, Jim (DEQ) (SygoJ@michigan.gov)'; Shekter Smith, Liane (DEQ); Pallone, Maggie (DEQ); Krisztian, George (DEQ)
Cc: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ)
Subject: FW: Filter distribution data

Brad, Jim, Liane, Maggie, and George,

Director asked that I send you this information. Thank you.

Mary Beth

Mary Beth Thelen
 Management Assistant to Director Dan Wyant
 Department of Environmental Quality
 Constitution Hall, 6th Floor South
 Phone: 517-284-6712 or 284-6700 (new numbers)
 Fax: 517-241-7401
Thelerm2@michigan.gov

From: Wyant, Dan (DEQ)
Sent: Sunday, October 11, 2015 3:12 PM
To: Krisztian, George (DEQ)
Cc: Wyant, Dan (DEQ)
Subject: FW: Filter distribution data

George,

Director asked that I send this note to you. Thanks.

Mary Beth (on Dan's email)

From: Lasher, Geralyn (DHHS)
Sent: Friday, October 09, 2015 5:44 PM
To: Wyant, Dan (DEQ); Lyon, Nick (DHHS); Grijalva, Nancy (DHHS); Wurfel, Brad (DEQ); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Hertel, Elizabeth (DHHS)
Subject: Filter distribution data

MDHHS purchased total water filter distribution 10/6-10/9 = 7,731

Tuesday

4,588 filters were distributed through MDHHS offices, GCCARD the local Community Action Agency, Flint Housing Commission, Early Head Start, Mott Park Neighborhood Association and Commissioners.

Wednesday

1,438 filters were distributed through MDHHS offices and GCCARD.

GCCARD is coordinating filter installations for seniors and home bound individuals. The UAW pipe fitters are donating in kind services of \$20,000 for this installation. United Way has given filters to homeless shelters and any undocumented immigrants that have come to the Center. Filters were delivered to several senior housing complexes for maintenance to install.

Thursday

1046 filters were distributed through MDHHS offices and GCCARD.

MDHHS is also working to inform licensed non-school based daycares on where to get water filters.

Friday

635 Filters were distributed through MDHHS offices and GCCARD. **24** water pitchers were distributed as well

From: Wyant, Dan (DEQ)
Sent: Monday, October 12, 2015 1:56 PM
To: Thelen, Mary Beth (DEQ)
Subject: FW: Filter distribution data

From: Lasher, Geralyn (DHHS)
Sent: Friday, October 09, 2015 5:44 PM
To: Wyant, Dan (DEQ); Lyon, Nick (DHHS); Grijalva, Nancy (DHHS); Wurfel, Brad (DEQ); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS); Hertel, Elizabeth (DHHS)
Subject: Filter distribution data

MDHHS purchased total water filter distribution 10/6-10/9 = 7,731

Tuesday

4,588 filters were distributed through MDHHS offices, GCCARD the local Community Action Agency, Flint Housing Commission, Early Head Start, Mott Park Neighborhood Association and Commissioners.

Wednesday

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GCCARD is coordinating filter installations for seniors and home bound individuals. The UAW pipe fitters are donating in kind services of \$20,000 for this installation. United Way has given filters to homeless shelters and any undocumented immigrants that have come to the Center. Filters were delivered to several senior housing complexes for maintenance to install.

Thursday

1,046 filters were distributed through MDHHS offices and GCCARD.

MDHHS is also working to inform licensed non-school based daycares on where to get water filters.

Friday

635 Filters were distributed through MDHHS offices and GCCARD. 24 water pitchers were distributed as well

From: Wyant, Dan (DEQ)
Sent: Tuesday, October 13, 2015 2:34 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Emmitt, Beth (GOV); Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ); Dickinson, Sarah (GOV)
Subject: 2015-10-13 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-13 Action Steps Week of October 12-16.pdf; 2015-10-13 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 12-16

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Identify schools and prioritize for assessment	GCISD, GCHD, DEQ, DHHS, and Flint	Steve Busch	Done 10/13/15
2.	Get DLARA plumbers organized	DEQ and DLARA	Steve Busch	
3.	Complete sampling instructions	DEQ, DHHS, and EPA	Pat Cook	
4.	MDARD information for restaurants	MDARD, DHHS, and DEQ	Dana DeBruyn	
5.	Update 2004 letter to EPA	DEQ	Dana DeBruyn	
6.	Approve Flint plan for water line	DEQ, Flint, and Genesee County	Mike Prysby	Chlorination/disinfection of 72-inch main begun
7.	Lead education plan for schools for drinking water	DHHS and DEQ	Liane Shekter Smith	
8.	Begin regular meetings with Flint	DEQ and Flint	George Krisztian	Request made on 10/12/15; waiting for response
9.	Schedule Water Treatment Plant tour	DEQ and Flint	George Krisztian	Request made on 10/12/15; waiting for response
10.	Meet with schools and DLARA – invitation only	DEQ, DLARA, and Flint schools	Karen Tommasulo	
11.	Update DEQ Web page	DEQ	Karen Tommasulo	Done 10/12/15
12.	Contact DHHS to see where they are with United Way regarding emergency declaration	DEQ and DHHS	George Krisztian	Request made on morning of 10/13/15
13.	Circulate protocol draft with EPA	DEQ and EPA	Liane Shekter Smith	
14.	Contact city about homeowner sample delivery	DEQ and Flint	George Krisztian	

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
15.	Communicate to MDARD and Flint that business samples should be coordinated through DEQ laboratory	DEQ, MDARD, and Flint	Liane Shekter Smith George Krisztian	Liane to call MDARD and George to call Flint
16.	Figure out number of samples from schools and child care facilities	DEQ	Liane Shekter Smith Pat Cook Steve Busch	
17.	Confirm Linda Dykema is Point of Contact for DHHS	DEQ	George Krisztian	Done
18.	Contact KWA to find out if there are any bottlenecks we need to remove	DEQ and KWA	Mike Prysby	
19.	Expedite 399 Plan and Phosphate Plan	DEQ and Flint	Mike Prysby	
20.	Get update on service line index card conversion and identify where partial replacements exist	DEQ and Flint	Steve Busch	
21.	Make sure DHHS gets information so they can cross reference	DEQ and DHHS	Steve Busch	
22.	Legislative contacts	DEQ	Maggie Pallone	Conference call with Sen. Jim Ananich conducted on 10/12/15
23.	Legislative time line and summary	DEQ	Maggie Pallone	
24.	Reconnect with State Superintendent Brian Whiston	DEQ and Department of Education	Dan Wyant	Conference call conducted on 10/12/15
25.	Conduct After Action Plan	DEQ	George Krisztian	To be scheduled for 10/15/15
26.	Change Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone Liane Shekter Smith Sonya Butler	

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Coordinating Efforts Meeting on October 12, 2015

DEQ, DHHS, and DLARA met to discuss coordinating efforts for the Flint Action Plan. Issues discussed were:

- Flint is in the process of prioritizing schools for lead and copper testing. Should have list by COB October 14, 2015.
- Flint is sending out 3rd quarter reports incorporating input from the Technical Advisory Committee.
- Weekly meetings are being set up with agency points of contact from DEQ, DHHS, and DLARA. These contacts are:

George Krisztian (DEQ)
Linda Dykema (DHHS)
Shelly Edgerton (DLARA)

- DEQ is in the process of setting up weekly meetings with Mayor Dayne Walling. DHHS and DLARA will name representatives for these meetings. The initial meetings will be face-to-face, and then the use of conference calls will be evaluated later.
- DEQ is setting up a tour of the Flint Water Treatment Plant. Representatives from DHHS and DLARA will be included.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI
October 13, 2015

From: Wyant, Dan (DEQ)
Sent: Thursday, October 15, 2015 3:43 PM
To: Jamie Jacob
Subject: Re: Flint Water

Agreed.

Sent from my iPhone

> On Oct 15, 2015, at 7:56 AM, Jamie Jacob <jjacob@ajaxpaving.com> wrote:

>

> Dan,

>

> I hope this email finds you well even though I imagine you have been in the public limelight more than you prefer recently.

>

> The water issue in Flint has really disturbed me. I have read much about it and recently heard you on public radio. I know you well enough from our time on the Nature Conservancy board and traveling with you that you are equally disturbed with the Flint water issue.

>

> I realize your public comments have to be carefully worded and you chose to blame a portion of the reason the problem festered for so long on staff inexperience.

>

> Hopefully behind close doors you address this issue with staff more pointedly as I believe this is a case of department arrogance. The intransigent and uncooperative position by staff prior to being proven wrong is a case of arrogance. Arrogance is the worst character flaw that irks me to no end and that is really the source of the department's failure to serve the citizens interests. The culture of arrogance at the department has to be properly addressed to assure this does not happen again. I would hate to see staff be given a "free pass" by hiding behind "inexperience" as the culprit.

>

> I am not surprised that once you and Rick became focused on the Flint issue it was addressed very quickly. I have confidence in you but it will take sometime to regain the public trust.

>

> With warmest regards,

>

> Jamie

>

>

>

>

>

> Sent from my iPad

From: Wyant, Dan (DEQ)
Sent: Friday, October 16, 2015 11:03 AM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV)
Subject: 2015-10-16 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-16 Action Steps Week of October 12-16.pdf; 2015-10-16 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 12-16

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Identify schools and prioritize for assessment	GCISD, GCHD, DEQ, DHHS, and Flint	Steve Busch	Completed
2.	Get DLARA plumbers organized	DEQ and DLARA	Steve Busch	DLARA inspectors are ready
3.	Complete sampling instructions	DEQ, DHHS, and EPA	Pat Cook	Incorporating comments from partners
4.	MDARD information for restaurants	MDARD, DHHS, and DEQ	Dana DeBruyn	Completed; document in review process for Web site
5.	Update 2004 letter to EPA	DEQ	Dana DeBruyn	
6.	Approve Flint plan for water line	DEQ, Flint, and Genesee County	Mike Prysby	1st sample set results were not detected; 2nd sample set results were not detected; determination of flush water disposal pending by Flint
7.	Lead education plan for schools for drinking water	DHHS and DEQ	Liane Shekter Smith	DEQ working with DHHS to determine who will be the lead
8.	Begin regular meetings with Flint	DEQ and Flint	George Krisztian	1st meeting scheduled for 10/16/15

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
9.	Schedule Flint Water Treatment Plant tour	DEQ and Flint	George Krisztian	To be scheduled for week of 10/19/15; waiting on confirmation from Flint
10.	Meet with schools and DLARA – invitation only	DEQ, DLARA, and Flint schools	Karen Tommasulo	
11.	Update DEQ Web page	DEQ	Karen Tommasulo	Done 10/12/15
12.	Contact DHHS to see where they are with United Way regarding emergency declaration	DEQ and DHHS	George Krisztian	Completed; DHHS to notify DEQ if status changes
13.	Circulate protocol draft with EPA	DEQ and EPA	Liane Shekter Smith	Initial draft completed; comments received from EPA
14.	Contact city about homeowner sample delivery	DEQ and Flint	George Krisztian	Done
15.	Communicate to MDARD and Flint that business samples should be coordinated through DEQ laboratory	DEQ, MDARD, and Flint	Liane Shekter Smith George Krisztian	Liane to call MDARD; George called Flint
16.	Figure out number of samples from schools and child care facilities	DEQ	Liane Shekter Smith Pat Cook Steve Busch	
17.	Confirm Linda Dykema is Point of Contact for DHHS	DEQ	George Krisztian	Done
18.	Contact Karegnondi Water Authority (KWA) to find out if there are any bottlenecks we need to remove	DEQ and KWA	Mike Prysby	Bottlenecks identified with Lapeer County Road Commission
19.	Expedite 399 Plan and Phosphate Plan	DEQ and Flint	Mike Prysby	Corrosion control optimization studies in process

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
20.	Get update on service line index card conversion and identify where partial replacements exist	DEQ and Flint	Steve Busch	To be discussed at 10/16/15 meeting with Flint
21.	Make sure DHHS gets information so they can cross reference	DEQ and DHHS	Steve Busch	To be discussed at 10/16/15 meeting with Flint
22.	Legislative contacts	DEQ	Maggie Pallone	Supplemental appropriations bill (HB 4102) passed in the House 105-0 (10/14/15) and the Senate 37-0 (10/15/15)
23.	Legislative time line and summary	DEQ	Maggie Pallone	Provided backgrounder and time line to legislators on 10/13/15
24.	Reconnect with State Superintendent Brian Whiston	DEQ and Department of Education	Dan Wyant	Conference call conducted on 10/12/15
25.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting to be scheduled for week of 10/19/15
26.	Change Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone Liane Shekter Smith Sonya Butler	

From: Wyant, Dan (DEQ)
Sent: Monday, October 19, 2015 3:13 PM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV)
Subject: 2015-10-19 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-19 Action Steps Week of October 19-23.pdf; 2015-10-19 Flint Drinking Water Action Plan Update.pdf
Importance: High

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 19-23

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Update 2004 letter to EPA	DEQ	Dana DeBruyn	
2.	Schedule Flint Water Treatment Plant tour	DEQ and Flint	George Krisztian	To be scheduled for week of 10/19/15; waiting on confirmation from Flint
3.	Figure out number of samples from schools and child care facilities	DEQ	Jim Sygo Pat Cook Steve Busch	
4.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting to be scheduled for week of 10/19/15
5.	Introduce legislative changes to Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone George Krisztian Sonya Butler	
6.	After Action Review Panel	DEQ	Madhu Anderson George Krisztian Karen Tommasulo	
7.	Staff hiring plan	DEQ	Jim Sygo Maggie Pallone George Krisztian	
8.	\$1 million for DEQ Laboratory billing code	DEQ	Maggie Pallone George Krisztian	
9.	Finalize fiscal year 2017 budget request	DEQ	Maggie Pallone George Krisztian	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
10.	Develop letter to schools	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
11.	Finalize sampling protocol	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
12.	Confirm school sampling logistics	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
13.	Meeting(s) with school staff/management	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
14.	Complete Non-Transient Non-Community Water Supply letter	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
15.	Meet with DHHS and discuss all lead education material for schools	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
16.	ODWMA staff observe a DLARA plumbing assessment	DEQ and DLARA	Jim Sygo Steve Busch Pat Cook Mike Prysby	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
17.	Develop sample form and chain of custody document	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
18.	Provide Director Wyant with revised Part 54 language	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
19.	Review corrosion control treatment plan and get any EPA comments	DEQ and EPA	Jim Sygo Steve Busch Pat Cook Mike Prysby	
20.	Review construction permit application and issue construction permit for phosphate equipment	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
21.	Review Standby Operation of Flint Water Treatment Plant with city of Flint	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
22.	Provide city of Flint updated monitoring schedule based on Detroit Water and Sewerage Department (DWSD)/Great Lakes Water Authority (GLWA) service	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
23.	Contact city of Flint and Genesee County daily for DWSD connection status updates	DEQ, Flint, and Genesee County	Jim Sygo Steve Busch Pat Cook Mike Prysby	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
24.	Work with Karegnondi Water Authority (KWA) and other agencies to address bottleneck issues	DEQ and KWA	Jim Sygo Steve Busch Pat Cook Mike Prysby	
25.	Verify city of Flint distribution operations under DWSD/GLWA service	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	
26.	Contact city of Flint for Service Line Record status update and obtain a copy of the records to date	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
27.	Provide DHHS with any available cross-reference information	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
28.	Develop childcare facility guidance or review DHHS related materials	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 21, 2015 11:43 AM
To: Anderson, Madhu (DEQ)
Subject: FW: 10.21.15-Ananich-Letter-LevinAppointment-FINAL.pdf
Attachments: 10.21.15-Ananich-Letter-LevinAppointment-FINAL.pdf; ATT00001.txt

Sending to Madhu per her request.

MBT (on Dan's email)

-----Original Message-----

From: Andrew Leavitt [<mailto:ALEavitt@senate.michigan.gov>]
Sent: Wednesday, October 21, 2015 10:43 AM
To: Muchmore, Dennis (GOV); Wyant, Dan (DEQ)
Subject: 10.21.15-Ananich-Letter-LevinAppointment-FINAL.pdf

Good Morning Gentlemen,

Jim has placed a call to Senator Levin asking him if he would be interested in serving in some capacity on the Flint water review but they have not connected. To be fair to the Governor he wanted to make him aware that he would like Senator Levin to have a role in the process.

Thanks,

Andy

SENATE MINORITY LEADER
JIM ANANICH

317.520.0412
jim.ananich@senate.michigan.gov
senatedems.com/jimananich



October 21, 2015

State of Michigan
Executive Office of the Governor
P.O. Box 30013
Lansing, MI 48909

Governor Snyder,

You have stated you have plans to formalize an investigation into the Flint water crisis using an outside group of experts. As we have discussed, we should take care to appoint an individual who is highly qualified to investigate.

To that end, I request that you appoint former Senator Carl Levin as chair of any panel you create. As you are surely aware, Sen. Levin served as the chair of the Permanent Subcommittee on Investigations during his tenure in the Senate, in addition to a number of other government oversight subcommittees.

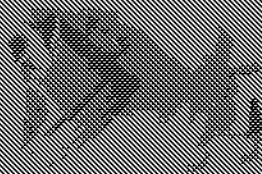
Even now, Sen. Levin is sharing his passion for aggressive government oversight at Wayne State University, where he teaches students how to use investigatory tools to improve public policy, and serves as chair of the new Levin Center. I cannot think of an individual better suited to restoring trust in our state government.

Please strongly consider my suggestion and help us take steps to ensure a thorough and accurate investigation.

Sincerely,

Jim Ananich
Senate Democratic Leader
District 27

cc:
Dan Wyant, MDEQ



From: Wyant, Dan (DEQ)
Sent: Wednesday, October 21, 2015 2:32 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Emmitt, Beth (GOV); Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ); Dickinson, Sarah (GOV)
Subject: 2015-10-21 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-21 Action Steps Week of October 19-23.pdf; 2015-10-21 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- Action Step #1 has been incorporated into the After Action Plan (Action Step #4).
- It was determined that the information in Action Step #10 would be communicated better in person and has, therefore, been incorporated into Action Step #13.
- DEQ staff has tentatively identify the week of October 26 to meet with representatives from the remaining 10 locations in the Flint Community Schools who were not present at the October 16 meeting at the Superintendent's office.
- DEQ staff has contacted DHHS to request a meeting regarding lead education materials for schools.
- The first plumbing assessment has been scheduled for Friday, October 23. The subsequent sampling of the first facility has been scheduled for Saturday, October 24. This decision was made jointly among DEQ, DLARA, and DHHS in an effort to ensure that sampling staff could properly evaluate the sampling protocol without the added pressure of completing the sampling process before students arrived on-site.
- The DEQ Laboratory has created a fillable PDF form for use in the school sampling protocol. This form was created to streamline the information gathering process. The form was submitted for review by staff in DEQ, DHHS, and DLARA, and comments were subsequently incorporated. The form is now complete and ready for use.
- The corrosion control treatment plan (CCTP) and permit application were received late last Friday, October 16, and were reviewed. Our review comments were provided to Flint's consultant [Lockwood, Andrews & Newnam, Inc. (LAN)]. The CCTP was forwarded to EPA on October 16, and their comments were received on October 19. A conference call was held on October 20 between our staff and Darren Lytle and Michael Schock of EPA to discuss the main comments (EPA's and DEQ's) to confirm that both agencies concur with the design and proposed corrosion control dosages. We are currently preparing a revised set of comments, based on our discussion with EPA. The revised comments will be sent to EPA to confirm concurrence before sending to LAN.
- An Act 399 permit will be issued to the city of Flint to install corrosion control treatment following receipt of revised plans, specs, and – as needed – a permit application that addresses the revised review comments.
- DEQ staff has contacted DHHS to schedule a meeting to discuss the development of childcare facility guidance. This guidance will be similar in nature to what is being done in schools but will be tailored to address the specific

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE**Flint Drinking Water Action Plan Update**

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concerns with younger children and the smaller plumbing infrastructure of typical childcare facilities.

Additional Actions:

- Standing meetings with the city of Flint have been scheduled for Fridays at 10:00 a.m. These meetings have been scheduled through December 18. In addition, a tour of the Flint Water Treatment Plant has been scheduled for October 23. The DEQ be taking video footage of the tour, showing the coordinated efforts being taken by the city of Flint, DEQ, DHHS, and DLARA. Genesee County Health Department (GCHD) has been invited to the Friday meetings as well as the tour, and GCHD is in the process of determining if they can participate.
- A meeting was held between staff from the DEQ, DLARA, and DHHS to discuss details regarding the flow and coordination of efforts for the school sampling protocol. It was mutually agreed that it was best to only do one school at first so that we can ensure that the process runs smoothly from partner to partner. The first plumbing evaluation will be done at Freeman Elementary School on Friday, October 23. Steve Busch of the DEQ will accompany staff from DLARA to answer questions they might have during their plumbing evaluations. The subsequent water sampling effort will take place the next day, on Saturday, October 24. It was agreed that taking the samples on Saturday would allow staff to be able to evaluate the sampling process without the added pressure of ensuring that the sampling was complete before students arrived at the building.
- DEQ Director Dan Wyant, Jim Sygo, George Krisztian, and Karen Tommasulo held a conference call with Dr. Susan Hedman, EPA's Regional Administrator, and other representatives from EPA to discuss the EPA's formation of the Flint Safe Drinking Water Task Force. The purpose of the Task Force is to provide one-stop shopping for technical assistance for the optimization of corrosion controls for the switch from Detroit Water and Sewerage Department to the Karegnondi Water Authority. EPA requested a point of contact for the DEQ, and Director Wyant suggested Chief Deputy Director Jim Sygo. EPA agreed that this was an appropriate choice and requested a formal letter indicating Chief Deputy Director Sygo as the point of contact.
- DHHS has indicated that the total water filter/pitcher distribution for the period of October 6 through October 20 was 9,373 units.

Prepared by: George Krisztian, Flint Action Plan Coordinator
 Laboratory Director
 Department of Environmental Quality
 Telephone: 517-284-6719
 Cell: PPI (new number)
 October 21, 2015

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 21, 2015 4:14 PM
To: Thelen, Mary Beth (DEQ); Fitch, Hal (DEQ)
Subject: RE: Information on the City of Flint's Drinking Water and Announcement of Interim Chief for ODWMA - Message from Director Dan Wyant

Yes.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Thelen, Mary Beth (DEQ)
Sent: Wednesday, October 21, 2015 4:09 PM
To: Fitch, Hal (DEQ); Wyant, Dan (DEQ)
Subject: RE: Information on the City of Flint's Drinking Water and Announcement of Interim Chief for ODWMA - Message from Director Dan Wyant

He is doing both. Since the Director mentioned it at the SMT meeting I could clarify it in the SMT highlights in the next few days.

Director, would that be okay? Thanks.

Mary Beth

Mary Beth Thelen
Management Assistant to Director Dan Wyant
Department of Environmental Quality
Constitution Hall, 6th Floor South
Phone: 517-284-6712 or 284-6700 (new numbers)
Fax: 517-241-7401
Thelenrn2@michigan.gov

From: Fitch, Hal (DEQ)
Sent: Wednesday, October 21, 2015 4:06 PM
To: Wyant, Dan (DEQ)
Cc: Thelen, Mary Beth (DEQ)
Subject: RE: Information on the City of Flint's Drinking Water and Announcement of Interim Chief for ODWMA - Message from Director Dan Wyant

I have heard of questions from a few staff as to whether Jim is retaining his duties as Deputy Director or has been “demoted” to ODWMA Division Chief. I do not know if it is worth a clarification, but thought I should let you know.

Hal

From: Wyant, Dan (DEQ)

Sent: Monday, October 19, 2015 3:59 PM

Subject: Information on the City of Flint's Drinking Water and Announcement of Interim Chief for ODWMA - Message from Director Dan Wyant

Dear Colleagues:

I know you have all heard a lot lately about the drinking water situation in Flint, and I want to update you on recent developments.

Today, I released a statement announcing Chief Deputy Director Jim Sygo will immediately assume the role of interim chief of the Office of Drinking Water and Municipal Assistance.

As details of the situation have emerged, it has become apparent staff made a mistake while working with the city of Flint. Simply stated, staff employed a federal protocol they believed was appropriate, and it was not. However, I am convinced our program staff believed they were doing their job correctly, and simply did not have the experience with the particular issue of corrosion control in cities of more than 50,000 people.

Today's actions were the result of a long process. In the spring of 2013, the city of Flint announced it would leave the Detroit Water and Sewerage Department (DWSD) in favor of joining the Karegnondi Water Authority, which is constructing a pipeline to bring drinking water from Lake Huron. In the meantime, the city used the Flint River, treated at the Flint Water Treatment Plant, as its full-time drinking water source.

Since then, the system experienced a number of problems, including most recently, elevated lead levels in some homes and schools. To address public health, the Governor led a charge to bring \$6 million in state funds, plus an additional \$2 million from the city and \$4 million from the C.S. Mott Foundation, to fund the city's reconnection with DWSD.

This was a huge first step in fixing the problem. However, while the switch back to Detroit water carried numerous public health benefits, lead in drinking water is largely a function of outdated local infrastructure. For a long-term fix, we are looking at several options to help the city update its infrastructure and remove all lead service lines.

To ensure safe drinking water in the short-term, the state is providing water filters to every resident in the city of Flint. Many local partners, including the United Way, are also stepping up to ensure the city's schools have bottled water available for children as we design a thorough protocol to test all schools.

I know this is a stressful time for many of you, and I appreciate your dedication and hard work. This is a good time to reflect, as a staff, on our purpose as an agency. Our mission is to protect public health

and the environment. Whatever the particular protocol or statute you help to implement or uphold, that is our core reason for being. Keep that at the forefront of your mind.

I am proud to lead a staff of such knowledgeable, committed individuals. Thanks, as always, for the work you do.

Sincerely,

Dan Wyant
Director

From: Wyant, Dan (DEQ)
Sent: Thursday, October 22, 2015 12:39 PM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV)
Subject: 2015-10-22 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-22 Action Steps Week of October 19-23.pdf; 2015-10-22 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- The initial meeting for the internal After Action Plan is scheduled for October 22. The purpose of the meeting is to define the scope of the internal review, create a detailed time line, connect all communications together to determine where communications could have been improved, and create a list of lessons learned and action steps moving forward.
- Madhu Anderson has provided information for the creation of an external After Action Review Panel. The Panel members have been selected, and a press release was issued by the Governor's office on October 21.
- The DEQ Laboratory, working in conjunction with MDOT's Accounting Services Division, has created the necessary billing codes to allow payment for the lead and copper samples from the city of Flint to be processed.
- The EPA's Flint Safe Drinking Water Task Force (Task Force) has provided comments to staff in the Office of Drinking Water and Municipal Assistance (ODWMA) on the sampling protocol. These comments are being reviewed, and ODWMA staff is continuing to finalize the protocol.
- The logistics for the initial plumbing evaluation and subsequent water sampling have been finalized among staff from DEQ, DLARA, and DHHS. The plumbing inspection is scheduled for Friday, October 23, and the water samples will be taken on Saturday, October 24.
- DEQ staff is responding to comments on the corrosion control proposal made by the EPA's Task Force. DEQ staff is following up on questions raised during the October 20 conference call.
- A monitoring schedule letter is expected to be mailed on October 22. The monitoring schedule addresses the change back to a customer supply of the Great Lakes Water Authority. A final copy of the letter will be attached to tomorrow's update.

Additional Actions:

- At the request of Representative Sheldon Neeley, George Krisztian contacted Carlita Earl, Principal of the Eagle's Nest Academy. Ms. Earl has formally requested that Eagle's Nest Academy receive a plumbing evaluation and water sampling as outlined in the newly-developed school assessment protocol. Ms. Earl was informed that she would be added to the list of schools being evaluated and that the original 13 Flint Community Schools buildings would be

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Flint Drinking Water Action Plan Update

Page 2

evaluated first and then the DEQ/DLARA/DHHS would expand the evaluation process to charter schools, parochial schools, and other childcare facilities. Ms. Earl was informed that since the Eagle's Nest Academy serves children in grades K-4 that they would be placed at the top of the list once the evaluations of the original 13 buildings are complete.

- Director Dan Wyant, Chief Deputy Director Jim Sygo, and George Krisztian met with a group of pastors and citizens who came to Constitution Hall to voice their concerns regarding the water in Flint. The discussion lasted for approximately one hour, and the topics included a history of events, questions regarding how decisions were made, and the plan moving forward. The group indicated that they had read a great deal in the media and were interested in finding out what DEQ's perspective of the situation was. The questions were tough, but the conversation was very respectful. The group was informed that an independent group external to the DEQ would be conducting an After Action Review, and this information seemed to be well-received.
- Shelly Edgerton of DLARA spoke to Eric Swanson of DTMB, who is going to call Howard Croft, Public Works Director, city of Flint, about the GIS program that the city of Flint is trying to run. Eric will follow up with Shelly after the conversation. In addition, DLARA will be meeting again with the city of Flint.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI (new number)
October 22, 2015

From: Wyant, Dan (DEQ)
Sent: Thursday, October 22, 2015 5:01 PM
To: Muchmore, Dennis (GOV)
Subject: RE: 2015-10-22 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

I haven't outside of weekly phone calls to the both.

Dan Wyant, Director
 Department of Environmental Quality
 517-284-6700 (New Number)

From: Muchmore, Dennis (GOV)
Sent: Thursday, October 22, 2015 4:41 PM
To: Wyant, Dan (DEQ); Scott, Allison (GOV); Agen, Jarrod (GOV); Emmitt, Beth (GOV); Bedan, Morgan (GOV)
Cc: Dickinson, Sarah (GOV)
Subject: RE: 2015-10-22 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Are we sharing any of this with Ananich and Neely?

From: Wyant, Dan (DEQ)
Sent: Thursday, October 22, 2015 12:39 PM
To: Scott, Allison (GOV) <scotta12@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Emmitt, Beth (GOV) <emmittb@michigan.gov>; Bedan, Morgan (GOV) <BedanM@michigan.gov>
Cc: Wyant, Dan (DEQ) <WyantD@michigan.gov>; Dickinson, Sarah (GOV) <DickinsonS@michigan.gov>
Subject: 2015-10-22 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
 Director

From: Wyant, Dan (DEQ)
Sent: Friday, October 23, 2015 12:07 PM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV);Edgerton, Shelly (LARA);Dykema, Linda D. (DHHS)
Subject: 2015-10-23 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-23 Action Steps Week of October 19-23.pdf; 2015-10-23 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

P.S. We are adding Shelly Edgerton, DLARA and Linda Dykema, DHHS as a cc to these daily e-mail communications in the future.

City of Flint Water Action Steps for Week of October 19-23

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Update 2004 letter to EPA	DEQ	Dana DeBruyn	This Action Step has been incorporated as part of the After Action Plan (Action Step #4)
2.	Schedule Flint Water Treatment Plant tour	DEQ and Flint	George Krisztian	Scheduled for 10/23/15 at 11:30 a.m.
3.	Figure out number of samples from schools and child care facilities	DEQ	Jim Sygo Pat Cook Steve Busch	1,300 samples (13 schools and 100 samples per school)
4.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting held 10/22/15
5.	Introduce legislative changes to Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone George Krisztian Sonya Butler	Draft language submitted to Maggie Pallone for review
6.	After Action Review Panel	DEQ	Madhu Anderson George Krisztian Karen Tommasulo	Panel created and press release issued on 10/21/15
7.	Staff hiring plan	DEQ	Jim Sygo Maggie Pallone George Krisztian	
8.	\$1 million for DEQ Laboratory billing code	DEQ	Maggie Pallone George Krisztian	Billing codes created on 10/21/15
9.	Finalize fiscal year 2017 budget request	DEQ	Maggie Pallone George Krisztian	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
10.	Develop letter to schools	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	This Action Step has been incorporated into Action Step #13
11.	Finalize sampling protocol	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Held conference call on 10/22/15 with EPA's Flint Safe Drinking Water Task Force to clarify questions on sampling protocol
12.	Confirm school sampling logistics	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Logistics have been finalized for the initial sampling scheduled for 10/24/15
13.	Meeting(s) with school staff/management	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	A meeting with the 10 remaining schools is tentatively scheduled for the week of 10/26/15
14.	Meet with DHHS and discuss all lead education material for schools	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ has contacted DHHS to schedule a meeting
15.	ODWMA staff observe a DLARA plumbing assessment	DEQ and DLARA	Steve Busch Pat Cook Mike Prysby	Initial plumbing assessment is scheduled for 10/23/15; sampling to occur on 10/24/15
16.	Develop sample form and chain of custody document	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ Laboratory has created a fillable PDF form for use in the school sampling protocol

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
17.	Review corrosion control treatment plan and get any EPA comments	DEQ and EPA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Summary of Flint's corrosion control plan submitted to EPA
18.	Review construction permit application and issue construction permit for phosphate equipment	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Construction permit is in process; proper phosphate dosages confirmed, based on incoming residual to Flint
19.	Review Standby Operation of Flint Water Treatment Plant with city of Flint	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
20.	Provide city of Flint updated monitoring schedule based on Detroit Water and Sewerage Department (DWSD)/Great Lakes Water Authority (GLWA) service	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Updated monitoring schedule has been completed and signed
21.	Contact city of Flint and Genesee County Health Department daily for DWSD connection status updates	DEQ, Flint, and Genesee County Health Department	Jim Sygo Steve Busch Pat Cook Mike Prysby	Switch to DWSD completed on 10/16/15; city of Flint will let DEQ know if they run into any unforeseen issues
22.	Work with Karegnondi Water Authority (KWA) and other agencies to address bottleneck issues	DEQ and KWA	Jim Sygo Steve Busch Pat Cook Mike Prysby	E-mail sent to Genesee County regarding concerns over soil erosion control measures
23.	Verify city of Flint distribution operations under DWSD/GLWA service	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
24.	Contact city of Flint for Service Line Record status update and obtain a copy of the records to date	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
25.	Provide DHHS with any available cross-reference information	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
26.	Develop childcare facility guidance or review DHHS related materials	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ has contacted DHHS to schedule a meeting

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- The initial After Action Plan meeting was held on October 22. Topics covered were:
 - The discussion of the roles of each team member
 - The scope of the After Action Plan
 - The time frame in which the After Action Plan is to be completed

The main components of the After Action Plan are:

- An After Action Review Summary time line that details critical events in chronological order, asking key questions, and providing explanations for actions taken
 - Implementation of the Governor's 10-point Action Plan
 - An evaluation of if DEQ made mistakes and, if so, what they were
 - An evaluation of lessons learned, defining what we can do better/differently in the future
- Participated on an October 22 conference call with the EPA's Flint Safe Drinking Water Task Force to discuss proposed sampling protocol and the comments received from EPA. Agreed to reconvene a call next week to discuss how the pilot sampling effort goes, what went well, what might need to be adjusted, etc.
 - A summary of our discussion with EPA regarding Flint's corrosion control plan was provided to Darren Lytle and Michael Schock of EPA. The summary included confirmation of the actual phosphate dosage from the Detroit Lake Huron Water Treatment Plant.
 - Proper dosages are now confirmed, based on incoming phosphate residual at Flint. A product cut-sheet to confirm NSF approval and maximum dose is to be provided shortly. Flint's consultant (Lockwood, Andrews & Newnam, Inc.) will also confirm proper sizing of the feed pumps. Anticipate receiving this information on October 23, which will facilitate issuance of the Act 399 permit.
 - An updated monitoring schedule is completed and signed. The schedule will be mailed to the city of Flint on October 23. A copy of the updated monitoring schedule is attached.
 - An e-mail was sent to John O'Brien of Genesee County informing him of our concern over improper soil erosion control measures at the pipeline job site and what corrective measures were being taken to avoid a potential halt of construction by the Lapeer County Road Commission. Genesee County has not responded thus far.

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Flint Drinking Water Action Plan Update

Page 2

Additional Actions:

- A conference call was held among representatives from DEQ/DLARA/DHHS to further discuss ways to ensure that the efforts of all three agencies were coordinated. It was determined that weekly calls providing updates to the group as a whole would be beneficial. DEQ also agreed to copy DLARA and DHHS on their daily update report to the Governor's office.
- Flint Action Plan Coordinator George Krisztian contacted Flint Community Schools Superintendent Bilal Tawwab to obtain permission to allow the *Detroit Free Press* to take footage of the water sampling process to be conducted at Freeman Elementary School on Saturday, October 24. Superintendent Tawwab gave his permission, stating that it would not be an issue since there would not be any students present.
- DLARA completed additional review of documents at the Flint repository to assist with the sequencing at the schools.
- Flint is able to provide DLARA plumbing inspectors with on-site workspace; additional documentation gives greater guidance on locations for plumbing fixtures.
- DLARA received confirmation from DEQ that bottles and necessary equipment will be available for sampling start on Saturday, October 24.

Attachment (Updated Monitoring Schedule)

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI (new number)
October 23, 2015



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



DAN WYANT
DIRECTOR

October 22, 2015

Mr. Brent Wright
City Of Flint – D.P.W
Flint Water Plant
4500 North Dort Highway
Flint, Michigan 48505

WSSN: 02310

Dear Mr. Wright:

SUBJECT: Revised Drinking Water Monitoring Schedule – 2015
Monthly Operation Reports
Siting Plans and Record Keeping

Monitoring Schedule:

Enclosed is your revised Drinking Water Monitoring Schedule for remainder of calendar year 2015 outlining the minimum requirements for your public water supply. Your schedule has been revised based on the City's change in source of its drinking water from the treatment of the Flint River utilizing the City's Water Treatment Plant to the Great Lakes Water Authority/Detroit Water and Sewerage Department. Collect samples early in the monitoring period of the year indicated on the schedule. If you use a private laboratory you are required to report the results to us within the first ten days of the month following the month that you received the results. To receive credit for monitoring, the "**WSSN**" (water supply serial number), the "**Site Code**," and "**County**" must appear on the sample result. Bottles will NOT be mailed automatically. If you use the Department of Environmental Quality Laboratory, you can order bottles by calling 517-335-8184. Be certain of the United States Environmental Protection Agency sampling and analysis method requirements for hold times.

Monthly Operation Report (MOR) Requirements:

The City shall submit MORs as required under Administrative Rule 1502 (R325.11502). Please note required coliform bacteria monitoring results and associated chlorine residual monitoring shall be submitted to the department within the first 10 days following the end of the required monthly monitoring period. In addition, monthly operation reports shall be submitted to the department during the month following the month for which the monthly operation report was prepared.

Mr. Brent Wright

2

October 22, 2015

Disinfection By-Product Sample Siting Plans:

The City of Flint shall continue routine standard monitoring of disinfection by-products, according to your Disinfection & Disinfectants By-Product (DDBP) plan which identifies 8 sites for routine quarterly monitoring.

Lead and Copper Monitoring Requirements and Site Sample Pool

Please note distribution system monitoring for water quality parameters (WQPs) continues at the expanded set of 25 sites per quarter. Lead and copper monitoring in accordance with the requirements of Administrative Rule 710a (R325.10710a) is being required for the 6 month period between January 1, 2016 and June 30, 2016. The City must ensure its sample site pool is large enough to collect the number of lead and copper tap samples required. All sites from which first draw samples are collected shall be selected from the pool of targeted sampling sites.

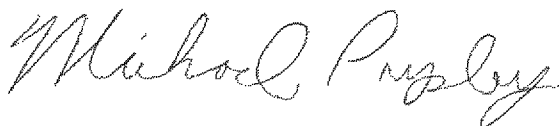
The City shall also conduct additional operational monitoring to demonstrate the effectiveness of corrosion control treatment.

Record Keeping:

The City shall maintain all monitoring records in accordance with all applicable requirements under the Administrative Rules including Rule 720a (R325.10720a), Rule 1506 (R325.11506), and Rule 1507 (R325.11507).

The Michigan Safe Drinking Water Act requires certain reports to be submitted to this office each year. Please remember that cross connection reports and annual pumpage reports are due by March 31, and the **Consumer Confidence Report** is due by July 1.

Also enclosed is the document "2015 Monitoring and Reporting Requirements." This provides additional details about monitoring and reporting requirements. If you have any questions, please contact us using the information below.



Michael F. Prysby, P.E., District Engineer
Lansing District Office
Office of Drinking Water and
Municipal Assistance
517-290-8817



Adam Rosenthal, EQA
Lansing District Office
Office of Drinking Water and
Municipal Assistance
517-284-6644

Enclosure

cc/encl: Mr. Robert Bisnick, City Of Flint
Genesee County Health Department

2015 Monitoring Schedule

FLINT, CITY OF
WSSN: 02310

Collect samples early in the monitoring period. This schedule reflects your expected routine monitoring and is subject to change. To receive credit for monitoring, include the **WSSN, Site Code, and County** on your request for analysis form. Collect Bacteriological and Automated Partial Chemistry samples close to the shipping time and send overnight delivery. Send all sample results to your Department of Environmental Quality (DEQ) district office unless you use the DEQ laboratory. Test codes, sample units, and costs are listed to help you complete the DEQ laboratory form. Prices are subject to change without notice. The DEQ laboratory is closed on state holidays.

Location: Distribution System

Sample Type	Collect Samples According to the ...	# Samples/ Frequency	Collect	Site Code	Fee	Unit Number	Test Code
Bacteriological – coliforms	TCR Sampling Site Plan	100/Monthly	Monthly	DIST	\$16.00	30	BPTC
Chlorine Residual	DBP Monitoring Plan	If serving chlorinated water, measure the residual disinfectant level at the same point and at the same time as the bacteriological sample and report the average to the DEQ.					
Total Trihalomethanes	DBP Monitoring Plan	8/3 months	During February, May, August and November 2015	See DBP Monitoring Plan	\$65.00	36VO	CXTM
Haloacetic Acids		8/3 months	During February, May, August and November 2015	See DBP Monitoring Plan	\$130.00	36HA	CXHA
Water Quality Parameters	Representative Sites	25/Quarterly	Quarterly	DIST	Various	Various	Various
Lead Copper for Corrosion Control	Lead and Copper Sampling Pool	60/6 months	Between 1/1 and 6/30/2016	DIST	\$26.00	36CC	CCUB

Community Water Supply 2015 Monitoring and Reporting Requirements

Please Monitor Early: Collect samples early in the monitoring period (month, quarter, year) of the year indicated on the schedule. Bacteriological and partial chemistry samples should be collected close to the shipping time and sent overnight delivery to assure sample holding times are not exceeded (30 and 48 hour hold times respectively). We also recommend avoiding mailing bacteriological samples immediately preceding or following a holiday because samples tend to exceed the 30 hour hold time. When this occurs, a repeat sample must be collected as soon as possible upon notification.

If you use a private laboratory please report the results to us within the first ten days of the month following the month that you received the results. A list of certified laboratories is available on request. If samples are not collected as indicated on your monitoring schedule, you will incur a monitoring violation and possibly a fine. For information on the fines policy, visit <http://michigan.gov/deqwater>. Click on Drinking Water, Community Water Supply, and Administrative Fines (under Laws and Rules).

To receive credit for monitoring, you must include the "**WSSN**" (water supply serial number), the "**Site Code**," and the "**County**" when you submit samples for analysis. Site codes are listed on your monitoring schedule.

Special Instructions If You Use The DEQ Laboratory: Bottles will NOT be mailed automatically. To order bottles, call the DEQ Laboratory at 517-335-8184 or download the form EQP 2301 *Requisition for Water Sample Units* from www.michigan.gov/deq. Click on Key Topics, Laboratory Services, Drinking Water, Obtaining The Necessary Sampling Units, and 'test list'. Please note that the DEQ laboratory is closed on most state holidays. The DEQ laboratory prices are subject to change without notice.

Special Instructions For Automated Partial Chemistry, VOC and TTHM Samples: These sample bottles must be cooled and preserved during shipment to the laboratory. If you use the DEQ laboratory, you will receive the ice pack, acid dropper (if necessary) and small cooler when you request the bottles. Samples must be preserved correctly to be used for compliance purposes. To avoid resampling follow instructions contained with the sample bottle. If you would like more information, contact the DEQ lab, at 517-335-8184, or contact this office.

Cyanide: Previously, supplies that chlorinated the water were waived from monitoring for cyanide. The U.S. EPA now requires all supplies to sample the entry point for cyanide.

UCMR3 Monitoring: You may have monitoring requirements in 2015 under the third Unregulated Contaminant Monitoring Rule (UCMR3). The U.S. EPA will contact you directly if your water supply is required to monitor in 2015. A list of laboratories certified to analyze the samples collected for UCMR3 is available at <http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/ucmr3/upload/lablist.pdf>. Contact the U.S. EPA with questions.

Reminder if Lead and Copper Monitoring Due This Year: Provide individual lead tap results to people who receive water from sites that you sampled, even if lead was not detected, within 30 days of learning the results. Send us a certification that you met all the delivery requirements along with a sample copy of the customer notice within 3 months after the end of the monitoring period. Water supplies that failed to distribute the Consumer Notice of Lead Results must include the following statement in their CCR, "During the year, we failed to provide lead results to persons served at the sites that were tested as required by the Lead and Copper Rule." To download the *Lead and Copper Report and Consumer Notice of Lead Result Certificate* in Microsoft Word or PDF format, visit www.michigan.gov/deqwater. Click on Drinking Water, Community Water Supply, and Reporting Forms (under Manuals, Forms & Brochures).

Annual Reports: These reports are due to this office each year.

- The **Cross Connection Report**, due by March 31, describes the status of your local cross connection control program. Manufactured housing communities are exempt from this requirements until 2016.

Each year, water supplies must submit this report, even if a formal program has not been implemented. If cross connections do not exist in your water system, indicate so on the report. Download the Cross Connection Report form from <http://michigan.gov/deqwater>. Click on Drinking Water, Community Water Supply, Reporting Forms (under Manuals, Forms & Brochures). Instructions are included with the form.

- The **Annual Pumpage/Usage Report**, due by March 31, is required of water supplies that do not submit monthly operation reports.

This summary of water pumpage and water use must be submitted by each water supply that does not submit a monthly operation report. To manage our natural resources, pumpage data are compiled to determine water use demands in Michigan. Download the Annual Pumpage/Usage Report form from <http://michigan.gov/deqwater>. Click on Drinking Water, Community Water Supply, Reporting Forms (under Manuals, Forms & Brochures). Please be sure to indicate the appropriate units on the report (e.g. million gallons or gallons).

- The **Consumer Confidence Report**, due by July 1 to your customers, to your local health department and to this office, describes the quality of the water and characterizes the risks, if any, from exposure to contaminants detected..

Electronic delivery methods may be used to distribute the CCR to bill-paying customers, provided the method is direct. A paper copy must be delivered to bill-paying customers who request it or known to be unable to receive the CCR electronically. For more information on e-delivery, visit www.michigan.gov/deqwater. Click on Drinking Water, Community Water Supply, Consumer Confidence Report Rule (under Laws and Rules).

From: Wyant, Dan (DEQ)
Sent: Friday, October 23, 2015 12:56 PM
To: Muchmore, Dennis (GOV)
Subject: Re: 2015-10-23 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

We knew this was going to be the tough week. We hope we have turned the corner. Headed in right direction.

Sent from my iPhone

On Oct 23, 2015, at 12:10 PM, Muchmore, Dennis (GOV) <muchmored@michigan.gov> wrote:

How are you doing at the end of this week? You ok? I'm worried about you a little.

From: Wyant, Dan (DEQ)
Sent: Friday, October 23, 2015 12:07 PM
To: Scott, Allison (GOV) <scotta12@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Emmitt, Beth (GOV) <emmittb@michigan.gov>; Bedan, Morgan (GOV) <BedanM@michigan.gov>
Cc: Wyant, Dan (DEQ) <WyantD@michigan.gov>; Dickinson, Sarah (GOV) <DickinsonS@michigan.gov>; Edgerton, Shelly (LARA) <EdgertonS1@michigan.gov>; Dykema, Linda D. (DHHS) <DykemaL@michigan.gov>
Subject: 2015-10-23 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
 Director

P.S. We are adding Shelly Edgerton, DLARA and Linda Dykema, DHHS as a cc to these daily e-mail communications in the future.

From: Wyant, Dan (DEQ)
Sent: Monday, October 26, 2015 7:34 AM
To: Scott Hayter
Subject: RE: Hang In There

I appreciate the note. Thanks.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Scott Hayter [<mailto:shayter@ramboll.com>]
Sent: Friday, October 23, 2015 3:50 PM
To: Wyant, Dan (DEQ)
Subject: Hang In There

Hello Dan,

I wanted to thank you for the years of hard work at the DEQ. I expect that the last several weeks have been stressful and discouraging, in part due to the Flint water supply issue. I am not involved in the Flint issue and you and I have not had many interactions (we met a couple of times at Chamber of Commerce meetings); however, I appreciate the reforms and improvements you have made at the DEQ. I also appreciate your integrity and your honest intentions. I expect many of the fruits of your labor will come into season years after your service has ended. I hope you continue your service within the DEQ for many more years.

Yours sincerely
Scott Hayter
Principal

D +1 734 7611773
M PPI
shayter@environcorp.com

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USA
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From: Wyant, Dan (DEQ)
Sent: Monday, October 26, 2015 2:26 PM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV);Edgerton, Shelly (LARA);Dykema, Linda D. (DHHS)
Subject: 2015-10-26 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-26 Action Steps Week of October 19-23.pdf; 2015-10-26 Flint Drinking Water Action Plan Update.pdf; MDHHS 10-22-15_Daily Activity Summary.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 19-23, 2015
2. Flint Drinking Water Action Plan Update
3. MDHHS's 10-22-15 Daily Activity Summary

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 19-23

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Update 2004 letter to EPA	DEQ	Dana DeBruyn	This Action Step has been incorporated as part of the After Action Plan (Action Step #4)
2.	Schedule Flint Water Treatment Plant tour	DEQ and Flint	George Krisztian	Scheduled for 10/23/15 at 11:30 a.m.
3.	Figure out number of samples from schools and child care facilities	DEQ	Jim Sygo Pat Cook Steve Busch	1,300 samples (13 schools and 100 samples per school)
4.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting held 10/22/15
5.	Introduce legislative changes to Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone George Krisztian Sonya Butler	Draft language submitted to Maggie Pallone for review
6.	After Action Review Panel	DEQ	Madhu Anderson George Krisztian Karen Tommasulo	Panel created and press release issued on 10/21/15
7.	Staff hiring plan	DEQ	Jim Sygo Maggie Pallone George Krisztian	
8.	\$1 million for DEQ Laboratory billing code	DEQ	Maggie Pallone George Krisztian	Billing codes created on 10/21/15
9.	Finalize fiscal year 2017 budget request	DEQ	Maggie Pallone George Krisztian	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
10.	Develop letter to schools	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	This Action Step has been incorporated into Action Step #13
11.	Finalize sampling protocol	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Sampling protocol was revised to include comments by EPA
12.	Confirm school sampling logistics	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Logistics have been finalized for the initial sampling scheduled for 10/24/15
13.	Meeting(s) with school staff/management	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	A meeting with the 10 remaining schools is tentatively scheduled for the week of 10/26/15
14.	Meet with DHHS and discuss all lead education material for schools	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ has contacted DHHS to schedule a meeting
15.	ODWMA staff observe a DLARA plumbing assessment	DEQ and DLARA	Steve Busch Pat Cook Mike Prysby	DEQ staff observed the DLARA plumbing assessment of Freeman Elementary School on 10/23/15
16.	Develop sample form and chain of custody document	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ Laboratory has created a fillable PDF form for use in the school sampling protocol

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
17.	Review corrosion control treatment plan and get any EPA comments	DEQ and EPA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Summary of Flint's corrosion control plan submitted to EPA
18.	Review construction permit application and issue construction permit for phosphate equipment	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Additional discussions are in progress with city of Flint
19.	Review Standby Operation of Flint Water Treatment Plant with city of Flint	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Comments by DEQ to city of Flint have been provided
20.	Provide city of Flint updated monitoring schedule based on Detroit Water and Sewerage Department (DWSD)/Great Lakes Water Authority (GLWA) service	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Updated monitoring schedule has been completed and signed
21.	Contact city of Flint and Genesee County Health Department daily for DWSD connection status updates	DEQ, Flint, and Genesee County Health Department	Jim Sygo Steve Busch Pat Cook Mike Prysby	Switch to DWSD completed on 10/16/15; city of Flint will let DEQ know if they run into any unforeseen issues
22.	Work with Karegnondi Water Authority (KWA) and other agencies to address bottleneck issues	DEQ and KWA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Issues regarding soil erosion controls during construction are being addressed
23.	Verify city of Flint distribution operations under DWSD/GLWA service	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	The switch back to Detroit water has been smooth so far

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
24.	Contact city of Flint for Service Line Record status update and obtain a copy of the records to date	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	
25.	Provide DHHS with any available cross-reference information	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
26.	Develop childcare facility guidance or review DHHS related materials	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ has contacted DHHS to schedule a meeting

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- The sampling protocol was revised to address comments received on October 22 from EPA's Flint Safe Drinking Water Task Force.
- Staff assisted DLARA in conducting a plumbing assessment at Freeman Elementary School. Actions were taken to prepare for sampling to be conducted on Saturday, October 24.
- The information requested by the DEQ was not received on October 23 from Flint's consultant, Lockwood, Andrews & Newnam, Inc. (LAN); thus, the construction permit for phosphate equipment was not issued. DEQ staff discussed with Flint Water Treatment Plant operator Brent Wright and Utilities Superintendent Michael Glasgow. Brent confirmed that he needs to provide some of the information regarding the phosphate product to LAN.
- DEQ staff discussed with Michael Glasgow and Brent Wright the need for quarterly test runs and monthly operation reporting details while the Flint Water Treatment Plant is in standby mode. Also included the need to report phosphate dosages and phosphate residuals (plant tap and distribution) in the monthly operation report.
- John O'Brien (Genesee County Drain Commissioner's office) contacted DEQ staff in response to our October 22 e-mail. The Lapeer County Road Commission (LCRC) has placed a stop work order on Contract S-4005; however, the Genesee County Drain Commissioner's office contends that the LCRC has no authority to issue a stop work order; thus, work is continuing. DEQ stressed the importance to John of the need to keep the project moving forward and to confirm that the contractor is following proper soil erosion measures and other local guidelines that may apply.
- Based on a discussion with Michael Glasgow and Brent Wright, there have not been major distribution system issues or upsets since the switch back to Detroit Water and Sewerage Department. Utility operators were flushing and winterizing hydrants this week and flushing from the Flint Water Treatment Plant to the outside reaches of the distribution system. Phosphate residuals are also being measured twice per week at Flint's bacteria monitoring sites.

Additional Actions:

- Representatives from DEQ, DLARA, and DHHS met on October 23 with Mayor Dayne Walling and Howard Croft from the city of Flint for the weekly update. Each group gave an overview of actions that were taken over the course of the week. The DEQ discussed sample results from homeowners since the offer to

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Flint Drinking Water Action Plan Update

Page 2

provide free lead and copper testing was made. The DEQ also discussed the school sampling protocol that was developed and would be used on Saturday, October 24, at Freeman Elementary School. DLARA discussed the plumbing assessment of Freeman Elementary School that was being conducted on Friday, October 23. DHHS gave an update on the prioritization schema for blood lead screening that was being conducted for Flint residents, with the highest priority going to individuals with the highest risk, including young children and infants.

- After the weekly coordination meeting, the city of Flint gave a tour of the Flint Water Treatment Plant to coordination committee members from the DEQ, DLARA, and DHHS. The tour provided a complete picture of the treatment process for both sources of water that could potentially be used, including water from the Flint River and treated water coming from Detroit. There was also discussion on how water from the Karegnondi Water Authority would be distributed, along with discussion of the supplemental addition of corrosion control agents.
- On Saturday, October 24, representatives of DEQ and DLARA conducted the first sampling event of Flint schools at Freeman Elementary School. Media from several news agencies were present to cover the initial sampling event and conducted interviews with Karen Tommasulo and footage was taken of the sampling process. The sampling team consisted of seven members, and it took a little over three hours to conduct the entire sampling event. There was a small group of protesters outside of the school who stayed there for approximately an hour and a half, after which they peacefully disbursed.

After the sampling event, the samples were driven to the DEQ Laboratory and logged into the computer system. The Laboratory's Inorganics Unit Supervisor was contacted and made aware of the status of the samples. The samples were then prepped on Sunday, October 25, and are scheduled for analysis on Monday, October 26.

Links for media coverage of the sampling event are below:

<http://www.abc12.com/home/headlines/State-begins-extensive-testing-of-water-plumbing-inside-Flint-Community-Schools-336669641.html?device=phone&c=y>

<http://nbc25news.com/news/local/mdeg-tests-lead-levels-at-flint-schools>

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI (new number)
October 26, 2015

From: Wyant, Dan (DEQ)
Sent: Tuesday, October 27, 2015 2:10 PM
To: Scott, Allison (GOV);Muchmore, Dennis (GOV);Agen, Jarrod (GOV);Emmitt, Beth (GOV);Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ);Dickinson, Sarah (GOV);Edgerton, Shelly (LARA);Dykema, Linda D. (DHHS)
Subject: 2015-10-27 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-27 Action Steps Week of October 26-30.pdf; 2015-10-27 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 26-30, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 26-30

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting held 10/22/15
2.	Introduce legislative changes to Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone George Krisztian Sonya Butler	Draft language submitted to Maggie Pallone for review
3.	After Action Review Panel	DEQ	Madhu Anderson George Krisztian Karen Tommasulo	Panel created and press release issued on 10/21/15
4.	Staff hiring plan	DEQ	Jim Sygo Maggie Pallone George Krisztian	
5.	Finalize fiscal year 2017 budget request	DEQ	Maggie Pallone George Krisztian	
6.	Meeting(s) with school staff/management	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	A meeting with the 10 remaining schools is tentatively scheduled for the week of 10/26/15
7.	Meet with DHHS and discuss all lead education material for schools	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	Meeting scheduled for 10/27/15
8.	Review corrosion control treatment plan and get any EPA comments	DEQ and EPA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Summary of Flint's corrosion control plan submitted to EPA

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
9.	Review construction permit application and issue construction permit for phosphate equipment	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Remaining items due are anticipated to be provided on 10/27/15
10.	Review Standby Operation of Flint Water Treatment Plant with city of Flint	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Comments by DEQ to city of Flint have been provided
11.	Work with Karegnondi Water Authority (KWA) and other agencies to address bottleneck issues; check weekly for status update	DEQ and KWA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Issues regarding soil erosion controls during construction are being addressed
12.	Contact city of Flint for Service Line Record status update and obtain a copy of the records to date	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Nearly 11,000 records received and waiting for review by DEQ staff
13.	Provide DHHS with any available cross-reference information	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
14.	Develop childcare facility guidance or review DHHS related materials	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	DEQ has contacted DHHS to schedule a meeting
15.	Create a generic school sampling guidance document for statewide distribution; target audience: schools served by municipal water	DEQ and DLARA	Jim Sygo Steve Busch Richard Benzie	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
16.	Confirm plumbing assessment and sampling is scheduled for Brownell K-2 STEM Academy and Eisenhower Elementary School	DEQ and DLARA	Jim Sygo Steve Busch Mike Prysby	Tentatively scheduled for 10/30/15

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- A meeting has been confirmed for October 27 with DHHS to discuss all lead education material for schools.
- DEQ staff discussed with the city of Flint's consultant, Lockwood, Andrews & Newnam, Inc., the remaining items that are needed for issuance of Michigan's Safe Drinking Water Act (Act 399) construction permit. Staff anticipates receiving these items on October 27.
- DEQ staff obtained approximately 10,895 records from the city of Flint's GIS system regarding service line index cards and extracted them into a table format for additional data review. Data review has been initiated by DEQ's Lansing District Office staff.
- DLARA and DEQ staff tentatively plans to conduct plumbing assessments at Brownell K-2 STEM Academy and Eisenhower Elementary School on October 30. DLARA staff will contact the Flint Community Schools' facility administrator to confirm the date and approximate times.

Additional Actions:

- All of the 124 samples that were taken at Freeman Elementary School on Saturday, October 24, were analyzed by the DEQ Laboratory on Monday, October 26. The data is being compiled into a spreadsheet to allow an evaluation of the various sampling points. Initial indications are that there will need to be some replacement of plumbing fixtures, but issues do not seem to exist deeper into the plumbing infrastructure. Further sequential testing will be conducted at select points to verify that water is being drawn from the main.
- DEQ staff met to discuss lessons learned from the sampling event at Freeman Elementary School. A number of observations were made with respect to how to streamline the process. The group agreed to incorporate several of the observations into the sampling protocol. The protocol is being updated to reflect these changes.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI
October 27, 2015

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 28, 2015 2:36 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Emmitt, Beth (GOV); Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ); Dickinson, Sarah (GOV); Edgerton, Shelly (LARA); Dykema, Linda D. (DHHS)
Subject: 2015-10-28 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 2015-10-28 Action Steps Week of October 26-30.pdf; 2015-10-28 Flint Drinking Water Action Plan Update.pdf

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. Action Steps Updated Document for the week of October 26-30, 2015
2. Flint Drinking Water Action Plan Update

Thank you.

Dan Wyant
Director

City of Flint Water Action Steps for Week of October 26-30

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
1.	Conduct After Action Plan	DEQ	George Krisztian	Initial meeting held 10/22/15
2.	Introduce legislative changes to Part 54 of NREPA – Drinking Water Revolving Loan Fund	DEQ, Treasury, and EPA	Maggie Pallone George Krisztian Sonya Butler	Draft language submitted to Maggie Pallone for review
3.	After Action Review Panel	DEQ	Madhu Anderson George Krisztian Karen Tommasulo	Panel created and press release issued on 10/21/15
4.	Staff hiring plan	DEQ	Jim Sygo Maggie Pallone George Krisztian	
5.	Finalize fiscal year 2017 budget request	DEQ	Maggie Pallone George Krisztian	
6.	Meeting(s) with school staff/management	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	A meeting with the 10 remaining schools is tentatively scheduled for the week of 10/26/15
7.	Meet with DHHS and discuss all lead education material for schools	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	Meeting held on 10/27/15; action items created
8.	Review corrosion control treatment plan and get any EPA comments	DEQ and EPA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Summary of Flint's corrosion control plan submitted to EPA

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
9.	Review construction permit application and issue construction permit for phosphate equipment	DEQ	Jim Sygo Steve Busch Pat Cook Mike Prysby	Additional items provided; still need 2 more items
10.	Review Standby Operation of Flint Water Treatment Plant with city of Flint	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Comments by DEQ to city of Flint have been provided
11.	Work with Karegnondi Water Authority (KWA) and other agencies to address bottleneck issues; check weekly for status update	DEQ and KWA	Jim Sygo Steve Busch Pat Cook Mike Prysby	Issues regarding soil erosion controls during construction are being addressed
12.	Contact city of Flint for Service Line Record status update and obtain a copy of the records to date	DEQ and Flint	Jim Sygo Steve Busch Pat Cook Mike Prysby	Cross-referencing process has begun
13.	Provide DHHS with any available cross-reference information	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	
14.	Develop childcare facility guidance or review DHHS-related materials	DEQ and DHHS	Jim Sygo Steve Busch Pat Cook Mike Prysby	Meeting held on 10/27/15; DHHS to provide materials
15.	Create a generic school sampling guidance document for statewide distribution; target audience: schools served by municipal water	DEQ and DLARA	Jim Sygo Steve Busch Richard Benzie	

Step No.	Action Step	Involved Parties	DEQ Point(s) of Contact	Status
16.	Confirm plumbing assessment and sampling is scheduled for Brownell K-2 STEM Academy and Eisenhower Elementary School	DEQ and DLARA	Jim Sygo Steve Busch Mike Prysby	Tentatively scheduled for 10/30/15

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

- DEQ staff met with DHHS staff on October 27 to discuss all lead education material for schools, and action items were created.
- On October 27 DEQ's Lansing District Office received updated dosage, pump specifications, and cut-sheets for phosphate product. A quick glance at the submittal shows most of the requested information has been provided, except for the NSF Standard 60 certification and the maximum dose. Staff will cross-reference the NSF Web site to verify proper certification and maximum dose. If acceptable, DEQ staff will proceed with issuance of the Act 399 permit. Otherwise, the city of Flint's consultant will need to provide the DEQ with the NSF Standard 60 certification and maximum dose information.
- DEQ staff has cross-referenced 46 of the 326 historical lead and copper monitoring sampling sites with the 10,895 service line index card information records available to date.
- DEQ staff met with DHHS staff to review and further develop childcare facility guidance and incorporate drinking water exposure information. Guidance is being provided by DHHS specific to the Genesee County emergency order, and separate guidance for statewide use will also be developed.

Additional Actions:

- Preliminary follow-up review of sampling event at Freeman Elementary School: DEQ and DLARA staff met and reviewed outlet/tap materials to correlate with sample results. DEQ staff contacted Jim Henry, Genesee County Health Department, to confirm the location of screening samples. The draft write-up is to be completed by DEQ staff on October 28.
- The weekly meeting between DEQ, DLARA, and DHHS was held. Discussion topics included a review of the results for Freeman Elementary School, along with a discussion of what the results meant and how the data would be presented to the Flint Community Schools Superintendent so that the information could be used to create an action plan for the school. Discussion also included working out the logistics for conducting the plumbing evaluation and subsequent sampling for the other two elementary schools that had results above the action level during the initial screen of 13 schools. Plans are in process to conduct these two plumbing evaluations on Friday, October 30, with the sampling to take place on Saturday, October 31.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI
October 28, 2015

From: Wyant, Dan (DEQ)
Sent: Monday, November 16, 2015 12:01 PM
To: Krisztian, George (DEQ)
Subject: Fwd: NRDC and Flint
Attachments: 2015-11-16-SDWA-Notice of Intent to Sue-Flint-FINAL.PDF; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Brader, Valerie (LARA)" <braderv@michigan.gov>
Date: November 16, 2015 at 9:53:57 AM EST
To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Travis Weber - Executive Office of Governor Snyder (WeberT7@michigan.gov)" <WeberT7@michigan.gov>, "Redford, James (GOV)" <RedfordJ@michigan.gov>
Subject: FW: NRDC and Flint

From: Gonzalez, Ariana [<mailto:agonzalez@nrdc.org>]
Sent: Monday, November 16, 2015 9:13 AM
To: Brader, Valerie (LARA)
Subject: NRDC and Flint

Hi Valerie,

I hoped to catch you on the phone, but didn't make it through. I wanted you to hear from me that NRDC's litigation team is at this moment filing a notice of intent to sue among others the City of Flint, Governor Snyder, and Dan Wyant under the Safe Drinking Water Act. NRDC along with the Concerned Pastors for Social Action, Melissa Mays, the American Civil Liberties Union of Michigan will working together in the state on this issue. I can put you in touch with those working in Flint if you'd like and will continue to be a resource and partner on all energy related matters. Please let me know if you have questions or would like more information.

Ariana

ARIANA GONZALEZ
Energy Policy Analyst

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DEFENSE COUNCIL

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M  PPI
AGONZALEZ@NRDC.ORG

November 16, 2015

By Certified Mail, Return Receipt Requested

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Governor Rick Snyder
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**Re: Notice of Intent to Sue Under the Safe Drinking Water Act, 42 U.S.C.
§ 300j-8(b)(1)(a), for Failure to Control Lead in Drinking Water in Flint,
Michigan, and Failure to Assist Michigan Schools with Lead Testing and
Remediation**

We write on behalf of Concerned Pastors for Social Action, Melissa Mays, the
American Civil Liberties Union of Michigan (ACLU of Michigan), and the Natural

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Resources Defense Council (NRDC), nonprofit citizens' organizations and individuals working to secure safe drinking water for the residents of Flint, Michigan. Since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint's drinking water, and to maintain a program to assist Michigan schools with lead testing and remediation, in violation of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. This letter provides notice pursuant to 42 U.S.C. § 300j-8(b)(1)(a) that we intend to sue the City of Flint; Rick Snyder, Governor of Michigan; Dan Wyant, Director of Michigan Department of Environmental Quality; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board (Board); Brian Larkin, David McGhee, Robert McMahan, and Beverly Walker-Griffiea, Members, RTAB; and Natasha Henderson, Flint City Administrator, if these violations are not remedied within sixty days.¹

Concerned Pastors for Social Action is an association of religious leaders from more than thirty churches and ministries in the Flint area that has advocated for the rights of the underserved for nearly fifty years. Melissa Mays is a Flint resident whose family has suffered from serious health problems as a result of the City's failure to provide safe drinking water. The ACLU of Michigan works in courts, legislatures, and communities to preserve the protections that our laws guarantee to all citizens. NRDC is a national membership organization committed to protecting public health and the environment and to reducing the exposure of all communities to toxic chemicals. These groups and individuals continue to be harmed by the violations of the Safe Drinking Water Act by the City and Michigan state officials, detailed below.

I. City and State officials have exposed and continue to expose Flint residents to dangerous amounts of lead in drinking water

A. The City, Emergency Manager, and State Treasurer chose the Flint River as a primary drinking-water source

In the fall of 2011, Michigan Governor Rick Snyder declared a financial emergency in the City of Flint and appointed an emergency manager to take control of the City's operations and finances.² Flint Mayor Dayne Walling and the City Council were stripped of all authority except as specifically allowed by the Emergency Manager, and the City was placed in state receivership.³ Under Michigan's Local Financial Stability and Choice Act, an

¹ These individuals are noticed in their official capacities.

² See Mich. Comp. Laws § 141.1549; Letter from Gov. Rick Snyder to Mayor Dayne Walling and Flint City Council (Nov. 8, 2011), http://www.michigan.gov/documents/treasury/Flint-GovernorsDetermination-11-8-11_417435_7.pdf (attached as Ex. 1); Dawson Bell, *Governor names Flint native as city's emergency financial manager*, Detroit Free Press, Nov. 30, 2011, <http://www.freep.com/article/20111130/NEWS06/111300370/Governor-names-Flint-native-city-s-emergency-financial-manager> (attached as Ex. 2).

³ Mich. Comp. Laws § 141.1549(2).

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Emergency Manager has “broad powers” to “rectify the financial emergency and to assure fiscal accountability of the local government.”⁴

While under control of the Emergency Manager, the City faced decisions about the future of its drinking-water supply. For fifty years, the City had purchased drinking water from the Detroit Water and Sewerage Department (Detroit), which sources water from Lake Huron.⁵ In response to rising water rates charged by Detroit, in March 2013, the City Council voted to join the Karegnondi Water Authority (KWA), a newly formed municipal water supply system. The KWA was planning to build a pipeline to distribute water directly from Lake Huron to mid-Michigan communities, including Genesee County, where Flint is located.⁶ The City Council’s vote did not become effective until several weeks later, after both the Emergency Manager and State Treasurer approved the decision.⁷

The City’s contract with Detroit was set to expire in April 2014, at least eighteen months before the KWA pipeline was scheduled to be completed.⁸ Faced with a year-and-a-half gap in the City’s water supply, the Emergency Manager declined to negotiate a short-term contract with Detroit and decided instead to use the Flint River as a primary drinking-water source.⁹ The City had previously explored—and rejected—the Flint River as a primary drinking-water source. This is because the Flint Water Treatment Plant would have required fifty million dollars in upgrades to treat the river water and “produce finished water in conformance with the current federal and state drinking water regulations.”¹⁰

⁴ *Id.*

⁵ See Dominic Adams, *Closing the valve on history: Flint cuts water flow from Detroit after nearly 50 years*, Michigan Live, Apr. 25, 2014, <http://www.mlive.com/news/flint/index.ssf/2014/04/closing-the-valve-on-history-f.html> (attached as Ex. 3).

⁶ Steve Carmody, *Flint opting to get its future tap water from Lake Huron*, Michigan Radio, Mar. 25, 2013, <http://michiganradio.org/post/flint-opting-get-its-future-tap-water-lake-huron#stream/> (attached as Ex. 4); Karegnondi Water Authority, About, <http://www.karegnondi.com/#!/about/c20r9> (last visited Nov. 13, 2015) (attached as Ex. 5).

⁷ See Mich. Comp. Laws § 141.1552(1)(g), (3); Emergency Manager, Resolution to Purchase Capacity from Karegnondi Water Authority (adopted Mar. 29, 2013) (attached as Ex. 6); Letter from Andy Dillon, State Treasurer, to Edward Kurtz, Emergency Manager (Apr. 11, 2013) (authorizing Emergency Manager to enter into contract with KWA) (attached as Ex. 7).

⁸ Sarah Schuch, *KWA pipeline work continues as Flint water lead concerns rise*, Michigan Live, Sept. 25, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/kwa_pipeline_projected_to_be_c.html (attached as Ex. 8); see Ron Fonger, *Detroit gives notice: It’s terminating water contract covering Flint, Genesee County in one year*, Michigan Live, Apr. 19, 2013, http://www.mlive.com/news/flint/index.ssf/2013/04/detroit_gives_notice_its_termi.html (attached as Ex. 9).

⁹ Letter from Darnell Earley, Emergency Manager, to Sue McCormick, Detroit Water & Sewer Dep’t (Mar. 7, 2014) (explaining that the City “has actively pursued using the Flint River as a temporary water source” instead of accepting Detroit’s offer to provide water to the City) (attached as Ex. 10).

¹⁰ Cost of Service Study (2011), Appendix 8 to Analysis of the Flint River as a Permanent Water Supply for the City of Flint, <http://www.scribd.com/doc/64382181/Analysis-of-the-Flint-River-as-a-Permanent-Water-Supply-for-the-City-of-Flint-July-2011-Appendices-1-to-8> (attached as Ex. 11);

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Under the Safe Drinking Water Act's Lead and Copper Rule, Flint's water system could not use the Flint River as a water source without first obtaining approval from the Michigan Department of Environmental Quality (MDEQ). The Lead and Copper Rule required MDEQ to approve both the City's proposed addition of a new water source (the Flint River) and the long-term change in water treatment (from treatment through Detroit's water plant to treatment at the Flint Water Treatment Plant).¹¹ In April 2014, MDEQ approved the switch to river water.¹² The City immediately began pumping Flint River water through the City's distribution pipes and into residents' taps.

B. Dangerous lead contamination results from the City's switch to river water

In the twenty months following the switch in water sources, residents' drinking water has been at times cloudy, discolored, and foul-smelling.¹³ Residents reported that they have experienced hair loss, skin rashes, and vomiting after drinking the water.¹⁴ In the summer of 2014, the City was forced to issue several boil-water notices after tap water tested positive for total coliform bacteria.¹⁵ The City's subsequent treatment of the water to kill disease-carrying pathogens resulted in elevated levels of total trihalomethanes, a disinfection byproduct that can cause serious health problems, including an increased risk of cancer.¹⁶

see also Kristin Longley, *Water pipeline v. Flint River: City of Flint studying its drinking water options*, Michigan Live, Jan. 22, 2011, http://www.mlive.com/news/flint/index.ssf/2011/01/water_pipeline_vs_flint_river.html (attached as Ex. 12); Dominic Adams, *Flint River now an option for drinking water following Detroit's termination of contract*, Michigan Live, July 23, 2013, http://www.mlive.com/news/flint/index.ssf/2013/07/city_readying_water_plant_to_t.html (quoting city officials' explanation for rejecting use of Flint River: "upgrades to Flint's water plant would be too expensive, the river didn't provide enough capacity to serve Flint residents' water needs and the Michigan Department of Environmental Quality would not allow it") (attached as Ex. 13).

¹¹ 40 C.F.R. § 141.90(a)(3); see also *id.* § 141.81(a)-(b).

¹² See Adams, *Closing the valve on history*, *supra* note 5 (Ex. 3).

¹³ See Curt Guyette, *In Flint, Michigan, Overpriced Water is Causing People's Skin to Erupt in Rashes and Hair to Fall Out*, The Nation, July 16, 2015, <http://www.thenation.com/article/in-flint-michigan-overpriced-water-is-causing-peoples-skin-to-erupt-and-hair-to-fall-out/> (attached as Ex. 14); Wenonah Hauter, *Flint's Brown Water Blues*, Huffington Post, July 10, 2015, http://www.huffpost.com/wenonah-hauter/flints-brown-water-blues_b_7765132.html (attached as Ex. 15).

¹⁴ Laura Gottesdiener, *Flint, Mich., residents find state water control hard to swallow*, Al Jazeera America, Apr. 3, 2015, <http://america.aljazeera.com/articles/2015/4/3/flint-residents-find-state-water-control-hard-to-swallow.html> (attached as Ex. 16).

¹⁵ Ron Fonger, *Flint issues boil water advisory for section of the city after positive test result for total coliform bacteria*, Michigan Live, Sept. 5, 2014, http://www.mlive.com/news/flint/index.ssf/2014/09/flint_issues_boil_water_adviso.html (attached as Ex. 17).

¹⁶ Robin Erb, *Who wants to drink Flint's water?*, Detroit Free Press, Jan. 23, 2015, <http://www.freep.com/story/news/local/michigan/2015/01/22/water-woes-latest-hit-flint/22193291/> (attached as Ex. 18); Mich. Dep't of Env'tl. Quality, Violation Notice—Maximum Contaminant Level for Total Trihalomethanes (Dec. 16, 2014) (attached as Ex. 19); U.S. EPA, Basic Information about Disinfection Byproducts in Drinking Water, <http://water.epa.gov/drink/contaminants/basicinform>

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Because Flint River water is also highly corrosive, dangerous amounts of lead began to leach out of pipes and into the City's drinking water.¹⁷ Lead in drinking water occurs primarily from corrosion of pipes and other plumbing materials that contain lead or lead solder.¹⁸ The Lead and Copper Rule requires water systems to manage lead levels by controlling corrosion, which is often accomplished by adding corrosion-inhibiting chemicals.¹⁹ Water systems must implement and maintain an "optimal" corrosion-control treatment program that "minimizes the lead . . . concentrations at users' taps."²⁰

Flint did not consider how to control the corrosivity of the river water before switching water sources, nor did MDEQ require the City to implement any corrosion-control measures. Rather, beginning in April 2014, the City did not use any form of treatment to control corrosion.²¹ The City waited until after its residents were drinking the river water to assess whether it posed a risk of increased lead exposure. MDEQ endorsed this approach. In June 2014, Flint's water system initiated the first of two six-month monitoring periods to test tap water for lead under the Lead and Copper Rule; the second six-month period ran from January to June 2015.²² During these monitoring periods, the water system used flawed testing methods that appear to have been designed to underreport the lead content of residents' drinking water.²³

ation/disinfectionbyproducts.cfm (last updated Dec. 13, 2013) (attached as Ex. 20); *see also* 40 C.F.R. § 141.64(b).

¹⁷ Marc Edwards, *Test Update: Flint River water 19X more corrosive than Detroit water for Lead Solder; Now What?*, Flint Water Study (Sept. 11, 2015), <http://flintwaterstudy.org/2015/09/test-update-flint-river-water-19x-more-corrosive-than-detroit-water-for-lead-solder-now-what/> (attached as Ex. 21); Marc Edwards, *Flint River water is very corrosive to lead, and causing lead contamination in homes*, Flint Water Study (Sept. 2, 2015), <http://flintwaterstudy.org/2015/09/flint-rivers-water-is-very-corrosive-to-lead-and-causing-lead-contamination-in-homes/> (attached as Ex. 22). The river water is so corrosive that in October 2014, a local GM engine plant decided to switch back to Lake Huron water to avoid damage to equipment at the plant from corrosion. Brianna Owczarzak, *GM says no to Flint water*, WNEM, Oct. 14, 2014, <http://www.wnem.com/story/26785625/gm-says-no-to-flint-water> (attached as Ex. 23).

¹⁸ *See* Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper, 56 Fed. Reg. 26,460, 26,464 (June 7, 1991).

¹⁹ *See* 40 C.F.R. § 141.82.

²⁰ *Id.* §§ 141.2; 141.80(d).

²¹ *See* Email from Pat Cook, MDEQ, to Miguel Del Toral, U.S. EPA (Apr. 24, 2015) (attached as Ex. 24).

²² *See* 40 C.F.R. § 141.86; Email from Pat Cook, *supra* note 21 (Ex. 24).

²³ *See infra* pp. 11-13.

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Flint's monitoring data showed that some residents' water contained lead at concentrations above the federal "action level" of 15 parts per billion (ppb).²⁴ These high lead levels put residents at risk of a broad array of serious, irreversible health effects, including cognitive impairment, kidney damage, and increased blood pressure.²⁵ When the Environmental Protection Agency (EPA) learned of these high lead sampling results in February 2015, it notified MDEQ officials that the sampling results raised significant concerns about corrosion from lead pipes in Flint's distribution system.²⁶ Nonetheless, throughout the monitoring periods, the City and MDEQ maintained that these high lead levels were isolated and that the data, taken together, demonstrated Flint's compliance with the Lead and Copper Rule.²⁷

C. Community advocacy and independent testing prompt long past due response from City and State officials

As the City concluded its second six-month round of sampling in July 2015, and notified some Flint residents of elevated lead levels in their tap water, the community became increasingly concerned. A small coalition of local groups, including Water You Fighting For and Concerned Pastors for Social Action, began working with researchers at Virginia Tech to conduct their own lead sampling of Flint's water. The Virginia Tech scientists found that ten percent of the more than 250 samples collected from Flint residences had lead levels of 25 ppb or more, well above the federal action level for lead.²⁸ Several samples exceeded 100 ppb, and one sample exceeded 1000 ppb.²⁹ Though aware of

²⁴ See Mich. Dep't of Env'tl. Quality, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (Aug. 20, 2015) (showing six samples with lead levels over the action level) (attached as Ex. 25); 40 C.F.R. § 141.80(c)(1).

²⁵ See, e.g., U.S. EPA, Integrated Science Assessment for Lead tbl.ES-1 (June 2013) (attached as Ex. 26); U.S. EPA, Basic Information About Lead in Drinking Water, <http://water.epa.gov/drink/contaminants/basicinformation/lead.cfm> (last updated June 26, 2015) (explaining that "[i]nfants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development," and that "[a]dults who drink this water over many years could develop kidney problems or high blood pressure") (attached as Ex. 27); see also National Ambient Air Quality Standards for Lead, 80 Fed. Reg. 278, 290 (Jan. 5, 2015).

²⁶ See, e.g., Email from Jennifer Crooks, U.S. EPA, to Stephen Busch, MDEQ, and Mike Prysby, MDEQ (Feb. 26, 2015) (attached as Ex. 28).

²⁷ See Nancy Kaffer, *MDEQ e-mails show stunning indifference to Flint peril*, Detroit Free Press, Oct. 22, 2015, <http://www.freep.com/story/opinion/columnists/nancy-kaffer/2015/10/21/indifference-characterized-state-approach-flint-water/74289430/> (attached as Ex. 29).

²⁸ *Flint Town Hall Meeting Presentation and Distribution of lead results across Flint by ward and zip codes*, Flint Water Study, Sept. 16, 2015, <http://flintwaterstudy.org/2015/09/distribution-of-lead-results-across-flint-by-ward-and-zip-codes/> (attached as Ex. 30); Ron Fonger, *Virginia Tech professor says Flint's tests for lead in water can't be trusted*, Michigan Live, Sept. 15, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/virginia_tech_researcher_says.html (attached as Ex. 31).

²⁹ Marc Edwards et al., *Lead testing results for water sampled by residents*, Flint Water Study, Sept. 28, 2015, <http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/> (attached as Ex. 32).

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the Virginia Tech sampling results, MDEQ officials continued to insist that Flint's water was safe to drink.³⁰

In September 2015, a medical study conducted by a local pediatrician confirmed the kinds of adverse health impacts that residents had voiced concern about for months: the rate of Flint children with elevated blood lead levels had nearly doubled since the City changed its drinking-water source.³¹ State officials and the Governor reacted by “downplay[ing] and in some cases attempt[ing] to discredit” the pediatrician’s findings, and dismissing citizen concerns as “near-hysteri[cal].”³²

Subsequent testing by MDEQ revealed that at least four schools in Flint had lead levels in their drinking water above the federal action level.³³ At Freeman Elementary School, water tested had lead levels over 100 ppb, more than six times the federal action level.³⁴ This increase in lead exposure is particularly dangerous in Flint, a community where residents are already at higher risk of elevated blood lead levels and lead poisoning. Michigan ranks fifth worst in the country for harmful exposures to lead.³⁵ Low income is a risk factor for lead poisoning, and more than a third of families in Flint live below the poverty level, three times the national average.³⁶ Children in Flint also face high risk of lead

³⁰ Ron Fonger, *Feds sending in experts to help Flint keep lead out of water*, Michigan Live, Sept. 10, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/university_researchers_dont_dr.html (attached as Ex. 33).

³¹ *Pediatric Lead Exposure in Flint, MI: Concerns from the Medical Community* (PowerPoint Presentation) (presented on Sept. 24, 2015), available at <http://flintwaterstudy.org/2015/09/pediatric-lead-exposure-presentation-from-hurley-medical-center-doctors-concerning-flint-mi/> (attached as Ex. 34).

³² *Study suggests Flint's water causing increased lead poisoning*, Michigan Radio, Sept. 28, 2015, <http://michiganradio.org/post/study-suggests-flints-water-causing-increased-lead-poisoning#stream/0> (attached as Ex. 35); Ron Fonger, *State says data shows no link to Flint River, elevated lead in blood*, Michigan Live, Sept. 24, 2015, http://www.mlive.com/news/flint/index.ssf/2015/09/state_says_its_data_shows_no_c.html (attached as Ex. 36); *Did this Michigan Town Poison its Children?*, U.S. News & World Report, Sept. 24, 2015, <http://www.usnews.com/news/articles/2015/09/25/flint-michigan-children-show-high-levels-of-lead-in-blood> (attached as Ex. 37).

³³ Steve Carmody, *Four Flint schools have high lead levels in their water*, Michigan Radio, Oct. 8, 2015, <http://michiganradio.org/post/four-flint-schools-have-high-lead-levels-their-water> (attached as Ex. 38).

³⁴ *Id.*

³⁵ Ctrs. for Disease Control & Prevention, *Public Health in Action: Lead Poisoning Prevention in Michigan* (last updated Feb. 4, 2013), http://www.cdc.gov/nceh/information/healthy_homes_lead.htm (attached as Ex. 39).

³⁶ 2009-2013 American Community Survey 5-Year Estimates, 2013, available at <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (enter “Flint, MI” in the box under “Community Facts,” click on “Income” on left-side bar, then click “Selected Economic Characteristics” under “2013 American Community Survey”) (table attached as Ex. 40 compares data from Flint, Michigan, to Michigan and the United States).

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exposure from lead-paint dust, as nearly ninety percent of Flint's housing stock was built before 1978 (when the federal ban on high-lead paint went into effect).³⁷

Finally, in late September 2015, the City abandoned its assertions that Flint's drinking water was safe. Nearly seven months after the City first saw dangerously high levels of lead in some residents' water, Flint issued a drinking-water advisory and called for state financial assistance to switch the water system back to Detroit's supply.³⁸ Two weeks later, Governor Snyder requested six million dollars from the state legislature to reconnect the Flint water system to Detroit.³⁹ With additional funding from the City and a private foundation, the switch was completed in mid-October.⁴⁰

Following the switch back to Detroit water, some government officials began to ask questions about what went wrong in the course of Flint's change in water sources.⁴¹ Governor Snyder created a task force to review water management and testing in Flint,⁴² and EPA established its own task force "to provide the Agency's technical expertise through regular conversations" with the City and MDEQ.⁴³ Governor Snyder has also announced

³⁷ 2012 Annual Data Report on Blood Lead Levels of Children in Michigan 26 (Apr. 30, 2013), https://www.michigan.gov/documents/mdch/2012AnnualDataReportOnBloodLeadLevels_419508_7.pdf (attached as Ex. 41); Am. Cancer Soc'y, *Lead, Lead in the Environment*, <http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/lead> (last updated May 27, 2014) (explaining that lead paint is a "major" source of exposure) (attached as Ex. 42); Maj. Thomas F. Zimmerman, *The Regulation of Lead-Based Paint in Air Force Housing*, 44 A.F. L. Rev. 169, 174-75 (1998).

³⁸ *City of Flint Issues Lead Advisory*, City of Flint, Sept. 25, 2015, <https://www.cityofflint.com/2015/09/25/city-of-flint-issues-lead-advisory/> (attached as Ex. 43); Steve Carmody, *Flint officials exploring return to Detroit water*, Michigan Radio, Sept. 28, 2015, <http://michiganradio.org/post/flint-officials-exploring-return-detroit-water#stream/0> (attached as Ex. 44).

³⁹ John Wisely, *Snyder announces \$12 million plan to fix Flint water*, Detroit Free Press, Oct. 8, 2015, <http://www.freep.com/story/news/local/michigan/2015/10/08/snyder-flint-water-reconnect/73567778/> (attached as Ex. 45).

⁴⁰ Amanda Emery, *Flint reconnects to Detroit water, may take 3 weeks to clear all pipes*, Michigan Live, Oct. 16, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_reconnecting_to_detroit.html (attached as Ex. 46).

⁴¹ *E.g.*, Letter from Sen. Jim Ananich, Mich. Senate Minority Leader, to Susan Hedman, U.S. EPA, and Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 47); Letter from Rep. Daniel Kildee, U.S. Congressman, to Gina McCarthy, U.S. EPA (Oct. 21, 2015) (attached as Ex. 48).

⁴² Press Release, Gov. Rick Snyder, *Gov. Rick Snyder announces Flint Water Task Force to review state, federal and municipal actions, offer recommendations* (Oct. 21, 2015), http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-367761--,00.html (attached as Ex. 49).

⁴³ Press Release, U.S. EPA, *EPA Establishes Safe Drinking Water Task Force to Provide Technical Expertise to MDEQ and City of Flint* (Oct. 16, 2015), <http://yosemite.epa.gov/opa/admpress.nsf/0/A92DE629DB86E66685257EE000579593> (attached as Ex. 50).

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plans to launch an “education campaign soon to help schools statewide learn how to get their water tested” for lead.⁴⁴

Despite this proliferation of task forces and campaigns, neither the City nor MDEQ has announced changes in the City’s lead monitoring practices in the wake of Flint’s public-health crisis. Rather, Flint and MDEQ have maintained that these practices are accurate and adequate, despite the near certainty that they are underrepresenting lead contamination in many of Flint’s high-risk homes.

II. City and State officials are in violation of the Safe Drinking Water Act’s Lead and Copper Rule

The Safe Drinking Water Act (the Act) authorizes citizens to sue any governmental entity “who is alleged to be in violation of any requirement” under the statute.⁴⁵ These requirements include the national primary drinking-water regulations for lead and copper set forth in the Lead and Copper Rule.⁴⁶ The Lead and Copper Rule obligates water systems to monitor and control for lead in drinking water.⁴⁷

Since April 2014, Flint’s water system has failed to comply with the Lead and Copper Rule’s requirements for monitoring water for lead, notifying the public of tap-water monitoring results, reporting monitoring results to MDEQ, and controlling corrosion from lead pipes.⁴⁸ These violations systematically result in the City’s underestimating lead levels in its drinking water, masking a public-health crisis. The violations are ongoing and likely to recur in the future: Flint’s water system presently is obligated to monitor for lead every six months, and there is no indication that Flint has changed or disavowed its inadequate approach to monitoring.⁴⁹

⁴⁴ See Lori Higgins, *Michigan to launch lead education effort statewide*, Detroit Free Press, Oct. 13, 2015, <http://www.freep.com/story/news/local/michigan/2015/10/13/lead-water-flint-michigan-testing/73871480/> (attached as Ex. 51).

⁴⁵ 42 U.S.C. § 300j-8(a)(1).

⁴⁶ See *id.* § 300g-1(b)(1)(A); 40 C.F.R. § 141.80(a)(1).

⁴⁷ See, e.g., 40 C.F.R. § 141.86.

⁴⁸ Flint’s water system is subject to the requirements of the Lead and Copper Rule because it is a “community water system” not otherwise exempted from the regulations. 40 C.F.R. §§ 141.80(a)(1), 141.2.

⁴⁹ See *Tamaska v. City of Bluff City*, 26 F. App’x 482, 485 (6th Cir. 2002) (citing *Chesapeake Bay Found. v. Gwaltney of Smithfield*, 844 F.2d 170, 171–72 (4th Cir.1988)). A water system is required to monitor tap water for lead every six months if it (1) exceeds the action level for any monitoring period, or (2) “fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State ... for more than 9 days in any six-month period.” 40 C.F.R. § 141.86(d)(4)(vi)(B). Flint’s water system failed to maintain applicable values of orthophosphate and/or pH designated as the optimal water quality parameters by MDEQ. In addition, had the water system conducted monitoring in compliance with the Lead and Copper Rule during the January to June 2015 period, it likely would have exceeded the lead action level.

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Under the Act, a “supplier of water” is “any person who owns or operates a public water system.”⁵⁰ The City of Flint owns Flint’s water system.⁵¹ Upon information and belief, the State officials administering Flint’s receivership and the City presently operate Flint’s water system. As discussed above, Flint’s Emergency Manager exercised the authority of the local government in the place of Flint’s mayor and city council. The Emergency Manager managed the water system and conducted its affairs, including making the decision to use the Flint River as a primary drinking-water source.⁵² In April 2015, Governor Snyder removed the Emergency Manager and appointed a Receivership Transition Advisory Board to oversee the City’s affairs until the receivership is terminated.⁵³ The Board has control over the City’s budget, and must approve all decisions adopted by the City Council.⁵⁴ The Michigan Local Financial Stability and Choice Act requires the State Treasurer to sit on a receivership transition advisory board for any municipality for which the governor appoints such a board, and Governor Snyder has appointed the State Treasurer (or his designee) to chair Flint’s Board.⁵⁵ The City Administrator reports to the Board, manages the City’s daily administrative operations, and directs City department heads in carrying out the daily activities of the City.⁵⁶ To date, the City remains in receivership, and its actions remain subject to approval of the Board.⁵⁷

Accordingly, the City of Flint; Governor Snyder; Dan Wyant, Director of MDEQ; Nick A. Khouri, Treasurer of Michigan; Frederick Headen, Chairperson of the Flint Receivership Transition Advisory Board; Brian Larkin, David McGhee, Robert McMahan,

⁵⁰ 42 U.S.C. § 300f(5).

⁵¹ See City of Flint, Water System Update, Sept. 2015, <https://www.cityofflint.com/wp-content/uploads/City-Council-Water-Presentation-9-14-2015.pdf> (attached as Ex. 52).

⁵² See *United States v. Twp. of Brighton*, 153 F.3d 307, 314 (6th Cir. 1998) (defining “operator” for purposes of CERCLA as an entity that “performed some affirmative acts,” such as “directing the workings, managing, or conducting the affairs” of a facility) (internal quotation marks and alterations omitted); cf. *United States v. Alisal Water Corp.*, 114 F. Supp. 2d 927, 938 (N.D. Cal. 2000) (applying case law discussing CERCLA “operator” liability to the Safe Drinking Water Act context).

⁵³ Mich. Comp. Laws § 141.1563(1); Press Release, Gov. Rick Snyder, *Gov. Rick Snyder: City of Flint ready to move forward as financial emergency resolved*, Apr. 29, 2015, http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-353433--,00.html (attached as Ex. 53); Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7 (adopted Apr. 25, 2015), <https://www.cityofflint.com/wp-content/uploads/Order-No.-20.pdf> (attached as Ex. 54).

⁵⁴ Emergency Manager Order 20 ¶¶ 4.a.6, 4.a.7, *supra* note 53 (Ex. 54).

⁵⁵ See Mich. Comp. Laws § 141.1563(2); Letter from Gov. Rick Snyder to Hon. Ruth Johnson, Mich. Sec’y of State (Apr. 29, 2015), http://michigan.gov/documents/treasury/Flint_RTAB_Appointments_488251_7.pdf (attached as Ex. 55).

⁵⁶ Emergency Manager Order 3 ¶¶ 4-6, 25 (adopted Apr. 10, 2015), <https://www.cityofflint.com/wp-content/uploads/Order-No.-3.pdf> (attached as Ex. 56). The City Administrator was appointed by the Emergency Manager and can be removed only with the Board’s consent.

⁵⁷ *Id.*

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and Beverly Walker-Griffea, Members of the Board; and Natasha Henderson, Flint City Administrator, are responsible for the violations of the Act by Flint's water system which have endangered and will continue to endanger the health of Flint's residents.

A. Flint's water system is in violation of the Lead and Copper Rule's tap-water monitoring, reporting, and notification requirements

The Lead and Copper Rule requires water systems to identify a pool of sampling sites prior to the commencement of a monitoring period.⁵⁸ This requirement is designed to target residences at high risk of lead contamination in drinking water, such as homes served by lead service lines.⁵⁹ In violation of the Rule, Flint's water system does not select sampling sites for lead monitoring based on a pre-established sampling pool. For Flint's most recent completed monitoring period, January–June 2015, the Director of the City's Department of Public Works admitted that Flint “thr[ew] bottles out everywhere just to collect as many [samples] as we can, to try and hit our number.”⁶⁰ Similarly, email correspondence shows that the City has, during several monitoring periods, asked its own employees to submit tap-water samples, without regard to whether the employees were part of a pre-selected sampling pool.⁶¹

Under the Lead and Copper Rule, water systems that contain lead service lines also must draw fifty percent of their tap-water samples from sites served by a lead service line.⁶² Flint's water system does not comply with this requirement. The water system reported to MDEQ that all the sample sites it used during the January–June 2015 monitoring period were residences served by lead service lines.⁶³ Flint's Utilities Administrator, however, admitted that he was not able to verify that all homes sampled were served by lead service lines.⁶⁴ This is because City records concerning the locations of lead service lines in the distribution system are stored on 45,000 paper notecards. Flint began converting these notecards into an electronic spreadsheet this fall, well after the January–June 2015 monitoring period.⁶⁵

⁵⁸ See 40 C.F.R. § 141.86(a).

⁵⁹ *Id.*

⁶⁰ See ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, <https://www.youtube.com/watch?t=9&v=LTO9irD2f0Y> (posted Sept. 23, 2015).

⁶¹ Email from Michael Glasgow, Flint Utilities Adm'r, to Flint municipal staff (June 1, 2015) (attached as Ex. 57).

⁶² 40 C.F.R. § 141.86(a)(8).

⁶³ See, e.g., City of Flint, Lead and Copper Report and Consumer Notice of Lead Result Certificate for Community Water Supply (July 28, 2015) [hereinafter July 28 Report] (attached as Ex. 58).

⁶⁴ See ACLU of Michigan, *Thirst for Truth: Who's to Blame for Flint Water Crisis?*, *supra* note 60.

⁶⁵ See Ron Fonger, *Flint data on lead water lines stored on 45,000 index cards*, Michigan Live, Oct. 1, 2015, http://www.mlive.com/news/flint/index.ssf/2015/10/flint_official_says_data_on_lo.html (attached as Ex. 59).

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Flint's water system has also failed to sample the same sites across monitoring periods or document the reasons for declining to sample the same sites, as the Lead and Copper Rule requires.⁶⁶ Sampling new sites from one monitoring period to the next is permitted only if a site "is no longer accessible" to the water system or "no longer fits the requirements of a priority site."⁶⁷ Records show that in the January–June 2015 monitoring period, Flint's water system retested only thirteen of the one hundred sites it sampled in the previous monitoring period.⁶⁸ It did not provide the required explanation for these departures from the previous monitoring period's sampling sites.⁶⁹ Upon information and belief, Flint's water system concentrated its monitoring in areas where it anticipated low lead levels, due to recent infrastructure improvements, and selectively retested sites that had previously yielded low lead levels. Such selective sampling violates the Lead and Copper Rule's intention that water systems "do not use only those sampling locations with the lowest lead or copper levels."⁷⁰

Flint's instructions to residents for the collection of tap-water samples also violate the Lead and Copper Rule. The Rule allows residents to collect the tap-water samples used to monitor lead in drinking water, so long as the water system instructs residents of the sampling procedures required by the regulations.⁷¹ Tap-water samples must be "first-draw samples," meaning that the sample must be collected after water in the tap has stood motionless in the plumbing system for at least six hours.⁷² Flint's instructions direct residents to flush their taps for five minutes prior to letting the water sit for the six required hours. This "pre-flushing" has been shown to "result in the minimization of lead capture and significant underestimation of lead levels in drinking water."⁷³ The water system's pre-flush instruction "negates the intent of the [Lead and Copper Rule] to collect compliance

⁶⁶ 40 C.F.R. § 141.86(b)(4).

⁶⁷ U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems* 25 (Mar. 2010), <http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/upload/Revised-Lead-and-Copper-Rule-Monitoring-and-Reporting-Guidance-for-Public-Water-Systems.pdf> (attached as Ex. 60).

⁶⁸ See July 28 Report, *supra* note 63 (reporting that the same sample sites were not used) (Ex. 58); see also Curt Guyette, *Lead Astray: An ACLU of Michigan investigation has found a stream of irregularities in Flint's water tests*, Michigan Democracy Watch Blog, Sept. 14, 2015, <http://aclumich.org/democracywatch/index.php/entry/lead-astray-an-aclu-of-michigan-investigation-has-found-a-stream-of-irregularities-in-flint-s-water-tests> (attached as Ex. 61).

⁶⁹ 40 C.F.R. § 141.90(a)(1)(v).

⁷⁰ U.S. EPA, *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems*, *supra* note 67, at 25 (Ex. 60).

⁷¹ 40 C.F.R. § 141.86(b)(2).

⁷² *Id.* §§ 141.2, 141.86(b)(2).

⁷³ Mem. from Miguel Del Toral, U.S. EPA, to Thomas Poy, U.S. EPA, at 2 (June 24, 2015) (attached as Ex. 62).

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samples under ‘worst-case’ conditions,”⁷⁴ and goes “against the intent of the monitoring protocol, since it changes the normal water use of the homeowners in the sample.”⁷⁵

Flint’s water system is violating the Lead and Copper Rule’s reporting requirements by representing to MDEQ that Flint’s monitoring practices are in compliance with the Rule. The City’s water system did not provide documentation to MDEQ justifying its selection of new sample sites in the January–June 2015 monitoring period, and, upon information and belief, is not accurately reporting information concerning whether sampled sites meet required regulatory criteria.⁷⁶

The Lead and Copper Rule also requires Flint’s water system to notify each resident whose tap water was sampled of the lead results.⁷⁷ Upon information and belief, Flint has failed and continues to fail to properly notify all residents whose tap water was tested for lead of the individual monitoring results.

B. Flint’s water system has failed to maintain optimal corrosion-control treatment

The Lead and Copper Rule required all large public water systems, including Flint’s water system, to install an “optimal corrosion control treatment” program by January 1, 1997.⁷⁸ After a system has optimized its corrosion-control treatment, the regulations require the system to “continue to operate and maintain optimal corrosion control treatment.”⁷⁹ Since April 2014, Flint’s water system has not maintained an optimal corrosion-control treatment program. Historically, the water system complied with the corrosion-control requirements by purchasing treated water from Detroit. When Flint switched its water source to the Flint River in April 2014, it did nothing to treat the Flint River water to control corrosion. This failure to maintain optimized corrosion control violates the Lead and Copper Rule.

Although Flint’s water system has resumed its purchase of treated water from Detroit, it has not disavowed its erroneous interpretation of the Lead and Copper Rule’s corrosion-control requirements. Nor has it committed to maintaining optimized corrosion control when it switches water sources again this summer to the KWA pipeline. Flint’s water system’s failure to maintain an optimized corrosion-control treatment program is likely to recur in the future.

⁷⁴ *Id.*

⁷⁵ Letter from Cynthia Dougherty, U.S. EPA, to Ralph Scott, Alliance for Healthy Homes (Sept. 12, 2008) (attached as Ex. 63).

⁷⁶ See 40 C.F.R. § 191.90(a)(1)(i), (a)(1)(v); *supra* pp. 11-12.

⁷⁷ 40 C.F.R. § 141.85(d)(1).

⁷⁸ *Id.* § 141.81(d)(4).

⁷⁹ *Id.* § 141.82(g).

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III. The State of Michigan's failure to maintain a schools testing and remediation program violates the Safe Drinking Water Act

The Act requires each state to establish a program “to assist” schools and day care centers in “testing for, and remedying, lead contamination in drinking water.”⁸⁰ Test results must be made available at schools, with notification to parents and teachers.⁸¹ Michigan, upon information and belief, does not maintain a program for school lead testing, remediation, and notification.⁸² Accordingly, Governor Snyder and MDEQ Director Wyant are presently in violation of the Act's schools provision.⁸³

IV. Intent to Sue

The City of Flint and Michigan state officials have been and continue to be in violation of the Lead and Copper Rule's requirements for monitoring and sampling tap water for lead, notifying the public of and reporting to the State tap-water monitoring results, and corrosion control. Governor Snyder and MDEQ Director Dan Wyant are in violation of the Act's requirement to maintain a program to assist Michigan schools with testing and remediating lead in school drinking water. These violations are likely to continue and to recur in the future absent a judicial decree ordering City and State officials to comply with the Act. If the City of Flint and the Michigan state officials identified above fail to cure their noncompliance with the Act within sixty days, Concerned Pastors for Social Action, Melissa Mays, ACLU of Michigan, and NRDC will file suit in federal district court seeking declaratory relief, injunctive relief, and litigation costs, as appropriate.

The name, address, and telephone number of each person giving notice pursuant to this letter are:

Concerned Pastors for Social Action
2200 Forrest Hill
Flint, MI 48504
(810) 394-6787
Attention: Pastor Allen Overton

⁸⁰ 42 U.S.C. § 300j-24(d)(1).

⁸¹ *Id.* § 300j-24(d)(2).

⁸² Although MDEQ recently announced “an education campaign” to help Michigan schools learn how to test their water for lead, MDEQ has yet to release the details of this effort, including whether it will offer the kind of assistance with testing, remediation, and notification contemplated by the Safe Drinking Water Act. *See Higgins, Michigan to launch lead education effort statewide, supra* note 44 (Ex. 51).

⁸³ MDEQ has primary enforcement authority in Michigan for the Safe Drinking Water Act. *See* MDEQ, Drinking Water, http://www.michigan.gov/deq/0,4561,7-135-3313_3675---,00.html (last visited Nov. 13, 2015) (attached as Ex. 64).

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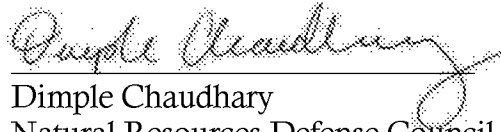
Melissa Mays
3714 Beecher Road
Flint, MI 48503

American Civil Liberties Union of Michigan
2966 Woodward Avenue
Detroit, MI 48103
(313) 578-6814
Attention: Michael Steinberg

Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385
Attention: Dimple Chaudhary

Do not hesitate to contact us if you would like to discuss this matter.

Respectfully,

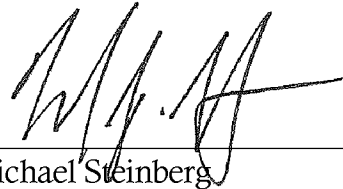


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Enclosure



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*Counsel for American Civil Liberties Union
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cc:

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Attorney General Bill Schuette
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From: Wyant, Dan (DEQ)
Sent: Tuesday, November 24, 2015 4:11 PM
Subject: FW: 2015-11-23 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: 18-Point Partnering Plan 11-23-15.pdf; 2015-11-23 Flint Drinking Water Action Plan Update.pdf

From: Thelen, Mary Beth (DEQ)
Sent: Monday, November 23, 2015 3:10 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Emmitt, Beth (GOV); Bedan, Morgan (GOV)
Cc: Wyant, Dan (DEQ); Dickinson, Sarah (GOV); Edgerton, Shelly (LARA); Dykema, Linda D. (DHHS)
Subject: 2015-11-23 Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED

Dear Governor's Office:

Please provide the following to the Governor as a part of his daily briefing packet. If you have any questions, please let us know.

1. 18-Point Partnering Plan
2. Flint Drinking Water Action Plan Update

As a reminder we will prepare these reports to you weekly, every Monday afternoon, for the previous week's actions.

Thank you.

Dan Wyant
Director

Department of Environmental Quality 18-Point Partnering Plan

1. After Action Plan Frequently Asked Questions will be ready by noon on November 16, 2015

- First version complete – updated as needed

2. School test data

- School reports to be expedited
- Steve Busch creates summary reports
- George Krisztian creates summary spreadsheets

3. Blood exposure

- DHHS is lead on providing data

4. Meeting with Mayor Karen Weaver

- Harvey Hollins lead – Dan Wyant, Jim Sygo, and George Krisztian to attend

5. Messaging our Partnering Plan

- Provide ongoing public updates regarding Governor's 10-point plan
- Continue emphasis on the availability of free testing for Flint residents
- DEQ's Office of Environmental Assistance to direct the public to the Flint water Web site: www.mi.gov/flintwater

6. Sampling Protocol

- Establish alignment with the U.S. Environmental Protection Agency (EPA), Region 5, on sampling protocol

7. Lead service line replacement

- Expand the Revolving Loan Fund directed at lead service line replacement
- Amy Epkey, Maggie Pallone, and Sonya Butler

DEQ 18-Point Partnering Plan
Page 2

8. Partner with EPA

- Dan Wyant → Susan Hedman
- Jim Sygo → Bob Kaplan
- Mike Prysby and Steve Busch → Darren Lytle and Mike Schock
- George Krisztian → Tom Burke
- DEQ's Office of Drinking Water and Municipal Assistance (ODWMA) staff → EPA, Region 5, staff (Jennifer Crooks and Tom Poy)

9. Meet with Charles Stewart Mott Foundation to discuss Lead Service Line Identification Study

10. Lead Education Program

- DHHS is the lead on Lead Education Program

11. Moving Karegnondi Water Authority (KWA) forward

- Proactive meetings with KWA

12. Participate actively with Flint Technical Advisory Council

13. Utilize Joan Rose and Michigan State University water expertise

14. Public outreach

- Flint Mayor Karen Weaver
- Genesee County Health Department
- Drs. Lawrence Reynolds, Eden Wells, and Matthew Davis
- Ministers
- Land Bank
- Legislators
- Citizens

15. Outreach to schools

- EPA guidance on testing
- Work with State Superintendent Brian Whiston
- ODWMA staff to work on literature

16. Make recommendations to EPA about Lead and Copper Rule

17. Compliance Communication letter sent on November 9, 2015

- Wait until after December 30, 2015

DEQ 18-Point Partnering Plan
Page 3

- 18. Enhance coordination with health officials regarding personal health notifications of drinking water issues**

Flint Drinking Water Action Plan Update

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Key Actions:

- An 18-Point Partnering Plan was developed to guide DEQ staff on the Flint water issue. The document focuses on areas of concern and identifies key partnerships. The issues in the Partnering Plan address short-term, intermediate term, and long-term goals. This document will be reviewed at least weekly, and actions by DEQ staff with respect to the Partnering Plan will be documented. The Partnering Plan has become a standing agenda item and a central focus for the internal action plan meetings.
- On November 20 the weekly meeting was held at Flint between DEQ staff and city of Flint officials. Mayor Karen Weaver was present at the meeting. This was Mayor Weaver's first time in attendance at the weekly meeting. After introductions were made, Mayor Weaver was given an overview of the data from the free homeowner's testing. Mayor Weaver was informed that the samples were from any Flint resident who wished to have their water tested and, as such, were not necessarily representative of the site selection criteria as specified in the lead and copper rule, but with that said, the results were encouraging. Mayor Weaver was informed that over 3/4 of the samples had results of 5 parts per billion (ppb) or less and that approximately 92 percent of the sample results were at 15 ppb or less. It was also stressed to Mayor Weaver that, although the results were encouraging, there were also pockets of concern where the lead levels in the drinking water were significantly above 15 ppb.

There was also discussion about making sure that water sample results were kept in context. In order for an individual to be sure with respect to their exposure to lead, they should have their blood tested. Individuals with an elevated blood level (EBL) would then be encouraged to have an EBL investigation done to evaluate all potential exposure pathways. There was then discussion as to what the EBL investigation entailed and how the water testing was being incorporated into the EBL.

The meeting ended with an invitation by the DEQ to Mayor Weaver to come tour the DEQ's Laboratory to see first-hand how samples were analyzed. Mayor Weaver indicated that she would be very interested in a tour and that a date would be set up.

Positions:

- There are no new positions to report since last week.

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE**Flint Drinking Water Action Plan Update**

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Concerns:

- There are no new concerns to report since last week.

Significant Events:

- A Frequently Asked Questions document was provided to the Governor's Flint Water Task Force (Task Force) on November 16. DEQ staff subsequently met with the Task Force on November 18.

Changes from Previous Report:

- DEQ staff provided comments on the final draft of the DHHS protocol for EBL investigations. The sampling protocol will utilize 14 drinking water samples that will be used to identify potential sources of exposure to lead located in the plumbing system of residential dwellings.
- DEQ staff provided comment on the draft sampling protocol that the city of Flint is proposing to use for compliance monitoring for the lead and copper rule. This document has been forwarded to staff at the U.S. Environmental Protection Agency (EPA) for additional comment.
- On November 19 DEQ staff contacted EPA staff via e-mail regarding a request by the city of Flint for guidance on a corrosion control treatment evaluation for Karegnondi Water Authority source water use at the Flint Water Treatment Plant. A meeting has been scheduled for December 11 to discuss the issue with all parties.
- DEQ and DLARA staff conducted a plumbing assessment of Neithercut Elementary School in Flint on November 20.
- DEQ and DLARA staff conducted school sampling at Neithercut Elementary School in Flint on Saturday, November 21.
- A draft report for Eisenhower Elementary School was completed and is awaiting final publishing and will then be posted to the Flint water Web site: www.mi.gov/flintwater.
- Draft reports for Brownell K-2 STEM Academy and Pierce Elementary Schools are in progress and near completion.
- DEQ staff has been in meetings with the Office of the Auditor General audit team and have provided information and documentation as requested.

FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGE

Flint Drinking Water Action Plan Update

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Other Item:

- Attached is the 18-point Partnering Plan that will guide the efforts of the DEQ regarding the Flint water issue.

Prepared by: George Krisztian, Flint Action Plan Coordinator
Laboratory Director
Department of Environmental Quality
Telephone: 517-284-6719
Cell: PPI
November 23, 2015

From: Wyant, Dan (DEQ)
Sent: Monday, December 28, 2015 8:20 AM
To: Krisztian, George (DEQ)
Cc: Thelen, Mary Beth (DEQ)
Subject: FW: Taking Action on Flint Water -- Draft

FYI, please provide summaries as indicated and forward to Mary Beth. Thanks./

From: Wyant, Dan (DEQ)
Sent: Monday, December 28, 2015 7:51 AM
To: Thelen, Mary Beth (DEQ)
Subject: Taking Action on Flint Water -- Draft

Mary Beth, please edit and format into a document that can be shared with others.

TAKING ACTION ON FLINT WATER

- Flint deserves safe drinking water
- The issues around Flint's drinking water represent the challenges of aging infrastructure
- As Governor, I am committed to addressing the issue
- Lead exposure is a serious issue
- I appreciate those who have brought attention to this issue
- We are committed to safe drinking water and to working in partnership with the City of Flint and EPA
- We must learn from what happened in Flint
- **In October, I announced a ten point action plan to address lead exposure in Flint**
- **Today, I am outlining additional actions to make sure the public health is protected in Flint and elsewhere in the State of Michigan**
- **I am asking for changes in order to see that Michigan drinking water program becomes a national leader in public health protection**

On October 2, Flint water Action plan was announced. With the help of the Michigan Legislature and the Mott Foundation, we have taken significant action to address the issue. It includes:

Switching back to the Great Lakes Water Authority/DWSD water supply (October 16, 2015)

1. Testing all Flint schools, preschools and day cares.
Summary of results to date (George to provide)
2. Expanded health exposure testing of individual residences
Summary of results to date (Nick to provide)
3. Offer water testing at no cost to Flint residents to assure safe water
Summary of results to date (George to provide)
4. Expedite optimizing corrosion Control in the Flint drinking water system
Summary of date completed (George to summarize)
5. Utilize "Safe Drinking Water Technical Advisory Committee"

To ensure the best technology, practices and science are being utilized, national experts have been assembled to provide technical advice

6. Accelerate water system improvement to address replacement of lead service lines.
We are working with the City of Flint and our Congressional delegation on a lead service line replacement plan
7. Working to expedite the completion of the Karegondi Water Authority
8. Provided water filters to resident of Flint
(DHHS to provide update)
9. Expand a lead education program
(DHHS to provide update)
10. Dr. Eden Wells was named as the Flint Drinking Water Public Health Advisor to ensure safe drinking water

In addition to the announced Flint Action plan, I am calling for additional Actions to be taken.

- Recently appointed Harvey Hollins to serve as my administrations point person to coordinate ongoing activities and partner with the City of Flint
- Asking the DEQ to develop a statewide drinking water school testing program
- Asking for changes in the Michigan Drinking Water program in order for it to be recognized as a national leader in public health including:
 - New administrative leadership
 - Creation of corrosion control expertise
 - Expanded statewide testing
 - Improved testing protocols
- The creation of a health fund for children affected by lead exposure
- Calling on the Legislature to work with my administration and stakeholders to develop a “Strategic Water Fund to address Michigan’s long term safe water and water quality infrastructure needs.
- I will look to implement additional recommendations of the Flint Water Advisory Task Force and I appreciate their leadership on this issue

From: Wyant, Dan (DEQ)
Sent: Monday, December 28, 2015 8:56 AM
To: Thelen, Mary Beth (DEQ)
Subject: FW: Auditor General Letter – City of Flint Drinking Water
Attachments: Auditor General Letter - City of Flint Drinking Water.pdf

From: MI_Office_of_the_Auditor_General [mailto:mi_auditor_general@audgen.michigan.gov]
Sent: Wednesday, December 23, 2015 3:18 PM
To: aleavitt@senate.michigan.gov; sstudley@senate.michigan.gov
Cc: Hirst, Laura (OAG); Ringler, Doug (OAG); Wyant, Dan (DEQ); Sygo, Jim (DEQ)
Subject: Auditor General Letter – City of Flint Drinking Water

Please see the attached letter, which addresses your questions about the City of Flint's drinking water.

We stand ready to answer any questions that you may have. Thank you.

From: Wyant, Dan (DEQ)
Sent: Monday, December 28, 2015 9:49 AM
To: snyder, [REDACTED] PPI; Scott, Allison (GOV); Agen, Jarrod (GOV); Baird, Richard (GOV); Muchmore, Dennis (GOV); Hollins, Harvey (GOV); Posthumus, Dick (GOV); Murray, David (GOV); Holland, Meegan (GOV); Lyon, Nick (DHHS)
Cc: Wyant, Dan (DEQ)
Subject: FW: Auditor General Letter – City of Flint Drinking Water
Attachments: Auditor General Letter - City of Flint Drinking Water.pdf

FYI – Please see the attached letter. The Auditor General findings are consistent with the DEQ's own internal review. The Auditor General delivered the letter to Senator Ananich late Wednesday, December 23, 2015.

Please call me if you have any questions.

Dan Wyant
Director

Attachment

From: MI_Office_of_the_Auditor_General [mailto:mi_auditor_general@audgen.michigan.gov]
Sent: Wednesday, December 23, 2015 3:18 PM
To: aleavitt@senate.michigan.gov; sstudley@senate.michigan.gov
Cc: Hirst, Laura (OAG); Ringler, Doug (OAG); Wyant, Dan (DEQ); Sygo, Jim (DEQ)
Subject: Auditor General Letter – City of Flint Drinking Water

Please see the attached letter, which addresses your questions about the City of Flint's drinking water.

We stand ready to answer any questions that you may have. Thank you.



Doug A. Ringler, CPA, CIA
Auditor General

December 23, 2015

The Honorable Jim Ananich
Senate Minority Leader
State Capitol, Room S-105
Lansing, Michigan

Dear Senator Ananich:

Enclosed are answers to the questions you posed in your October 20, 2015 letter to our office regarding the audit we are conducting of the Office of Drinking Water and Municipal Assistance (ODWMA), Department of Environmental Quality (DEQ), specific to lead contamination in the City of Flint's drinking water. Also enclosed are additional questions we developed that are relevant to these issues, along with five exhibits:

- A map showing Flint water samples by zip code.
- A map showing lead counts of 5 parts per billion or higher.
- Two charts showing the number of samples by time period and zip code.
- A time line of the Flint water review.

We appreciate the opportunity to assist you in answering questions regarding this topic. If you have further questions or a request for other services, please do not hesitate to contact our office.

Sincerely,

Doug Ringler
Auditor General

Enclosures



Questions and Answers

Q1: How does ODWMA ensure the data it receives is accurate?

A: With regard to the United States Environmental Protection Agency (EPA) Lead and Copper Rule (LCR) monitoring requirements, DEQ relies on the following key controls to ensure the accuracy of test results:

- State-owned laboratories test water samples.
- State-owned laboratories send test results directly to DEQ.
- The City of Flint Water Treatment Plant (Flint WTP) certifies whether sample sites are classified as tier 1*.

The current Flint WTP LCR sampling process includes:

1. DEQ informs the Flint WTP of the required water lead and copper sample size.
2. The Flint WTP determines the pool of tier 1 sites for sampling.
3. The Flint WTP selects the sample.
4. The Flint WTP sends out sample kits and instructions to residents for collecting water samples.
5. Residents leave samples and signed sampling forms outside their front doors.
6. The Flint WTP employee picks up samples and forms from residents.
7. The Flint WTP employee reviews sample forms for completeness.
8. The Flint WTP employee sends samples to the State-owned laboratories.
9. State-owned laboratories test samples and provide results directly to DEQ.
10. DEQ receives water lead and copper sample results, which include the following information: date collected, date received, address where collected, type of residence (e.g., single family or apartment), and sample point (e.g., kitchen sink or bathroom sink).
11. DEQ tracks, and follows up if necessary, the number of samples collected by the Flint WTP to help ensure that the required minimum number of samples are collected by the monitoring period deadline.

* Single-family or multiple-family residence with lead service line, lead solder copper piping constructed after 1982, or lead plumbing.

12. The Flint WTP submits lead and copper report to DEQ that certifies whether sample sites meet tier 1 criteria.
13. DEQ prepares the LCR 90th percentile calculation report.

During our review, we noted two potential improvements for the Flint WTP sampling process (see Question 5 of the additional questions answered by the OAG regarding tier 1 sample validity):

- DEQ could verify that the sampling pool was limited to only tier 1 sample sites to ensure that the Flint WTP is in compliance with the LCR (Title 40, Part 141, section 86(a)(3) of the *Code of Federal Regulations* [CFR]).
- DEQ could independently verify the validity of sample site certifications.

Q2: What accountability measures are in place for ODWMA staff who fail to follow data verification protocols?

A: DEQ does not provide any direct oversight over the Flint WTP and, therefore, does not have any accountability measures over the Flint WTP's LCR data verification protocols. DEQ's data verification protocol for lead and copper water sampling is limited to verification that the WTP certifies samples submitted to the State-owned laboratories for analysis (see steps 7 and 12 in the Flint WTP LCR sampling process noted in Question 1 above). We did not identify any instances in which ODWMA staff failed to verify that submitted samples were certified by the Flint WTP.

Q3: What accountability measures are in place for ODWMA staff who lie or misrepresent information to the EPA?

A: As with all classified employees, ODWMA staff must adhere to the rules and regulations established by the Michigan Civil Service Commission. If any ODWMA staff were determined to misrepresent information to the EPA, they would be subject to Civil Service Rule 2-6, Discipline, which allows an appointing authority to discipline an employee for just cause up to and including dismissal. We are not aware of any DEQ-established measures that are in addition to the Civil Service Rules.

We gained access to the e-mail accounts of key DEQ management (DEQ Director, Deputy Director, ODWMA Chief, and other key ODWMA staff) extending back to January 1, 2013. We did so to identify the key decision points and conversations that occurred leading up to and through the situation in Flint. Our review was also intended to determine whether State, Flint, or other officials attempted to conceal key test results or other information.

We noted one e-mail exchange between DEQ and the EPA that appears to be a significant contributor to the concern that DEQ misrepresented information to the EPA. The EPA requested clarification on February 26, 2015 regarding the type of optimized corrosion control **treatment** the Flint WTP was using. DEQ responded on February 27, 2015 that the city had an optimized corrosion control **program** in place, but DEQ did not provide any program details. DEQ informed us that the Flint WTP corrosion control **program** included performing

lead and copper monitoring for two consecutive six-month periods to determine whether corrosion control **treatment** would be necessary in the future. However, it appears the EPA interpreted corrosion control **program** to mean that corrosion control **treatment** was being performed.

On April 23, 2015, the EPA again inquired as to what the Flint WTP was doing for corrosion control **treatment**. DEQ responded on April 24, 2015 that the Flint WTP was not practicing corrosion control **treatment**.

Based on our review of this and other e-mails, we have no specific reason to believe that DEQ willfully misrepresented the information to the EPA.

Q4: What policies do DEQ and ODWMA have in place to escalate major infractions up the chain of command?

A: We did not note any instances of major infractions (i.e., intentional disregard of policies, laws, regulations or specific directions) committed by DEQ staff during the course of our review. DEQ does not have a formal policy or procedure in place to escalate major infractions performed by ODWMA employees; however, our review of DEQ correspondence confirmed the escalation of key issues up the chain of command related to the Flint situation. DEQ stated that its informal policy is for staff to notify the proper level of management of infractions to determine necessary action.



Additional Questions Answered by the OAG

Application of the LCR

Q1: How did the Flint WTP become the primary water supplier for the City of Flint?

A: Upon notification of the City of Flint's plans to switch to the Karegnondi Water Authority (KWA) in April 2013, the Detroit Water and Sewerage Department (DWSD) submitted a letter to the City of Flint stating that it would terminate its agreement to provide water services on April 17, 2014.

According to DEQ management, the Flint WTP attempted to negotiate with the DWSD to maintain it as the City of Flint water supplier; however, after negotiations were unsuccessful, the City of Flint notified DEQ through a permit request of its intent to operate the Flint WTP full time using the Flint River. Although the Flint City Council voted in March 2013 in support of moving to the KWA pipeline, the vote was silent on the use of the Flint River as a temporary drinking water source.

DEQ informed us that in the 1990s, the City of Flint upgraded the Flint WTP to serve as a backup source of water for emergencies. In 2006, the Flint WTP began quarterly testing of the treated Flint River water at the Flint WTP to ensure water quality standards were met; however, the Flint WTP did not test the water's effect on the distribution system at consumer tap locations.

Q2. Did DEQ consult with the EPA prior to determining how to apply the LCR?

A: DEQ did not consult with the EPA on how to apply the LCR prior to implementing two consecutive six-month monitoring periods of the Flint WTP beginning July 1, 2014. Based on past experiences applying the LCR monitoring requirements, DEQ believed that it had appropriately applied the LCR requirements of a large water system.

Q3: When Flint switched to the Flint River water source, should corrosion control treatment have been maintained?

A: We believe that corrosion control treatment should have been maintained.

According to the LCR, a water system can achieve optimized corrosion control if it submits results of tap water monitoring for two consecutive six-month monitoring periods with acceptable lead levels. However, a water system that has optimized corrosion control, and which has treatment in place, should continue to operate and maintain optimal corrosion control treatment.

DEQ staff explained that they did not treat the switch to Flint River water as a new system, but as a new source. DEQ further stated that because the Flint River was a new water source and there was a change in chemicals needed to treat the new source, a corrosion control study was needed to determine the impact on the water distribution system. Therefore, it was DEQ's interpretation that two rounds of six-month monitoring were still needed to evaluate the water quality and determine optimal corrosion control treatment.

The Flint water system had optimal corrosion control treatment when the DWSD WTP was the water supplier. Based on our review of notes from a July 21, 2015 EPA and DEQ conference call on DEQ's implementation of the LCR regarding whether the Flint WTP should have continued to maintain corrosion control treatment, it appeared that the EPA did not agree with DEQ's interpretation of the LCR. Region 5 EPA staff explained that they would talk to the EPA headquarters about the interpretation of regulations and believes that systems that have been deemed optimized need to "maintain" corrosion control. The Region agreed to provide supporting regulatory citations for the language about maintaining corrosion control.

On November 3, 2015, the EPA issued a memorandum stating that the LCR had differing possible interpretations; however, the EPA concluded that it is important for large water systems to take the steps necessary to ensure that appropriate corrosion control treatment is maintained at all times, thus ensuring that public health is protected. Based on this clarification, it appears that corrosion control treatment should have been maintained.

Q4: Should DEQ have required the Flint WTP to start pursuing optimized corrosion control treatment after the first round of six-month sampling results were above the lead action level of 5 parts per billion (ppb)?

A: Yes. According to DEQ's application of the LCR, within six months after the end of the monitoring period in which the water sample results exceeded the acceptable lead level, DEQ should have required the Flint WTP to start pursuing optimized corrosion control treatment.

The LCR states that the lead action level is exceeded if the lead level, as determined by the 90th percentile calculation, is greater than 15 ppb. If the lead action level is exceeded, water systems are required to take additional actions including educating the public about lead in drinking water as well as commencing lead service line replacement if the water system has already installed corrosion control and/or source water treatment. However, for water systems that have not yet implemented corrosion control treatment, they can be deemed to have optimized corrosion control without installing treatment if they can demonstrate lead levels below 5 ppb for two consecutive six-month periods.

The first round of six-month sampling results was received in late March 2015. Because the results were 1 ppb over the lead action level of 5 ppb, DEQ would not be able to achieve two consecutive six-month periods below 5 ppb. Therefore, DEQ should have notified the Flint WTP to start pursuing optimized corrosion control treatment. However, DEQ waited until the second round of sampling was completed (June 30, 2015) to assess whether water sample results improved.

Water Samples

Q5: Did DEQ verify that only tier 1 sample sites were selected by the Flint WTP in the two rounds of six-month samples?

A: DEQ did not verify that only tier 1 sample sites were selected. DEQ relies on the Flint WTP's certification of sample sites and does not perform any independent verification of those certifications.

In a November 19, 2015 *Flint Journal* article, the Flint WTP indicated that it did not have the ability to ensure that all sites were tier 1. In fact, water samples came from the random distribution of 175 testing bottles without regard for whether the homes were at risk for high lead levels. DEQ issued a formal memorandum on November 9, 2015 requesting that the Flint WTP verify the classification of all prior sample items. The results are due back from the Flint WTP on December 30, 2015.

Q6: DEQ dropped two water sampling sites from its second six-month sample (January 1, 2015 through June 30, 2015). Was this appropriate?

A: Yes, it was appropriate for DEQ to drop these two water sampling sites. Federal regulation 40 *CFR* 141.86(a) states:

" . . . each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section . . . All sites from which first draw samples are collected shall be selected from this pool . . . Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants."

This regulation also requires that a water system's targeted sampling pool consist of only tier 1 sampling sites if an adequate number is available to meet monitoring requirements.

According to federal regulation 40 *CFR* 141.86(f), the State may invalidate a water sample if it determines that the sample was taken from a site that did not meet the site selection criteria. A sample invalidated per this regulation does not count toward determining lead or copper 90th percentile levels or toward meeting the minimum monitoring requirements.

DEQ dropped one water sample site from its 90th percentile calculations because the site was from a business that does not meet the tier 1 requirements of being a single-family or multiple-family residence. The second sample site was dropped because the home had a point-of-entry treatment device to filter contaminants. Based on the criteria specified above, it appears that DEQ's rationale for dropping the samples from these two sites appropriately met the requirements for invalidating samples per federal regulation 40 *CFR* 141.86.

Q7: Was flushing of the taps the night before drawing a sample an appropriate sample methodology?

A: Yes. The LCR requires that samples be a first draw of water after six hours of stagnation. The LCR does not indicate whether or not the water line should be flushed prior to collecting the sample. In the sample instructions, DEQ required preflushing to ensure that sampled faucets were not stagnant for an excessive period of time beyond the targeted six hours (e.g., rarely used faucets or when a homeowner has been gone for an extended period of time.)

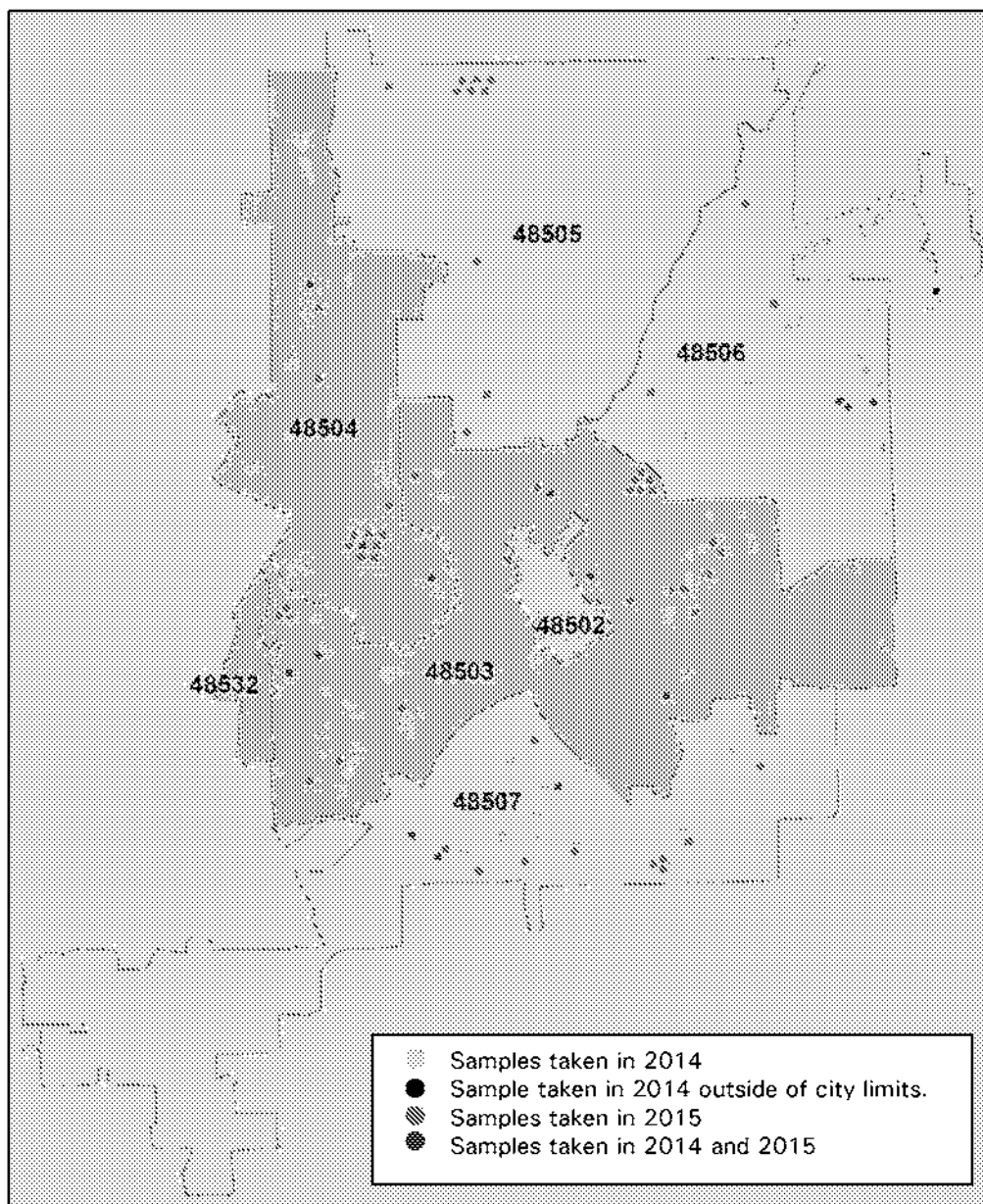
The LCR requires six hours of stagnation; however, it does not preclude DEQ from instructing residents to flush prior to stagnation.



Flint WTP 2014 and 2015 Sample Locations (Exhibit #1)

In calendar year 1992, the Flint WTP established a tier 1 sample site pool for LCR monitoring. With the change to the Flint River water, the Flint WTP needed to increase the pool of sample locations because of additional sampling requirements. The following exhibit documents the 2014 and 2015 sample locations for LCR monitoring. Based on the data obtained during our review, we could not determine how the locations were selected or whether they were properly classified as tier 1 sample sites.

As noted in Question 5 of the additional questions answered by the OAG, DEQ has requested the Flint WTP to verify the tier 1 classification of all prior sample items.

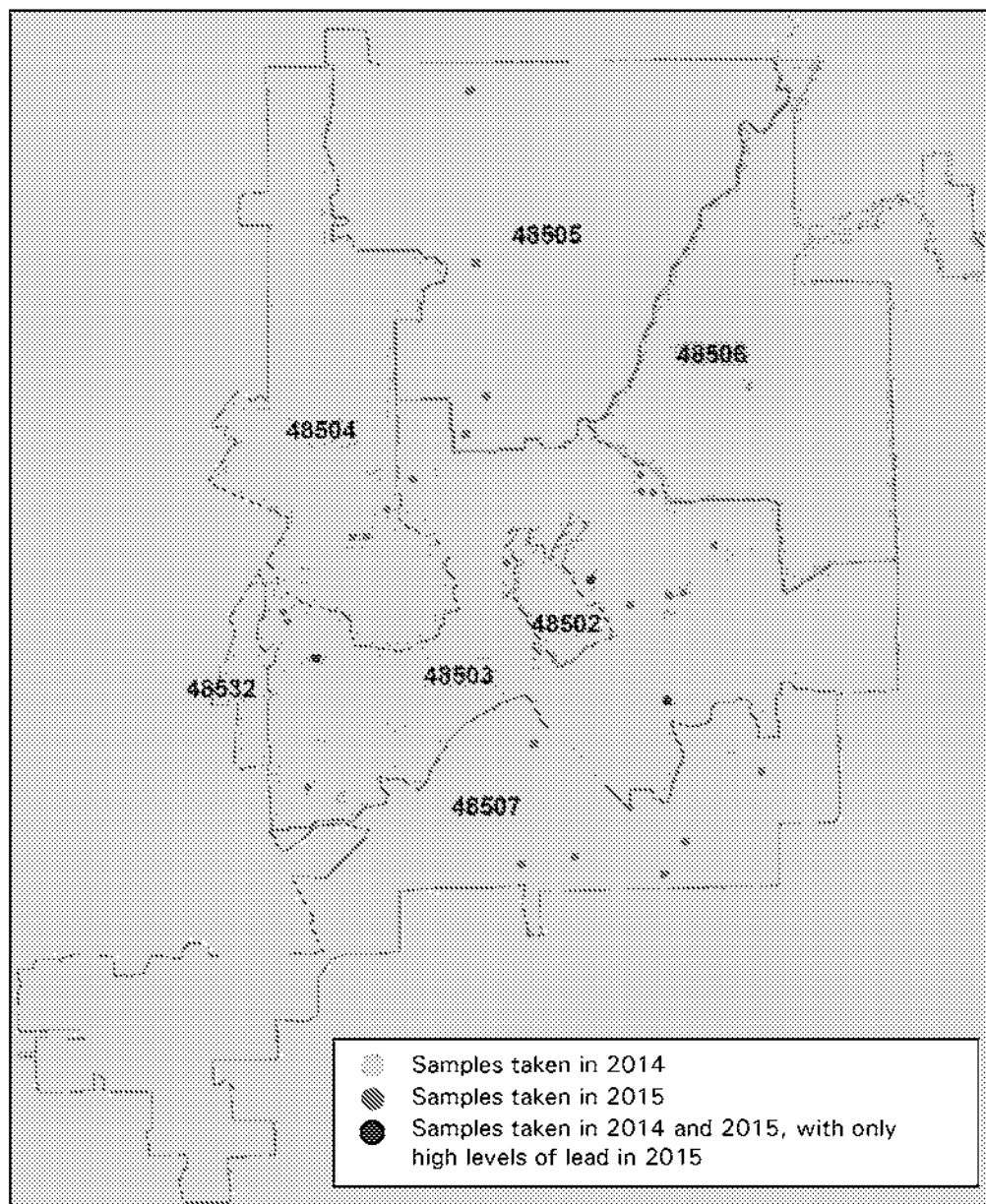


Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.



**Flint WTP 2014 and 2015
Sample Locations With Lead Counts of
5 Parts Per Billion or Higher (Exhibit #2)**

This exhibit documents the 2014 and 2015 sample locations with lead counts of 5 ppb or higher. This information is used in aggregate by DEQ to determine if the city has optimized lead levels.

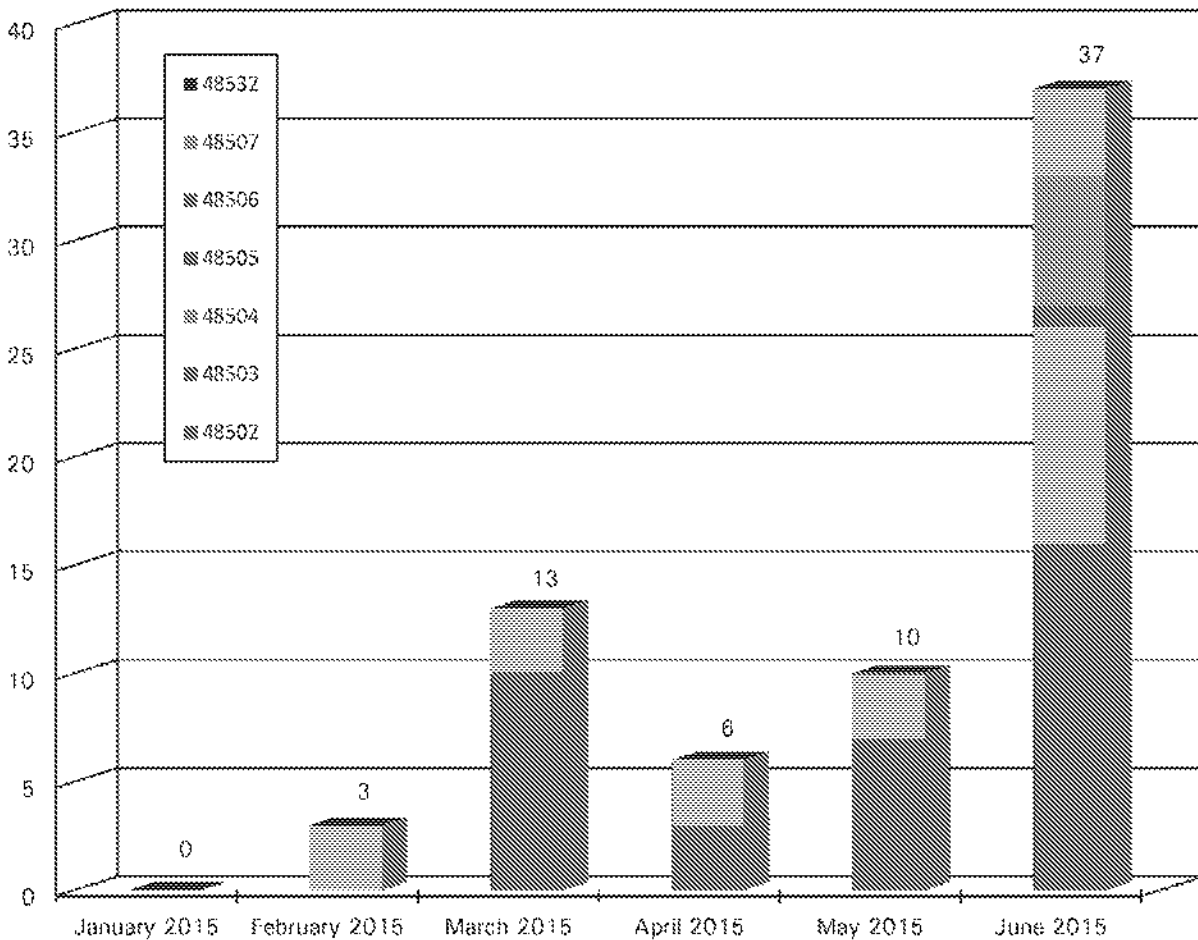


Source: The OAG prepared this map using data obtained from DEQ and ©OpenStreetMap contributors (opendatacommons.org). The sample locations are approximate.



Flint WTP 2015
Number of Samples by
Time Period and Zip Code (Exhibit #3)

This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.

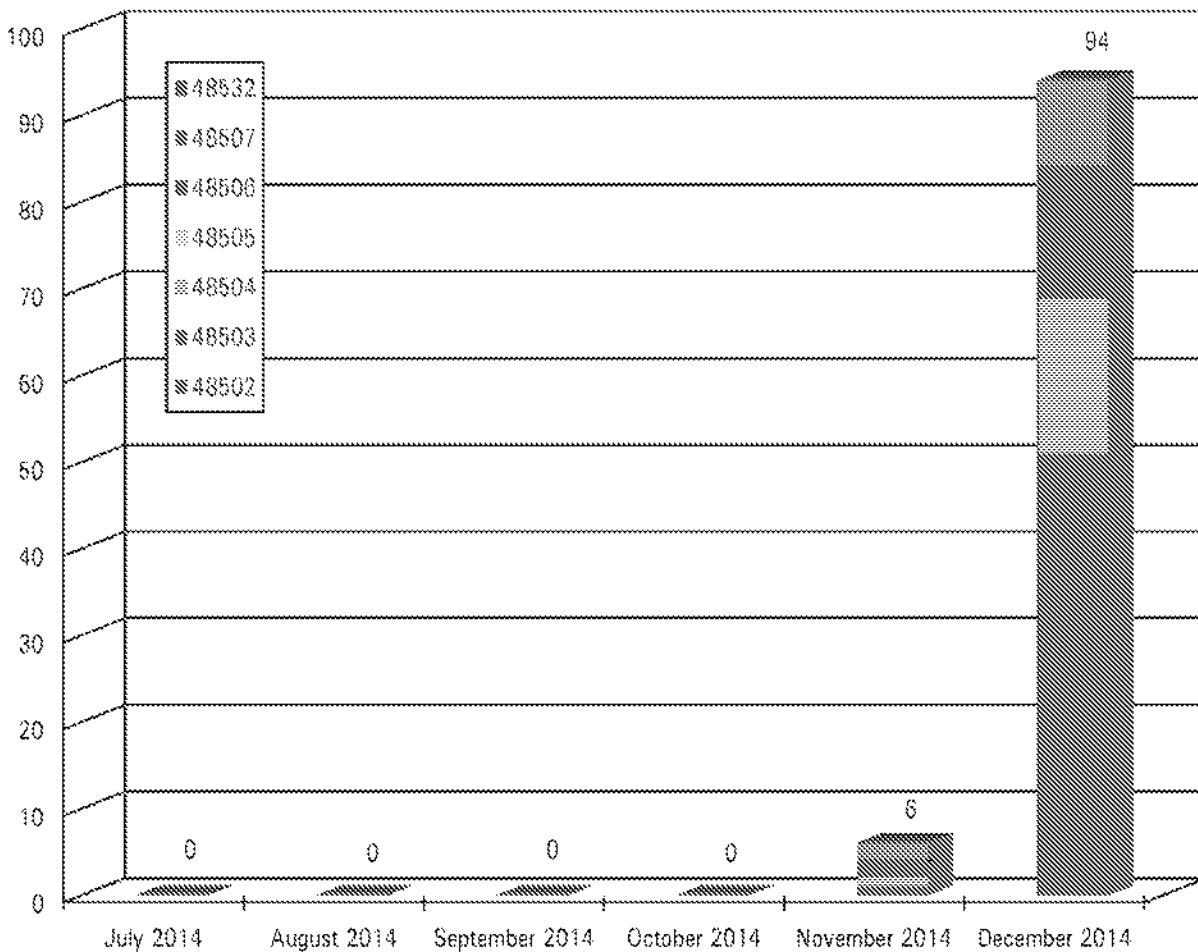


Source: The OAG prepared this chart using data obtained from DEQ.



Flint WTP 2014
Number of Samples by
Time Period and Zip Code (Exhibit #4)

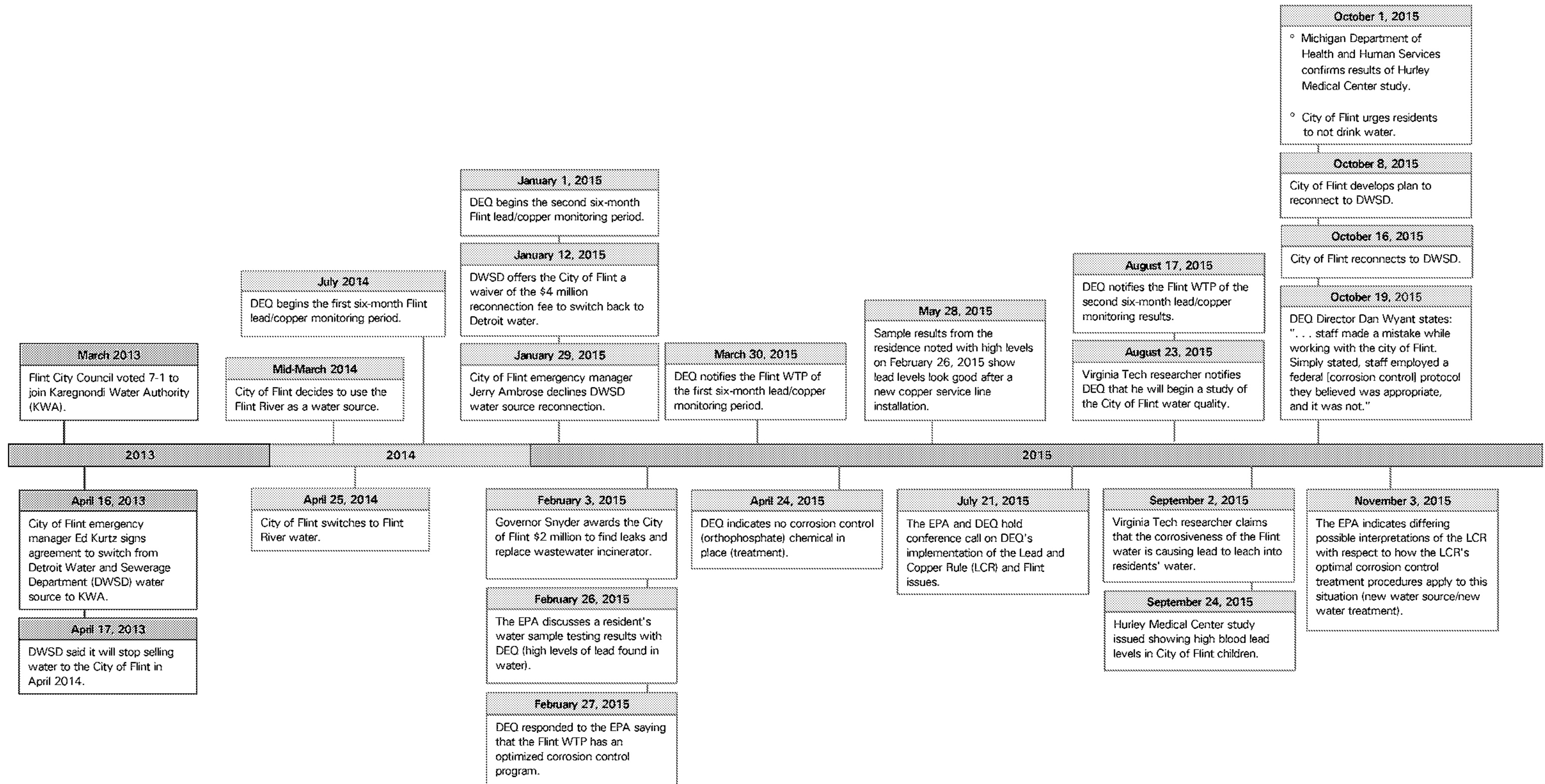
This chart expands on Exhibit #1 to show a summary by zip code and time of selection within the sampling period. Based on the data obtained during our review, we could not determine if the lateness of selection within the monitoring period affected the appropriateness of the sample items.



Source: The OAG prepared this chart using data obtained from DEQ.



Flint Water Review Time Line (Exhibit #5)



Source: The OAG prepared this time line using data (e-mails, meeting notes, and letters) obtained from DEQ, newspaper and press release articles, the Flintwaterstudy.org, and the Hurley Medical Center survey results.

From: Wyant, Dan (DEQ)
Sent: Tuesday, December 29, 2015 2:43 PM
To: Posthumus, Dick (GOV)
Subject: Re: Flint water statement

You are the best!

Sent from my iPhone

On Dec 29, 2015, at 2:41 PM, Posthumus, Dick (GOV) <Posthumusd@michigan.gov> wrote:

FYI. You will be missed by the State of Michigan and this administration. I wish you well. I know you will be a success in whatever you choose to do.
 Dick

From: Posthumus, Dick (GOV)
Sent: Tuesday, December 29, 2015 2:38 PM
To: senameekhof@senate.michigan.gov; kevin (kmcotter@hotmail.com) <kmcotter@hotmail.com>
Cc: rdevries@senate.michigan.gov; Brock Swartzle (BSwartzle@house.mi.gov) <BSwartzle@house.mi.gov>
Subject: FW: Flint water statement

Senate Majority Leader and Mr. Speaker;
 Below is a statement being released today relative to the Flint water. Please take note that the Governor reluctantly accepted Dan Wyant's resignation as the Director of DEQ. He is a great public servant who totally turned the culture of the DEQ around during his tenure. He will be missed.
 Dick

From: Holland, Meegan (GOV)
Sent: Tuesday, December 29, 2015 1:21 PM
To: Posthumus, Dick (GOV) <Posthumusd@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>; Agen, Jarrod (GOV) <AgenJ@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Scott, Allison (GOV) <scottal12@michigan.gov>; Hollins, Harvey (GOV) <hollinsh@michigan.gov>; Calley, Brian (GOV) <[REDACTED] PPI >; Redford, James (GOV) <RedfordJ@michigan.gov>
Subject: Flint water statement

Here is a statement from the Governor that will go out around 2-2:30 p.m. to the media. We'll also give a heads up to executive staffers and some others. - Meegan

When I became aware that the city of Flint's water showed elevated lead levels and that the state's handling of the situation was being questioned, I requested funding to switch the source back to the Great Lakes Water Authority and appointed an independent task force to identify possible missteps and areas for improvement.

The task force has done an exceptional job, reviewing stacks of documents and interviewing scores of Flint, Genesee County, state and federal officials.

Although the task force's final report is not yet completed, it has made me aware of some interim findings and corrective steps that I have decided to take immediately in order to restore trust in how the state keeps its citizens safe and informed.

We'll continue to work with the community members to make sure we hear and respond to their concerns.

In addition, MDEQ Director Dan Wyant has offered his resignation, and I've determined that it's appropriate to accept it. I'm also making other personnel changes at MDEQ to address problems cited by the task force.

But changes in leadership and staff are not enough. I understand there can be disagreements within the scientific community. That is why I have directed both the departments of Environmental Quality and Health and Human Services to invite every external scientist who has worked on this issue to be our partners in helping us improve Flint water. Let's share research on water and blood lead level testing so we can arrive at accurate and mutually supported conclusions. Together, we should work to affirm that we're using the very best testing protocols to ensure Flint residents have safe drinking water and that we're taking steps to protect their health over the short and long term.

I want the Flint community to know how very sorry I am that this has happened. And I want all Michigan citizens to know that we will learn from this experience, because Flint is not the only city that has an aging infrastructure.

I know many Flint citizens are angry and want more than an apology. That's why I'm taking the actions today to ensure a culture of openness and trust. We've already allocated \$10 million to test the water, distribute water filters, and help in other ways. Last week, I called Flint Mayor Karen Weaver, and we're going to meet soon to discuss other ways the state can offer assistance.

These are only initial steps - we fully expect to take more actions following the recommendations of our task force. When it comes to matters of health and quality of life, we're committed to doing everything we can to protect the well-being of our citizens.

Meegan Holland
Director of Communications for Gov. Rick Snyder
Office: 517-335-6397
Mobile: PPI
Twitter: @meholland

From: Hoffman, Kelly (DEQ)
Sent: Friday, April 19, 2013 1:05 PM
To: DEQ-ODWMA-Supervisors-All
Subject: FW: mgrs meeting minutes
Attachments: ODWMA Managers Meeting.docx

Whoops, thanks Jon. What can I say, it's Friday. ☺

Kelly Hoffman
517-241-4668

From: Bloemker, Jon (DEQ)
Sent: Friday, April 19, 2013 12:57 PM
To: Hoffman, Kelly (DEQ)
Subject: RE: mgrs meeting minutes

Kelly:

You forgot the attachment.

From: Hoffman, Kelly (DEQ)
Sent: Friday, April 19, 2013 12:50 PM
To: Bloemker, Jon (DEQ); Busch, Stephen (DEQ); Donaldson, Kristina (DEQ); Lachance, Amy (DEQ); Thomas, Chuck (DEQ); Benzie, Richard (DEQ); Busch, Stephen (DEQ); Butler, Sonya (DEQ); DeBruyn, Dana (DEQ); Falardeau, Ric (DEQ); Fitzner, Wendy (DEQ); Hoffman, Kelly (DEQ); Monosmith, Carrie (DEQ); Shekter Smith, Liane (DEQ); Gasper, Kirsten (DEQ); Tetzlaff, Katherine (DEQ)
Subject: mgrs meeting minutes

Attached are the draft minutes from the past meeting. Let me know if you have any comments/changes, also if someone has notes from the second half of the meeting I can add those in if you send them to me. I plan to post the final in the S Drive, RMD_All folder.

Kelly Hoffman
West Unit Chief
RLS-ODWMA
DEQ
517-241-4668

ODWMA Managers Meeting 4/12/2013 9:30am

SMT Update – Liane

SMT Good job getting minutes out

Budget

SRF -20 percent cut

DWRF – 5 percent cut

Looking at set asides for balancing

House proposal- Does not fund debt service on SAW now

Training

Share with other staff what training is available and what training is good/useful

Ways to better share info?

DIT fixed Database – training reports now available

Share training reports quarterly

Liane shared email on supervisory training thru Civil Service

Plan for an in-service? When/Where – RAM Center

Needs to be successful/crossover training

Need to have concurrent sessions – RLS would need wastewater info

Need a curriculum/deadline/timing – Liane suggested July/Aug 2014?

Committee nominations, survey of staff?

Wendy spearheading

Mentoring New Employee – built in support system

Pair up new staff with experienced employee outside of new staff's unit

Better if pairs are physically located near each other

Quality of Life mentoring – not well advertised, nobody knew about it

Mentoring/Experienced folks should be volunteers not assigned

Training for mentors? Level of commitment?

Someone from ODWMA needed for communications point person for DEQ social media – keep in mind

Restacking Updates

RLS was dropped in the original plan, new plan in works

½ cage in Filley St. dedicated to ODWMA for equipment

Get to keep library in place – atrium level

Should be able to get collaborative space on 4th floor

Note sent to Rhonda about 2 drawer lateral files (specifically style E) – no response yet

New phone system

Now is the time, with restack

Pilot program going to cell phones – Bill Creal

All new phone numbers possible

QAPPs

RLS – need to have for SRF? – When there is a need

EPA wants to transfer burden to states for contractors

Drinking water lab has QAPP if sample taken to environmental lab than might not have QAPP

Liane- we should be covered since we take to certified drinking water lab

Metrics

Scorecard/Metrics stuff due next week

EPA Office of Water program measures

Metrics needed on more of a program basis – Kathy uses for program budgets

Needed to be set up in folders so they are easier to find

Will be set up on S: drive, set up by program

Carrie – add one in for enforcement

RLS new EA distribution system

New postcard distribution system

EA published online

Carrie suggested publishing in DEQ calendar

Flex Schedules/Telecommuting

SMT – reaffirmed 7am-6pm schedules and telecommuting 64hrs in office per pay period

Telecommuting – Formal process – approval process remains the same, must be accessible

Informal process – not been ‘legally’ allowed but now will be, old policy to change, discretion up to supervisor. Must be infrequent requests, many liability issues. Okay to say no.

Official telecommuting has stringent requirements

Four 10’s schedule – up to supervisor. Managers/Clericals need to work five days a week (in general).

Liane out Mon-Wed in Chicago next week, EPA PWSS R5 meeting

Liane attended MALPH legislative reception this week

Liane AWWA board meeting next Friday

Liane attending non-community water supply training in Bay City for local Health Depts. 4/22-4/23

Multiple small system training – Deb, Mark Joseph

UP Institute same week (May) as stakeholder meeting – Liane and Carrie to discuss

Flint Water – waiting for Treasurer to make a decision

meeting was held with DEQ, Treasury, Flint, Genesee Co – most onboard with KWA option, more alternatives from DWSD?

Highland Park – Letter signed addressing distribution problems and DWSD current situation is temp

RLS gets monthly calls from legislative staff about project

Liane, Kris visited Waterworks Park, DWSD

Liane discussed Director attending RLS staff meeting

She met with Director after regarding WRD and RLS – no change.

12:07 end time.

From: Devereaux, Tracy Jo (DEQ)
Sent: Friday, May 22, 2015 10:37 AM
To: DEQ-ODWMA-Supervisors-All;Maul, Sue (DEQ)
Subject: ODWMA Management Meeting Minutes - May 2015
Attachments: ODWMA Management Meeting Minutes May 2015.pdf

Attached are the meeting minutes from the May 2015 Management Team Meeting. Please provide agenda items for the June 16, 2015 meeting by c.o.b. June 15, 2015.

Thanks,

Tracy Jo

Tracy Jo Devereaux, Management Assistant to
Liane J. Shekter Smith, P.E., Chief
Office of Drinking Water and Municipal Assistance
Michigan Department of Environmental Quality
Constitution Hall, 4th Floor, South Tower, Pillar P8
525 W. Allegan Street
Lansing, Michigan 48933
☎ 517-284-6544
✉ devereauxt@michigan.gov

From: Shekter Smith, Liane (DEQ)
Sent: Tuesday, November 24, 2015 9:48 AM
To: DeBruyn, Dana (DEQ); Ladouceur, Anita (DEQ); McEwan, Jim (DEQ)
Subject: FW: Campaigners plan to sue over lead in Flint's drinking water

Interesting article on testing of/for private wells.

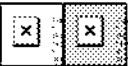
From: Water Technology [mailto:email@watertechonlinenews.com]
Sent: Tuesday, November 17, 2015 2:16 PM
To: Shekter Smith, Liane (DEQ)
Subject: Campaigners plan to sue over lead in Flint's drinking water

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Top Stories for November 17, 2015

Campaigners plan to sue over lead in Flint's drinking water

The two groups allege that dangerous amounts of lead leached out of the city's pipes and into the drinking water of Flint's homes and schools for more than a year.

Agencies award \$1.3M to protect Long Island Sound

Almost 1.7 million gallons of water will be treated through water quality improvements.

CH2M names veteran employee as new water president

Peter Nicol has held several leadership positions throughout his 35 years with the company.

Featured Content:

Proper well water testing components

The "My water looks good, tastes good, it must be good" problem



Classified of the Day:

New Business Development — Mexico

November issue of *Water Technology*® available online

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From: Neuman, Andy (LARA)
Sent: Wednesday, November 25, 2015 8:15 AM
To: Busch, Stephen (DEQ); Madziar, Joseph (LARA); Krisztian, George (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); DeBruyn, Dana (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Subject: RE: Preliminary and Deliberative - Draft assessment review - Brownell
Importance: High

Steve,

I have read the draft assessment review for Brownell and do not have any issues with the content.

*Andy B. Neuman
 Assistant Chief
 Plumbing Division
 Bureau of Construction Codes
 Department of Licensing and Regulatory Affairs
 517/241-9330
neumana@michigan.gov*

From: Busch, Stephen (DEQ)
Sent: Wednesday, November 25, 2015 6:46 AM
To: Madziar, Joseph (LARA); Neuman, Andy (LARA); Krisztian, George (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); DeBruyn, Dana (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Subject: Preliminary and Deliberative - Draft assessment review - Brownell

Attached is the draft report for the school sampling conducted at Brownell STEM Academy school for comment. Joe and Andy please let me know if there are any issues with content.

I believe I have incorporated formatting consistent with the last report for Eisenhower.

Note faucet CF007 was above the take action level for both lead and copper. As this was the only location with copper above this level and actions related to lead would also address copper, I added a paragraph on copper for this faucet in the lead section.

Once reviewed Tracy Jo will work with OEA to get it finalized and provide back to me for final review before George distributes the report.

Stephen Busch, P.E.
 MDEQ Lansing District Coordinator
 Office of Drinking Water and Municipal Assistance
 Lansing and Jackson District Supervisor
 517-643-2314
buschs@michigan.gov

From: Madziar, Joseph (LARA)
Sent: Monday, November 30, 2015 8:35 AM
To: Busch, Stephen (DEQ); Neuman, Andy (LARA); Krisztian, George (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); DeBruyn, Dana (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Subject: RE: Preliminary and Deliberative - Draft assessment review - Brownell

Steve,

I have read the report for Brownell Stem Academy and it looks good to me.

Joe

From: Busch, Stephen (DEQ)
Sent: Wednesday, November 25, 2015 6:46 AM
To: Madziar, Joseph (LARA); Neuman, Andy (LARA); Krisztian, George (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); DeBruyn, Dana (DEQ); Sygo, Jim (DEQ); Shekter Smith, Liane (DEQ)
Subject: Preliminary and Deliberative - Draft assessment review - Brownell

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Stephen Busch, P.E.
MDEQ Lansing District Coordinator
Office of Drinking Water and Municipal Assistance
Lansing and Jackson District Supervisor
517-643-2314
buschs@michigan.gov

From: Shaw, Eric (DEQ)
Sent: Friday, December 04, 2015 8:17 AM
To: Krisztian, George (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); DeBruyn, Dana (DEQ)
Subject: Re: Photo on drinking water web site

I will work on that this morning. I'll be there in just a few. I got held waiting for an accident and everyone slowing down to look.

Sent from my iPhone

> On Dec 4, 2015, at 8:04 AM, Krisztian, George (DEQ) <krisztiang@michigan.gov> wrote:

>

> OK, I got it now. At first I thought the attached picture you sent was the proposed replacement and the very first thing that caught my eye was the brass fixture. Then I read the rest of the thread.

>

> I agree, we need a replacement.

>

> Eric, let's see what we can come up with.

>

> Thanks to all!

> George

>

> George L. Krisztian

> Flint Action Plan Coordinator

> Laboratory Director

> Michigan Department of Environmental Quality Desk ph (517) 284-6719

> Cell ph (517) 420-5897

>

> -----Original Message-----

> From: Devereaux, Tracy Jo (DEQ)

> Sent: Friday, December 04, 2015 7:52 AM

> To: Krisztian, George (DEQ)

> Subject: FW: Photo on drinking water web site

>

> FYI, maybe you could work with Eric Shaw on updating this with a new proposed picture?

>

> Thanks,

> Tracy Jo

>

>

> -----Original Message-----

> From: DeBruyn, Dana (DEQ)

> Sent: Friday, December 04, 2015 7:41 AM

> To: Devereaux, Tracy Jo (DEQ)

> Cc: Shekter Smith, Liane (DEQ); Busch, Stephen (DEQ)

> Subject: Fwd: Photo on drinking water web site

>

> I was looking at the drinking water web site and this photo caught my eye. It is very similar in appearance to those we recommend replacing in the schools. I suggest we work with the web team to replace asap.

>

> Sent from my iPhone

>

>>

>>

>>

From: Benzie, Richard (DEQ)
Sent: Friday, December 11, 2015 10:54 AM
To: Remus, Matt (DEQ); Thomas, Chuck (DEQ); DeBruyn, Dana (DEQ); Shekter Smith, Liane (DEQ)
Subject: RE: sample collection

Thank you.

I am not sure how much more sampling there will be, but I believe we may be undertaking the sampling of parochial/private schools next, especially if we are unable to get a contract for this service, so your services may be requested.

From: Remus, Matt (DEQ)
Sent: Friday, December 11, 2015 8:09 AM
To: Thomas, Chuck (DEQ); Benzie, Richard (DEQ); DeBruyn, Dana (DEQ); Shekter Smith, Liane (DEQ)
Subject: sample collection

All,

I don't know the need, but if we are still sampling Flint water in January, I am available to help out on January 16 and January 30. Depending on kids sports schedules, I may also have availability in February and March as well. Please keep me in mind as needed.

Thanks,

Matt Remus, RS
Contamination Investigation Program
Office of Drinking Water and Municipal Assistance
517-284-6503
remusm@michigan.gov

From: Schinderle, Jack (DEQ)
Sent: Tuesday, January 05, 2016 12:09 PM
To: Busch, Stephen (DEQ)
Cc: Madziar, Joseph (LARA); Neuman, Andy (LARA); Kohlhepp, Amy (DEQ); Krisztian, George (DEQ); DeBruyn, Dana (DEQ)
Subject: RE: Doyle Ryder Report - Draft for Review/Final/Publish

OK thanks. Just checking.

Is it ready to format?

From: Busch, Stephen (DEQ)
Sent: Tuesday, January 05, 2016 11:55 AM
To: Schinderle, Jack (DEQ); Krisztian, George (DEQ); DeBruyn, Dana (DEQ)
Cc: Madziar, Joseph (LARA); Neuman, Andy (LARA); Kohlhepp, Amy (DEQ)
Subject: RE: Doyle Ryder Report - Draft for Review/Final/Publish

Jack,

While an assessment was not completed to identify specific components of this fixture, the results clearly show higher levels of lead related to the first two samples, P1 & P2. These would be from the fixture itself and its immediate connecting plumbing. Thus the recommendation for replacement of the fixture and its immediate plumbing with lead-free materials still applies.

Stephen Busch, P.E.
MDEQ Lansing District Coordinator
Office of Drinking Water and Municipal Assistance
Lansing and Jackson District Supervisor
517-643-2314
buschs@michigan.gov

From: Schinderle, Jack (DEQ)
Sent: Tuesday, January 05, 2016 9:06 AM
To: Busch, Stephen (DEQ); Krisztian, George (DEQ); DeBruyn, Dana (DEQ)
Cc: Madziar, Joseph (LARA); Neuman, Andy (LARA); Kohlhepp, Amy (DEQ)
Subject: RE: Doyle Ryder Report - Draft for Review/Final/Publish

Question:

01KC044 in the principal's office-

Outlet: Bathroom Faucet (01KC044 Alternate)

Location: Principal Office Bathroom

Results: P1=48 parts per billion, P2=30 parts per billion,
F01=3 parts per billion, F02=2 parts per billion

Faucet 01KC044 was not accessible during sampling on November 7, an alternate faucet in the adjacent bathroom was sampled. This faucet is drinking or cooking and an assessment was not completed on the fixture connecting plumbing.

No
Image
Available

2015. Instead
not used for
or its

The results for this location suggest the highest contributions of lead may be from the faucet and its connecting plumbing. Replacement of this fixture and its connection plumbing with lead-free materials will significantly reduce lead exposure at this location if it is ever used for drinking or cooking. If replacement is not feasible, sample results indicate that flushing this tap for three minutes following periods of stagnation is likely to reduce lead concentrations and lead exposure.

This faucet was not accessible and another faucet was sampled instead. "Yet, the results from this location suggest..." This paragraph is confusing in that there was no assessment done but there is discussion about lead results.

Let me know when the review is complete and I will have the document put in final format.

jack

From: Busch, Stephen (DEQ)
Sent: Monday, January 04, 2016 1:49 PM
To: Krisztian, George (DEQ); Schinderle, Jack (DEQ); Madziar, Joseph (LARA); DeBruyn, Dana (DEQ); Neuman, Andy (LARA)
Subject: Doyle Ryder Report - Draft for Review/Final/Publish

Attached is the draft report for the Doyle Ryder Elementary school in Flint. Please review the report for content. Note that this report includes new language regarding outlets not sampled for being out of service so please review carefully.

Jack you may forward this on to OEA staff that are assigned to finalize and convert into a publication. Once complete please send the final copy back to George and I to take a last look before we release the report.

Thanks everyone.

Stephen Busch, P.E.
MDEQ Lansing District Coordinator
Office of Drinking Water and Municipal Assistance
Lansing and Jackson District Supervisor
517-643-2314
buschs@michigan.gov