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To: Wurfel, Brad (DEQ)
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Auditor General: State Responsible For Flint River Water Hookup

It was state, not local officials that made the final call to switch water sources for City of Flint residents, according to a letter from Auditor General Doug **RINGLER**.

The letter concludes the final call to change water sources was made by the State's Emergency Manager while waiting for the city's switch to the uncompleted Karegnondi Water Authority.

"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 Flint River water as a temporary drinking water source," the letter reads. The state's DEQ had approved the Flint River as an emergency alternative water source in 2006.

"This is another example of how the state failed initially, and continues to fail by not treating this situation like the emergency it is," Rep. Sheldon **NEELEY** (D-Flint) said in a statement responding to the findings. "We need answers, we need action, and we need them sooner rather than later."

In a recent interview, Gov. Rick **SNYDER** said the state's Flint emergency manager, Flint's mayor, city council and other key stakeholders all had a hand in the dialogue surrounding the switch.

"It wasn't isolated to one person, although one person ultimately had to make the decision," he said. "The letter from the Office of the Auditor General includes some criticisms, but also reflects that state officials were following accepted protocols, or in one case, an interpretation of the corrosion control program that the EPA later clarified," said Dave **MURRAY**, press secretary to Snyder. "But we need to do better in ensuring Flint residents have safe water and tracking children affected by elevated lead levels. We continue to work with the bipartisan task force that is reviewing all the actions at the state, local and federal level and is expected to offer recommendations in a month or so." Ringler also found corrosion control treatment should have been maintained when the city of Flint was switched to the Flint River water source, and state officials should have required the city to pursue treatment after the first round of sampling showed too-high lead levels in the water.

The letter came at the behest of Senate Minority Leader Jim **ANANICH** (D-Flint), who had raised to the auditor specific questions about the Flint water crisis.

The department is currently conducting an audit of the Office of Drinking Water and Municipal Assistance in the Michigan Department of Environmental Quality (DEQ), which was expanded to include lead contamination in the city of Flint's drinking water after additional research showed increased lead levels in its water supply.

Ringler's letter stated that "corrosion control treatment should have been maintained," when the city's drinking water source was switched to the Flint River.

Although DEQ staff explained that it treated the switch to the Flint River water as a new source that required a corrosion control study, the Auditor General's office determined that discrepancies between the Environmental

Protection Agency's (EPA) interpretation of the situation and the DEQ's, coupled with the DEQ's eventual clarification, that corrosion control treatments should not have ceased.

The Auditor General's office also concluded in the letter that the DEQ erred even under its own interpretation of guidelines -- the first round of six-month water sampling results were received in March and results greater than the lead action level of 5 ppb. Instead of waiting until the second round of sampling was completed, the agency should have notified Flint's Water Treatment Plant to pursue corrosion control treatment, Ringler's letter read.

The Auditor General's office reviewed email accounts of key DEQ management extending back to Jan. 1, 2013, to identify key decision points leading up to the situation in Flint and determine whether officials attempted to conceal test results or other information.

A particular email exchange between the DEQ and the EPA in which the federal agency requested clarification on the type of optimized corrosion control treatment likely contributed to concerns that the DEQ misrepresented information, the letter states, but concludes that the DEQ's response that an optimized corrosion control program was in place was interpreted to mean treatment was being performed.

"Based on our review of this and other emails, we have no specific reason to believe that DEQ willfully misrepresented the information to the EPA," the letter reads.

Ananich, who has taken the lead on responding to the Flint water crisis in the Legislature since information on the matter first came to light, said in a statement that the Auditor General's preliminary findings underscore the need for independent legislative review.

"What's clear is that corrosion control should have been used and there are serious failings in our system that must be addressed," Ananich said. "Between the FOIA emails released recently and these findings, it's obvious that legislative oversight is the best way to see how all of these pieces fit together. I expect holding hearings to be high on the agenda when the Legislature returns."

The letter was the initial response to Ananich's questions first raised in October, but a more thorough review into the department's operations is expected from the Auditor General's office sometime next year.

Sent from my iPhone