

Olshewski, Rosemarie (DEQ)

From: Thelen, Mary Beth (DEQ)
Sent: Thursday, October 01, 2015 3:40 PM
To: Olshewski, Rosemarie (DEQ)
Subject: FW: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis
Attachments: 6422 - EXEC, ODWMA, WRD + Lansing - due: 9/15/15; 6422.pdf

Please print all.

From: Shaler, Karen (DEQ)
Sent: Thursday, October 01, 2015 3:10 PM
To: Sygo, Jim (DEQ); Pallone, Maggie (DEQ); Wurfel, Brad (DEQ)
Cc: Thelen, Mary Beth (DEQ); Feuerstein, Heather (DEQ)
Subject: RE: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

FYI, yesterday ODWMA e-mailed to Rep. Phelps the three documents from the attached e-mail that Steve Busch said are responsive to this FOIA request. The Executive Division did not have any responsive records as he requested documents regarding "waivers, permits or applications to use the Flint River as a source of water and/or drinking water for the City of Flint...." I've also attached his FOIA request. Note that ODWMA's documents were provided at no charge, so today I placed in the U.S. Mail Rep. Phelps's voided \$50 good faith deposit personal check, which Maggie is aware of.

From: Pallone, Maggie (DEQ)
Sent: Thursday, October 01, 2015 2:56 PM
To: Shaler, Karen (DEQ); Sygo, Jim (DEQ)
Subject: FW: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

From: Wurfel, Brad (DEQ)
Sent: Thursday, October 1, 2015 2:54 PM
To: Pallone, Maggie (DEQ) <PalloneM@michigan.gov>
Subject: Fwd: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

Sent from my iPhone

Begin forwarded message:

From: "Eggert, David" <DEggert@ap.org>
Date: October 1, 2015 at 2:47:11 PM EDT
To: Brad Wurfel <WurfelB@michigan.gov>
Subject: Fwd: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

Sent from my iPhone

Begin forwarded message:

From: Rosemary Jones <RJones@house.mi.gov>
Date: October 1, 2015 at 2:42:16 PM EDT
To: Rosemary Jones <RJones@house.mi.gov>
Subject: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

FOR IMMEDIATE RELEASE:
Thursday, Oct. 1, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Statement from state Rep. Phil Phelps (D-Flushing) on his FOIA requests pertaining to the City of Flint water crisis being denied:

"Residents of the City of Flint face a substantial health risk due to contaminants found in their drinking water. In an effort to not politicize this situation, I have been working directly with state and local officials in seeking important information and attempting to correct the City's water crisis. Unfortunately, I have been faced with continual road blocks in my requests for information. It has been nearly a month since I submitted Freedom of Information Act (FOIA) requests to the State and the City of Flint requesting to see documents related to the City's switch to using water from the Flint River. I requested the applications and permits required by law to change a city's source of water. So far, the State Treasury has violated FOIA by not providing any information or even a denial. The Department of Environmental Quality (DEQ) and City of Flint have denied my request saying that the documents I requested do not exist. However, state law requires Michigan cities to apply for a permit from the DEQ to switch their source of water. Violation of this law is punishable by a fine of \$5,000 per day and possible incarceration. I find it hard to believe that the DEQ and the City of Flint ignored such a critical step, not to mention one that the cost in fines alone would already be roughly \$2.5 million and cause those responsible to be subject to criminal prosecution.

"My request for these documents was meant to be a fact-finding mission to ascertain the degree to which the State knew about or took any action to determine the potential hazards of making this switch prior to being officially ordered by the State-appointed Emergency Manager. Since the State has decided not to disclose this information to me, it is unclear the extent to which the State is culpable. I believe the bottom line here is that the decision to switch the source of Flint's water to the Flint River was made by the Emergency Manager appointed by Governor Snyder and the burden is on his shoulders to make this right.

"The use of the river water has caused a great amount of destruction to the City's water infrastructure, and it has put the residents who use the water in harm's way. To help continue this fight for information, I have retained attorney Keith D. Flynn of the law firm Miller Cohen P.L.C. to further evaluate my legal options.

My position and recommendation to the Governor on this issue is that the State should immediately switch Flint's water source back to the Detroit Water System at no additional cost to Flint residents and supply water filters to every household in Flint.

"Furthermore, the State should begin to estimate costs for the total damage done to the City's public works infrastructure and for the treatment of potential adverse health outcomes we could see in Flint residents in the future and allocate expenditures to correct this problem."

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

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1898 and delete this email. Thank you.

[IP_US_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

Olszewski, Rosemarie (DEQ)

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

Mar 22 07 11:24a

Water Plant

810-787-3710

p. 2



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 NameOPS & TECH SUPERVISOR
Title
Signature3-22-07
DatePlease 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.

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
819 Main Street
Unit A
Flushing, MI 48433

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