
From: Shaler, Karen (DEQ)
Sent: Tuesday, October 13, 2015 9:15 AM
To: Sygo, Jim (DEQ)
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint
Attachments: Request for Disclosure of Official Files; FW: FOIA request from Phelps - 6422-15; RE: FOIA request from Phelps - 6422-15; 6422 - EXEC, ODWMA, WRD + Lansing - due: 9/15/15; Attached FOIA Request and \$50 Check; Request for Disclosure of Official Files

FYI, since I see you need to attend the 11:15 am meeting today on this issue.

From: Shaler, Karen (DEQ)
Sent: Tuesday, October 13, 2015 9:12 AM
To: Wyant, Dan (DEQ); Pallone, Maggie (DEQ); Wurfel, Brad (DEQ)
Cc: Thelen, Mary Beth (DEQ)
Subject: RE: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Executive Division did not have any records for Rep. Phelps' FOIA request; only ODWMA did. Attached are e-mails about the handling of his FOIA request. This FOIA was assigned to EXE, ODWMA, and WRD; and Rep. Phelps was notified of that via the 1st attached e-mail of September 10. The 4th attached e-mail contains the 3 documents that ODWMA Lansing District (Jo Anne Rennaker) e-mailed on September 30 to Rep. Phelps at no charge. The last attached e-mail is the denial e-mail that Susan Vorce sent on September 28 indicating that EXE and WRD don't have any records, and I was unaware of her e-mail until October 1 when I checked the U drive folder where our FOIA office saves the PDF of FOIA requests and e-mails to the requesters.

Here is a link to the "DEQ FOIA Information" that's on our home page: <http://www.michigan.gov/deq/0,4561,7-135--357782--,00.html>

The 2nd to last link on that page is a draft of the new DEQ Policy and Procedure No. 01-006A, which is for the public to know how to make a FOIA request and how it's processed in DEQ.

Please let me know if you need anything else. Thanks.

From: Pallone, Maggie (DEQ)
Sent: Tuesday, October 13, 2015 7:38 AM
To: Shaler, Karen (DEQ)
Cc: Thelen, Mary Beth (DEQ); Wurfel, Brad (DEQ)
Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Karen-

Can you help Brad and Dan on what documents were provided to Phelps? From both ODWMA and EXE?

Thanks,

Maggie

From: Wurfel, Brad (DEQ)
Sent: Monday, October 12, 2015 9:35 PM

To: Pallone, Maggie (DEQ) <PalloneM@michigan.gov>

Subject: Fwd: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Need you on this. Probably will help to have copies of whatever we shared and I want to be sure I know what I know. Thanks.

b

Sent from my iPhone

Begin forwarded message:

From: "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>

To: "Wyant, Dan (DEQ)" <WyantD@michigan.gov>, "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>, "Tommasulo, Karen (DEQ)" <TommasuloK@michigan.gov>

Subject: FW: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Need to make sure I understand the full background and story on this.

From: Gary Ridley [<mailto:GRIDLEY@mlive.com>]

Sent: Monday, October 12, 2015 1:39 PM

To: Bitely, Andrea (AG) <BitelyA@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>

Subject: Comment sought on Rep. Phelps Files Suit Against State of Michigan, City of Flint

Hi,

I wanted to see if the state had any comment in response to this lawsuit.

Thanks.

--

Gary Ridley | The Flint Journal-MLive Media Group | 810-280-9516 | gridley@mlive.com <<mailto:gridley@mlive.com>>

From: Rosemary Jones [<mailto:RJones@house.mi.gov>]

Sent: Monday, October 12, 2015 1:33 PM

To: Rosemary Jones

Subject: Rep. Phelps Files Suit Against State of Michigan, City of Flint

FOR IMMEDIATE RELEASE

Monday, Oct. 12, 2015

Contact: Rep. Phil Phelps

Phone: (517) 373-7515

Rep. Phelps Files Suit Against State of Michigan, City of Flint
State, city failed to release documents sought in FOIA request

LANSING — State Representative Phil Phelps (D-Flushing) announced earlier today that he is filing suit against the state of Michigan and the city of Flint to force them to release public documents he requested last month under the Freedom of Information Act (FOIA).

“It's an absolute shame that I have to file suit to force our government to comply with the law,” Phelps said. “I was shocked at their response, because prior to receiving the denials, officials from both the city and state had told me that not only did documents exist, but they would be happy to share them with me.”

On Sept. 4 of this year, Phelps requested that the city and state turn over all documents and emails regarding the permit and application process that Flint's emergency manager was required to complete before the Michigan Department of Environmental Quality gave the go ahead to the city to start using the Flint River as its source of drinking water. Late last month, the state and the city both denied Phelps' request, saying that no such documents exist.

In March and April of 2014, officials from both the city and state were also quoted in several articles on Mlive.com, making comments about the permit application process for Flint to switch its source of drinking water from Detroit's system to the Flint River.

“I want to know what these officials knew about the safety and quality of the river water before the switch was made. Judging by their response and recent actions, it almost seems they knew a lot more than they are letting on to,” Phelps said. “Flint residents deserve better than this, they deserve to know the truth about the decisions that were made, and if I have to fight this in court to get the truth, so be it.”

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Rosie Jones
Deputy Press Secretary
Michigan House Democrats
O: 517.373.3731
C: 734.657.6413
housedems.com

From: DEQFOIA
Sent: Thursday, September 10, 2015 11:59 AM
To: Phillip Phelps (pphelps277@yahoo.com)
Subject: Request for Disclosure of Official Files

Mr. Phil Phelps

PPI

Dear Mr. Phelps:

SUBJECT: Request for Disclosure of Official Files

This notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), received on September 8, 2015. You have requested the following information: "Any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint, etc." (FOIA 6422-15).

Your request will be forwarded to the **Executive Division, Office of Drinking Water and Municipal Assistance, and Water Resources Division**

Due to time constraints and limited resources, it is necessary to issue a 10-business day extension until **September 29, 2015**, as permitted under Section 5(2)(d) of the FOIA.

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
800-662-9278

The DEQ strives to continually improve its customer service to FOIA requestors. To provide input for improvements to the FOIA process, please complete this survey: <https://www.surveymonkey.com/s/foia-process>

From: Shaler, Karen (DEQ)
Sent: Tuesday, September 29, 2015 6:29 PM
To: DEQFOIA;Vorce, Susan (DEQ);Busch, Stephen (DEQ);Rennaker, Joanne (DEQ)
Cc: DEQ-RMD-FOIA;Devereaux, Tracy Jo (DEQ);Thelen, Mary Beth (DEQ);Feuerstein, Heather (DEQ)
Subject: FW: FOIA request from Phelps - 6422-15
Attachments: 6422.pdf; RE: Check; 6422 - EXEC, ODWMA, WRD + Lansing - due: 9/15/15

FYI, Maggie Pallone previously told me that she spoke with Rep. Phelps about his attached FOIA request. He told her that he would get back with her about whether or not he wanted to cancel his request. Maggie has since contacted his office 3 additional times to follow up, but no one has contacted her. That being said, late this afternoon, Maggie said to go ahead and treat his request as a FOIA after all.

In addition, today Sylvia Renteria sent his \$50 FOIA good faith deposit check to the Cashier's Office to be deposited due to the year-end closing deadline to deposit checks and is having it credited to ODWMA (see attached).

It turns out that the Executive Division does not have any of the requested records. However, ODWMA has three documents in the attached e-mail from Tracy Jo Devereaux that are responsive according to my conversation today with Steve Busch, so ODWMA will need to provide Rep. Phelps with those documents, apply the cost against the \$50 check, and either have a refund issued if the total cost is less than \$50 or invoice Rep. Phelps for any additional amount over \$50.

Please let me know if you need anything else from me. Thanks.

Karen

From: Vorce, Susan (DEQ)
Sent: Tuesday, September 15, 2015 11:31 AM
To: Pallone, Maggie (DEQ); Copen, Leigh (DEQ); Shaler, Karen (DEQ)
Cc: Schinderle, Jack (DEQ); Edlin, Karen (DEQ)
Subject: FW: FOIA request from Phelps - 6422-15

Maggie:

The attached FOIA request has already been entered into the FOIA database.

However, I did not realize the requester was a State Representative.

Karen Shaler and JoAnne Rennaker (ODWMA-Lansing District) are working on this FOIA request.

Please contact me or Karen if you have any questions.

--Susan

Susan Vorce, FOIA Coordinator
 Department of Environmental Quality

517-284-6889 or 800-662-9278

voices@michigan.gov

FOIA Coordinator
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957
Phone: 800-662-9278

deqfoia@michigan.gov

6422-15
Exec, WRD
ODWMA
LDO
Due 9-29-15

10-day

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the Michigan Department of Environmental Quality has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of \$50 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds \$50, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond \$50. If the amount is less than \$50 please refund the balance to this office.

Sincerely,

Phil Phelps

PPI

DEQFOIA

From: Phillip Phelps <pphelps277@yahoo.com>
Sent: Friday, September 04, 2015 4:53 PM
To: DEQFOIA
Subject: FOIA Request
Attachments: Phelps Mich Dept EQ FOIA Request Sept 4 2015.doc

Hello,

Please find the attached FOIA request. If you have any questions please feel free to contact me through the contact information provided in the attached FOIA request.

Thanks,
Phil

From: Devereaux, Tracy Jo (DEQ)
Sent: Thursday, September 24, 2015 5:01 PM
To: Shaler, Karen (DEQ); DEQFOIA
Cc: DEQ-RMD-FOIA
Subject: 6422 - EXEC, ODWMA, WRD + Lansing - due: 9/15/15
Attachments: 02310_Flint_BaselineForm.pdf; ATT00001.htm; BaselineLetterSW - 03 14 07.pdf; ATT00002.htm; BaselineQA - 03 12 07.pdf; ATT00003.htm

Attached are all the documents ODWMA has pertaining to the subject line FOIA request. Our understanding is that the documents are to be reviewed in Executive Division before going anywhere else.

From: Busch, Stephen (DEQ)
Sent: Thursday, September 24, 2015 4:58 PM
To: Devereaux, Tracy Jo (DEQ)
Subject: Fwd: Flint Baseline Info

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

Sent from my iPhone

Begin forwarded message:

From: "Philip, Kris (DEQ)" <PHILIPK@michigan.gov>
Date: September 23, 2015 at 10:24:15 AM EDT
To: "Busch, Stephen (DEQ)" <BUSCHS@michigan.gov>
Cc: "Rennaker, Joanne (DEQ)" <RENNAKERJ@michigan.gov>
Subject: Flint Baseline Info



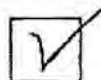
COMPLETE AND RETURN THIS FORM TO THE MDEQ BY APRIL 1, 2007.

Listed below is the sum of the rated capacity of all low service or intake pumps the MDEQ has on record capable of withdrawing water from a surface water source as of May 29, 2006. If the capacity is correct, check the box provided. If the total capacity is incorrect, put the correct capacity in the blank to the right of the listed capacity. Finally, complete the signature box and return the form to the MDEQ. Thank you for your cooperation.

WSSN: 02310 FLINT

Check this box if the total capacity listed below is correct.

If the data is incorrect, leave this box blank and make the necessary correction below.



	Capacity on Record	Capacity Correction
Total low service or intake pump capacity:	90 MGD	

Signature of water supply representative:

BRENT F. WRIGHT
Printed Name

OPS & TECH SUPERVISOR
Title

Signature

3-22-07
Date

Please FAX or mail your
completed form to:

MDEQ, Water Bureau
Community Drinking Water Unit
PO Box 30273
Lansing, MI 48909-7773

FAX: (517) 241 - 1328



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

March 13, 2007

Dear Water Supply Professional:

**SUBJECT: Confirmation of "Baseline Capacity" for Surface Water Sources
RESPONSE REQUIRED BY APRIL 1, 2007**

This correspondence has been sent to confirm the "baseline capacity" of your surface water source(s). Baseline capacity is a critical component of new laws regulating water withdrawals passed by the Michigan legislature in February 2006. The enclosed "Question and Answer" (Q&A) document further explains this new legislation, its impact on you, and why responding to this letter is to your advantage.

To assign a baseline capacity for community water supplies, the MDEQ must establish the design withdrawal capacity as of May 29, 2006. For surface water sources, the design withdrawal capacity is the sum or total capacity of all pumps capable of withdrawing water from a surface water source. This capacity is the sum of the rated or design capacity of your low service or intake pumps without regard to hydraulic limitations or pump inefficiencies.

Enclosed please find a report on the sum or total rated capacity of your low service or intake pumps currently on record at the MDEQ. Please review this capacity, indicate your agreement or provide necessary corrections, and return the signed form to the MDEQ by April 1, 2007. A single response is all that is necessary, so you may wish to consult with your water system staff before returning your reply.

There is no scenario under the new legislation where confirming your baseline capacity will not be to your advantage. In fact, failure to do so may result in the MDEQ using annual pumpage data instead of available withdrawal capacity to determine your baseline. This default approach will result in a lower baseline capacity being established for your system.

In closing, the MDEQ wants to ensure the low service or intake pump capacity data it has on record is accurate and appropriate for establishing your baseline capacity from surface water source(s). If you have specific questions about the capacity listed on the enclosed report, please contact your district engineer. If you have questions regarding the new water withdrawal legislation, please read the enclosed Q&A document where you will find additional resources and contact information. Thank you for your cooperation.

Sincerely,

James K. Cleland, P.E., Chief
Lansing Operations Division
Water Bureau

Enclosures

cc: Operator in Charge

Questions and Answers Regarding New Water Withdrawal Legislation & Baseline Capacity

What is the purpose of the new water withdrawal legislation and why do we need to establish baseline capacity?

The new laws governing large quantity water withdrawals expanded upon water use and reporting requirements for large quantity water users to further assist in management of Michigan's water resources. The laws amended Parts 327 and 328 of the Natural Resources and Environmental Protection Act, and the Safe Drinking Water Act. The amendments redefined the requirements for water use registration and reporting, established environmental standards for assessment of new or increased large quantity water withdrawals, and set in place permit requirements for new large quantity water withdrawals of over 2 million gallons per day for ground water or inland surface water sources and 5 million gallons per day for surface water sources drawing from the Great Lakes or connecting waters.

What is a Large Quantity Withdrawal?

A large quantity withdrawal is defined as 1 or more cumulative total withdrawals of over 100,000 gallons per day (gpd) as an average in any 30-day period supplying a common distribution system, an amount approximately equal to new or additional capacity of 70 gallons per minute (gpm).

What is Baseline Capacity?

Baseline capacity is defined as the withdrawal capacity reported to the MDEQ by the person making a large quantity water withdrawal in the April 1, 2007 annual report of water use. For public water supplies the baseline capacity is the total designed withdrawal capacity as approved by the MDEQ under the Michigan Safe Drinking Water Act. For groundwater systems, the approved withdrawal capacity of your well(s) is the rated capacity of the well pump(s), not the capacity at which the pump(s) may be operating due to well inefficiencies. This capacity may include standby wells equipped with pumps that are maintained for emergency use. For surface water systems, the approved withdrawal capacity is the rated capacities of low service or intake pumps regardless of hydraulic limitations or pump inefficiencies. Only pumping equipment in place and operational within 90 days of the effective date of the legislation, which was February 28, 2006, can be included in the baseline capacity. If the above referenced capacity information is not reported and is otherwise unavailable, baseline capacity defaults to the maximum reported water use reported to the MDEQ for the years 2002 to 2005.

Why is establishing a baseline capacity important to you?

Under the new legislation, all new or increased "large quantity withdrawals" will be subject to evaluation under the new environmental standards. By legislative mandate, a new or increased large quantity withdrawal references a system's baseline capacity, or the existing capacity of the large quantity water user as a point of reference. All existing large quantity withdrawals that can be documented by the April 1, 2007 deadline for reporting are "grandfathered."

(continued on reverse)

How might an inaccurate or no baseline capacity affect your public water supply?

The answer to this question is best exemplified by citing a hypothetical example. Suppose a water supply system (not necessarily a public water supply) is operating with an average water use of 1.2 million gallons per day (MGD) and a peak water use reported to the department in 2004 of 1.6 MGD. However, the sum of capacities for the system's well pumps is 1800 gpm, or 2.6 MGD. Unfortunately, the system fails to notify the MDEQ of their existing well pump capacity. Under the law, 1.6 MGD becomes the grandfathered baseline capacity instead of 2.6 MGD.

Subsequently, the system increases their water use and later reports a water use to the MDEQ of 1.8 MGD, or a 200,000 gpd increase. The system is now subject to application of the new environmental standards adopted in passage of the legislation. Had they reported their baseline capacity, an increase in use of up to 1.0 MGD would have been exempt from application of the new environmental standards.

To give another example, a system using surface water has a peak daily demand reported on June 30, 2004 of 22 MGD. At the water treatment plant, there are 4 low service pumps that may be used to withdraw water from their source. Two of the pumps are rated at 10 MGD. The other 2 pumps have variable frequency motors. One of these pumps can produce up to 10 MGD; the other up to 5 MGD. If the system fails to notify the MDEQ that the total capacity of their low service pumps is 35 MGD, their grandfathered baseline capacity will become 22 MGD. As in the previous example, this system is now subject to the application of the new environmental standards should their water use increase more than 100,000 gpd beyond the 2004 peak demand.

Where can I obtain additional information on the new water use legislation?

Additional information about the new water use and water withdrawal legislation is available on the MDEQ website at <http://www.michigan.gov/deqwateruse>. Specific questions or comments regarding the new legislation should be directed to: Brant Fisher at 517-241-1415 or fisherb@michigan.gov or Ronda Page at 517-241-1380 or pagerc@michigan.gov.

Questions specific to your water supply well capacities should be directed to your MDEQ district office.

From: Shaler, Karen (DEQ)
Sent: Wednesday, September 30, 2015 11:09 AM
To: Rennaker, Joanne (DEQ); DEQFOIA; Vorce, Susan (DEQ); Busch, Stephen (DEQ)
Cc: Devereaux, Tracy Jo (DEQ); Feuerstein, Heather (DEQ); Renteria, Sylvia (DEQ)
Subject: RE: FOIA request from Phelps - 6422-15

As we discussed, yes, please e-mail the three PDF documents to him at p Phelps277@yahoo.com as I understand that ODWMA will provide the documents at no charge. FYI, I also spoke with Lori Carter of the Accounting Service Center, who told me the \$50 FOIA deposit check has not yet been processed so once they receive it, she will have it returned to me to be voided and returned to Rep. Phelps. Thanks.

From: Rennaker, Joanne (DEQ)
Sent: Wednesday, September 30, 2015 10:26 AM
To: Shaler, Karen (DEQ); DEQFOIA; Vorce, Susan (DEQ); Busch, Stephen (DEQ)
Cc: Devereaux, Tracy Jo (DEQ)
Subject: RE: FOIA request from Phelps - 6422-15

Good Morning Karen,

Do you want me to e-mail the documents to Representative Phelps?

Jo Anne Rennaker
 Secretary
 Office of Waste Management and Radiological Protection
 Office of Drinking Water and Municipal Assistance
 517-284-6643

From: Shaler, Karen (DEQ)
Sent: Tuesday, September 29, 2015 6:29 PM
To: DEQFOIA; Vorce, Susan (DEQ); Busch, Stephen (DEQ); Rennaker, Joanne (DEQ)
Cc: DEQ-RMD-FOIA; Devereaux, Tracy Jo (DEQ); Thelen, Mary Beth (DEQ); Feuerstein, Heather (DEQ)
Subject: FW: FOIA request from Phelps - 6422-15

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It turns out that the Executive Division does not have any of the requested records. However, ODWMA has three documents in the attached e-mail from Tracy Jo Devereaux that are responsive

according to my conversation today with Steve Busch, so ODWMA will need to provide Rep. Phelps with those documents, apply the cost against the \$50 check, and either have a refund issued if the total cost is less than \$50 or invoice Rep. Phelps for any additional amount over \$50.

Please let me know if you need anything else from me. Thanks.

Karen

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Sent: Tuesday, September 15, 2015 11:31 AM
To: Pallone, Maggie (DEQ); Copen, Leigh (DEQ); Shaler, Karen (DEQ)
Cc: Schinderle, Jack (DEQ); Edlin, Karen (DEQ)
Subject: FW: FOIA request from Phelps - 6422-15

Maggie:

The attached FOIA request has already been entered into the FOIA database.

However, I did not realize the requester was a State Representative.

Karen Shaler and JoAnne Rennaker (ODWMA-Lansing District) are working on this FOIA request.

Please contact me or Karen if you have any questions.

--Susan

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
517-284-6889 or 800-662-9278
voces@michigan.gov

From: Devereaux, Tracy Jo (DEQ)
Sent: Thursday, September 24, 2015 5:01 PM
To: Shaler, Karen (DEQ); DEQFOIA
Cc: DEQ-RMD-FOIA
Subject: 6422 - EXEC, ODWMA, WRD + Lansing - due: 9/15/15
Attachments: 02310_Flint_BaselineForm.pdf; ATT00001.htm; BaselineLetterSW - 03 14 07.pdf; ATT00002.htm; BaselineQA - 03 12 07.pdf; ATT00003.htm

Attached are all the documents ODWMA has pertaining to the subject line FOIA request. Our understanding is that the documents are to be reviewed in Executive Division before going anywhere else.

From: Busch, Stephen (DEQ)
Sent: Thursday, September 24, 2015 4:58 PM
To: Devereaux, Tracy Jo (DEQ)
Subject: Fwd: Flint Baseline Info

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

Sent from my iPhone

Begin forwarded message:

From: "Philip, Kris (DEQ)" <PHILIPK@michigan.gov>
Date: September 23, 2015 at 10:24:15 AM EDT
To: "Busch, Stephen (DEQ)" <BUSCH5@michigan.gov>
Cc: "Rennaker, Joanne (DEQ)" <RENNAKERJ@michigan.gov>
Subject: Flint Baseline Info



COMPLETE AND RETURN THIS FORM TO THE MDEQ BY APRIL 1, 2007.

Listed below is the sum of the rated capacity of all low service or intake pumps the MDEQ has on record capable of withdrawing water from a surface water source as of May 29, 2006. If the capacity is correct, check the box provided. If the total capacity is incorrect, put the correct capacity in the blank to the right of the listed capacity. Finally, complete the signature box and return the form to the MDEQ. Thank you for your cooperation.

WSSN: 02310 FLINT

Check this box if the total capacity listed below is correct.

If the data is incorrect, leave this box blank and make the necessary correction below.



	Capacity on Record	Capacity Correction
Total low service or intake pump capacity:	90 MGD	

Signature of water supply representative:

BRENT F. WRIGHT
Printed Name

OPS & TECH SUPERVISOR
Title

Signature

3-22-07
Date

Please FAX or mail your
completed form to:

MDEQ, Water Bureau
Community Drinking Water Unit
PO Box 30273
Lansing, MI 48909-7773

FAX: (517) 241 - 1328



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

March 13, 2007

Dear Water Supply Professional:

**SUBJECT: Confirmation of "Baseline Capacity" for Surface Water Sources
RESPONSE REQUIRED BY APRIL 1, 2007**

This correspondence has been sent to confirm the "baseline capacity" of your surface water source(s). Baseline capacity is a critical component of new laws regulating water withdrawals passed by the Michigan legislature in February 2006. The enclosed "Question and Answer" (Q&A) document further explains this new legislation, its impact on you, and why responding to this letter is to your advantage.

To assign a baseline capacity for community water supplies, the MDEQ must establish the design withdrawal capacity as of May 29, 2006. For surface water sources, the design withdrawal capacity is the sum or total capacity of all pumps capable of withdrawing water from a surface water source. This capacity is the sum of the rated or design capacity of your low service or intake pumps without regard to hydraulic limitations or pump inefficiencies.

Enclosed please find a report on the sum or total rated capacity of your low service or intake pumps currently on record at the MDEQ. Please review this capacity, indicate your agreement or provide necessary corrections, and return the signed form to the MDEQ by April 1, 2007. A single response is all that is necessary, so you may wish to consult with your water system staff before returning your reply.

There is no scenario under the new legislation where confirming your baseline capacity will not be to your advantage. In fact, failure to do so may result in the MDEQ using annual pumpage data instead of available withdrawal capacity to determine your baseline. This default approach will result in a lower baseline capacity being established for your system.

In closing, the MDEQ wants to ensure the low service or intake pump capacity data it has on record is accurate and appropriate for establishing your baseline capacity from surface water source(s). If you have specific questions about the capacity listed on the enclosed report, please contact your district engineer. If you have questions regarding the new water withdrawal legislation, please read the enclosed Q&A document where you will find additional resources and contact information. Thank you for your cooperation.

Sincerely,

James K. Cleland, P.E., Chief
Lansing Operations Division
Water Bureau

Enclosures

cc: Operator in Charge

Questions and Answers Regarding New Water Withdrawal Legislation & Baseline Capacity

What is the purpose of the new water withdrawal legislation and why do we need to establish baseline capacity?

The new laws governing large quantity water withdrawals expanded upon water use and reporting requirements for large quantity water users to further assist in management of Michigan's water resources. The laws amended Parts 327 and 328 of the Natural Resources and Environmental Protection Act, and the Safe Drinking Water Act. The amendments redefined the requirements for water use registration and reporting, established environmental standards for assessment of new or increased large quantity water withdrawals, and set in place permit requirements for new large quantity water withdrawals of over 2 million gallons per day for ground water or inland surface water sources and 5 million gallons per day for surface water sources drawing from the Great Lakes or connecting waters.

What is a Large Quantity Withdrawal?

A large quantity withdrawal is defined as 1 or more cumulative total withdrawals of over 100,000 gallons per day (gpd) as an average in any 30-day period supplying a common distribution system, an amount approximately equal to new or additional capacity of 70 gallons per minute (gpm).

What is Baseline Capacity?

Baseline capacity is defined as the withdrawal capacity reported to the MDEQ by the person making a large quantity water withdrawal in the April 1, 2007 annual report of water use. For public water supplies the baseline capacity is the total designed withdrawal capacity as approved by the MDEQ under the Michigan Safe Drinking Water Act. For groundwater systems, the approved withdrawal capacity of your well(s) is the rated capacity of the well pump(s), not the capacity at which the pump(s) may be operating due to well inefficiencies. This capacity may include standby wells equipped with pumps that are maintained for emergency use. For surface water systems, the approved withdrawal capacity is the rated capacities of low service or intake pumps regardless of hydraulic limitations or pump inefficiencies. Only pumping equipment in place and operational within 90 days of the effective date of the legislation, which was February 28, 2006, can be included in the baseline capacity. If the above referenced capacity information is not reported and is otherwise unavailable, baseline capacity defaults to the maximum reported water use reported to the MDEQ for the years 2002 to 2005.

Why is establishing a baseline capacity important to you?

Under the new legislation, all new or increased "large quantity withdrawals" will be subject to evaluation under the new environmental standards. By legislative mandate, a new or increased large quantity withdrawal references a system's baseline capacity, or the existing capacity of the large quantity water user as a point of reference. All existing large quantity withdrawals that can be documented by the April 1, 2007 deadline for reporting are "grandfathered."

(continued on reverse)

How might an inaccurate or no baseline capacity affect your public water supply?

The answer to this question is best exemplified by citing a hypothetical example. Suppose a water supply system (not necessarily a public water supply) is operating with an average water use of 1.2 million gallons per day (MGD) and a peak water use reported to the department in 2004 of 1.6 MGD. However, the sum of capacities for the system's well pumps is 1800 gpm, or 2.6 MGD. Unfortunately, the system fails to notify the MDEQ of their existing well pump capacity. Under the law, 1.6 MGD becomes the grandfathered baseline capacity instead of 2.6 MGD.

Subsequently, the system increases their water use and later reports a water use to the MDEQ of 1.8 MGD, or a 200,000 gpd increase. The system is now subject to application of the new environmental standards adopted in passage of the legislation. Had they reported their baseline capacity, an increase in use of up to 1.0 MGD would have been exempt from application of the new environmental standards.

To give another example, a system using surface water has a peak daily demand reported on June 30, 2004 of 22 MGD. At the water treatment plant, there are 4 low service pumps that may be used to withdraw water from their source. Two of the pumps are rated at 10 MGD. The other 2 pumps have variable frequency motors. One of these pumps can produce up to 10 MGD; the other up to 5 MGD. If the system fails to notify the MDEQ that the total capacity of their low service pumps is 35 MGD, their grandfathered baseline capacity will become 22 MGD. As in the previous example, this system is now subject to the application of the new environmental standards should their water use increase more than 100,000 gpd beyond the 2004 peak demand.

Where can I obtain additional information on the new water use legislation?

Additional information about the new water use and water withdrawal legislation is available on the MDEQ website at <http://www.michigan.gov/deqwateruse>. Specific questions or comments regarding the new legislation should be directed to: Brant Fisher at 517-241-1415 or fisherb@michigan.gov or Ronda Page at 517-241-1380 or pagerc@michigan.gov.

Questions specific to your water supply well capacities should be directed to your MDEQ district office.

From: Shaler, Karen (DEQ)
Sent: Thursday, October 01, 2015 11:18 AM
To: pphelps277@yahoo.com
Cc: Pallone, Maggie (DEQ); Renteria, Sylvia (DEQ); Feuerstein, Heather (DEQ); Rennaker, Joanne (DEQ)
Subject: Attached FOIA Request and \$50 Check
Attachments: 6422.pdf

Dear Representative Phelps:

I understand that our Office of Drinking Water and Municipal Assistance forwarded to you some documents at no charge in response to your attached FOIA request. Since no payment was needed, I wanted to let you know that I have voided your check #168 for \$50 and will be returning it to you via U.S. Mail.

Thank you.

Karen Shaler, Management Assistant to
Chief Deputy Director Jim Sygo
FOIA Liaison, Executive Division
Department of Environmental Quality
Constitution Hall, 6th Floor South
Phone: 517-284-6709
Fax: 517-241-7401
shalerk@michigan.gov

FOIA Coordinator
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957
Phone: 800-662-9278

deqfoia@michigan.gov

6422-15
Exec, WRD
ODWMA
LDO
Due 9-29-15

10-day

Dear FOIA coordinator,

This letter is a request for records under the Freedom of Information Act, MCL 15.231 et seq.

The records I am requesting are:

1. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
2. All documents the Michigan Department of Environmental Quality, or its agents, has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Michigan Department of Treasury, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.
3. All documents the Michigan Department of Environmental Quality has in its possession, including correspondence, related to any communications between the Michigan Department of Environmental Quality, or its agents, and the Office of the Governor of the State of Michigan, or its agents, regarding any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint or any other municipality or municipal entity.

I am enclosing a check in the amount of \$50 as a good faith deposit to cover a portion or all of the cost of these items. If the amount exceeds \$50, please contact me by phone at 810-223-7034, to discuss the balance and the basis for the amounts charged beyond \$50. If the amount is less than \$50 please refund the balance to this office.

Sincerely,

Phil Phelps

PPI

DEQFOIA

From: Phillip Phelps <pphelps277@yahoo.com>
Sent: Friday, September 04, 2015 4:53 PM
To: DEQFOIA
Subject: FOIA Request
Attachments: Phelps Mich Dept EQ FOIA Request Sept 4 2015.doc

Hello,
Please find the attached FOIA request. If you have any questions please feel free to contact me through the contact information provided in the attached FOIA request.

Thanks,
Phil

From: DEQFOIA
Sent: Monday, September 28, 2015 11:59 AM
To: Phillip Phelps (pphelps277@yahoo.com)
Subject: Request for Disclosure of Official Files

Mr. Phil Phelps
819 Main Street, Unit A
Flushing, MI 48433

Dear Mr. Phelps:

SUBJECT: Request for Disclosure of Official Files – Executive Division and Water Resources Division

This notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), received on September 8, 2015. You have requested the following information: "Any waivers, permits or applications to use the Flint River as a source for water and/or drinking water for the City of Flint, etc." (FOIA 6422-15).

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. Your request to examine or receive a copy of the documents described above is denied.

To the best of this public body's knowledge, information, and belief, the public record does not exist under the name given by the requester, or by another name reasonably known to the public body.

Under section 10 of the FOIA, the DEQ is obligated to inform you of the following:

- 1) Appeal this decision in writing to the Director of the Department of Environmental Quality, P.O. Box 30473, Lansing, Michigan 48909-7973. The writing must specifically state the word "appeal," and identify the basis for which the disclosure determination should be reversed. The Director of the DEQ, or his/her delegated designee, must respond to the appeal within 10 days of its receipt. Under unusual circumstances, the time for response to the appeal may be extended by 10 business days.
- 2) Commence a civil action in circuit court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
800-662-9278
deqfoia@michigan.gov

The DEQ strives to continually improve its customer service to FOIA requesters. To provide input for improvements to the FOIA process, please complete this survey: <https://www.surveymonkey.com/s/12ap2025>

From: Hugh Madden <hugh@progressmichigan.org>
Sent: Thursday, October 22, 2015 6:35 PM
To: Sygo, Jim (DEQ)
Subject: Re: Clarification of FOIA Request

Thank you. I will call you tomorrow to discuss the best way to clarify the FOIA so that you are able to be responsive. I appreciate your willingness to work to help clarify.

On Thu, Oct 22, 2015 at 6:17 PM, Sygo, Jim (DEQ) <SygoJ@michigan.gov> wrote:

Hugh,

You need to indicate violations of the Safe Drinking Water Act, not the Clean Water Act. Clean Water act would be for discharges from the wastewater treatment plant.

From: Hugh Madden [<mailto:hugh@progressmichigan.org>]
Sent: Thursday, October 22, 2015 3:02 PM
To: Sygo, Jim (DEQ)
Subject: Clarification of FOIA Request

To clarify my FOIA request dated September 30, 2015:

I am looking for emails pertaining to violations of the Clean Water Act by the City of Flint from the beginning of the switch from the Detroit Water system to the Flint River as the main source of drinking water. In addition, I am seeking emails regarding the need for adequate corrosion control.

This request includes all communications with Emergency Managers, Flint officials, the office of the Governor, the Department of Treasury and any other emails that pertain to the requested information.

Please let me know if you need anything else from me.

--

Hugh Madden

Communications Director

Progress Michigan

—
Hugh Madden
Communications Director
Progress Michigan

From: Devereaux, Tracy Jo (DEQ)
Sent: Wednesday, November 25, 2015 2:07 PM
To: Howes, Sarah (DEQ); DEQ-Legislative-Contact
Cc: Thelen, Mary Beth (DEQ); Sygo, Jim (DEQ); Shaler, Karen (DEQ); Pallone, Maggie (DEQ); Shekter Smith, Liane (DEQ); Vorce, Susan (DEQ)
Subject: RE: ODWMA/LEG00237/Phelps/FOIA

After reviewing this legislative request, Steve Busch, Lansing District Office, ODWMA, believes that it should also be shared with Water Resources Division for any potential documents. I'm cc'ing Susan Vorce as well as ODWMA would not be charged with tracking anything WRD may have responsive to this inquiry, etc.

Thanks,

Tracy Jo

From: Howes, Sarah (DEQ)
Sent: Thursday, November 12, 2015 9:49 AM
To: DEQ-Legislative-Contact; Devereaux, Tracy Jo (DEQ)
Cc: Thelen, Mary Beth (DEQ); Sygo, Jim (DEQ); Shaler, Karen (DEQ); Pallone, Maggie (DEQ); Shekter Smith, Liane (DEQ)
Subject: RE: ODWMA/LEG00237/Phelps/FOIA

Tracy Jo,

The due date on this was Tuesday---Do you know the status of the documents?

Thanks,
 Sarah

Sarah M. Howes | Legislative Liaison
 Department of Environmental Quality
 517.284.6707 O | C PPI

From: DEQ-Legislative-Contact
Sent: Friday, November 06, 2015 6:39 AM
To: Devereaux, Tracy Jo (DEQ)
Cc: Thelen, Mary Beth (DEQ); Sygo, Jim (DEQ); Shaler, Karen (DEQ); Pallone, Maggie (DEQ); Howes, Sarah (DEQ); Shekter Smith, Liane (DEQ); DEQ-Legislative-Contact
Subject: ODWMA/LEG00237/Phelps/FOIA

Due 11/10/15

The FOIA request below is from Rep. Phelps as a clarification to his previous FOIA request. Please gather the requested documents and submit them to Maggie Datema.

If you have any question or concerns a meeting can be scheduled, but please let us know as soon as possible if you would like a meeting.

Thanks

Heather Feuerstein

Management Assistant to

Maggie Pallone, Deputy Director and

Brad Wurfel, Communications Director

Department of Environmental Quality

517.284.6715

From: Pallone, Maggie (DEQ)

Sent: Thursday, November 05, 2015 4:50 PM

To: DEQ-Legislative-Contact

Cc: Sygo, Jim (DEQ)

Subject: Fwd: Legislative Inquiry

Please assign to ODWMA. We can meet to discuss if they would like.

Thanks

Maggie

Begin forwarded message:

From: Phil Phelps <philphelps@house.mi.gov>

Date: November 5, 2015 at 4:47:36 PM EST

To: "pallonem@michigan.gov" <pallonem@michigan.gov>

Cc: Allison Glasson <AMGlasson@house.mi.gov>, "kflynn@millercohen.com" <kflynn@millercohen.com>

Subject: Legislative Inquiry

Maggie,

While I am not withdrawing my FOIA, I am willing to clarify my intent informally as a *legislative inquiry*. I would like all communications between the City of Flint and the MDEQ referencing the use of the Flint river as a Water source including copies of emails. I would also like all internal communications referencing Flint drinking water between individuals employed by the MDEQ or working on their behalf. I would also like any communications between the MDEQ and all other government employees or elected and appointed officials at the state and federal level if anything to do with Flint drinking water was referenced. I would also like any documentation your department has on Flint using the Flint River as its primary water source, as well as any studies or information on the quality of the Flint River or any reference to contamination or treatment of the Flint River as a primary source. For all of the information requested please also include any and all drafts of documents and communications, even if it was a draft for a document that was never published or made public. For all of the requests listed above, please send information that was created or drafted on or after January 1st, 2011.

Thank you,
Phil Phelps