

From: Busch, Stephen (DEQ)
To: Benzle, Richard (DEQ); Prysby, Mike (DEQ); Shekter Smith, Liane (DEQ)
Subject: FW: Information Request and Documentation
Date: Thursday, March 19, 2015 3:05:09 PM

Response from Jim Henry below.

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

From: Henry, James [mailto:jhenry@gchd.us]
Sent: Thursday, March 19, 2015 12:15 PM
To: Busch, Stephen (DEQ)
Cc: Valacak, Mark; Cupal, Suzanne
Subject: RE: Information Request and Documentation

Hello Mr. Busch,

Thanks for your response. I'm looking forward to working with your office moving forward. Based upon my experiences with this investigation, I think it is necessary for my communications to be candid and followed up in writing whenever possible. Our goal is to successfully conduct this investigation in efforts to better protect the public.

I agree there are ambiguities written in the FOIA request. GCHD does not have municipal water system expertise and we are continuously learning about the processes. The FOIA request is specific enough that we should have received a timely response from the City of Flint. Also, it is addressed to the City and I apologize if there were misunderstandings regarding the intended recipient.

There have not been any conclusions regarding the source of illnesses. Our team is gathering information and we suspect there may be several sources. It has been made clear that the Flint municipal water system is in compliance with the Safe Drinking Water Act. It seems reasonable that your office would be involved regardless if a potential health risk from municipal water is related to consumption, inhalation or dermal exposure. Perhaps the legislation should be revisited to better address risks.

As you mentioned, we had communications with your office in October 2014, regarding Legionella, but I also had three telephone conversations with Mr. Michael Prysby, from your office between January 21, 2015 and January 23, 2015. These conversations occurred around the same time that your office participated with the TTHM presentation in Flint. I "explicitly explained" the details of the Legionella concerns and the possible associations with the Flint municipal water system and I specifically requested to meet with your office for further discussions.

Mr. Prysby informed me that the concerns were discussed with you. I was informed there was no reason to meet because the municipal water system is in compliance with the Safe Drinking Water Act. Other than the timeframes written in your email, you are correct, I did not contact your office again until the email, dated March, 10, 2015.

GCHD has been working closely with MDCH and has consulted with CDC on several occasions regarding the epidemiological investigation. Also, we have been working with Legionella and

municipal water experts, and recently with the USEPA. Based upon these discussions we have been informed that it is likely that a small amount of Legionella will survive the water treatment process at the plant and enter into the distribution system.

Our team is in the process of developing plans, which may include sampling locations within the distribution system and comparing environmental and clinical isolates. We recognize potential social, political and economic impacts regarding this investigation and need to be prepared for all outcomes. Hopefully, your office, the regulatory agency, will be available for assistance.

If a representative from your office is available to meet next week, please respond with some dates and times. I think it would be appropriate for the City to attend meetings and I will contact Mr. Croft, Flint DPW Director, after I receive a response from your office.

Thank you

Jim

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From: Busch, Stephen (DEQ) [<mailto:BUSCHS@michigan.gov>]
Sent: Friday, March 13, 2015 3:47 PM
To: Henry, James
Cc: Prysby, Mike (DEQ); Shekter Smith, Liane (DEQ)
Subject: RE: Information Request and Documentation

Mr. Henry,

The January 27, 2015, FOIA request you provided was directed to the City of Flint, not the DEQ. The DEQ has no record of a FOIA request from your office for such information. It is our understanding that the City has responded to your FOIA request, has helped you adequately redefine your request

within the City's scope of public record to address such ambiguities as "any additional areas of concern", and provided you with additional information beyond the scope of your request.

The DEQ fully recognizes the public health threat posed to individuals that contract Legionnaires' Disease with the understanding that the disease is not contracted by ingestion of potable water and therefore not regulated under the federal Safe Drinking Water Act. Your email below claims that you have explicitly explained the situation to our Department. However, since contacting our office early last October to indicate a rise in cases, we have not received any further information regarding your epidemiological investigation into this matter.

Further, conclusions that legionella is coming from the public water system without the presentation of any substantiating evidence from your epidemiologic investigation appears premature and prejudice toward that end.

It is highly unlikely that legionella would be present in treated water coming from the City of Flint water treatment plant given the treatment plant's use of ozone along with complete treatment and chlorine disinfect contact time to comply with federal surface water treatment rules for potable water. Detections of total coliform or heterotrophic bacteria in the City's public water distribution system indicate an environment where bacterial growth may be supported. However, there is no direct correlation that can be made to the presence of legionella. While total organic carbon levels in potable water may serve as a food source for bacteria growth in private plumbing system, water temperatures in the City's distribution system are below legionella growth range, and chlorine residual levels would also limit such growth.

Our office agrees that water main breaks, water leaks, and system repairs are possible vectors for legionella to enter the public water system. These should be investigated as part of your epidemiology. DEQ staff can be made available to assist GCHD and the City regarding such matters, but to date no request by GCHD for any such meeting has been received, let alone declined as alleged in your email.

If GCHD is seeking assistance to complete its epidemiological investigation regarding this matter, such resource requests should be directed to the Michigan Department of Community Health. Our Office agrees that a multi-agency partnership would be beneficial to move forward and develop a unified response. In that respect, if our Office can be of any further assistance you may contact me directly.

Stephen Busch, P.E.

Lansing and Jackson District Supervisor

Office of Drinking Water and Municipal Assistance

MDEQ

517-643-2314

From: "Henry, James" <jhenry@gchd.us>

Date: March 10, 2015 at 6:40:17 PM EDT

To: Howard Croft <hcroft@cityofflint.com>, "Mike Prysby (DEQ)"

<prysbym@michigan.gov>, Elizabeth Murphy <emurphy@cityofflint.com>, "Natasha Henderson" <nhenderson@cityofflint.com>, Jerry Ambrose <gambrose49@gmail.com>, Dayne Walling <dwalling@cityofflint.com>
Cc: "Valacak, Mark" <MVALACAK@gchd.us>, "Cupal, Suzanne" <scupal@gchd.us>, "Hasan, Shurooq" <shasan@gchd.us>, "Childs, Bonnie" <BCHILDS@gchd.us>, "Hallwood, Dawn" <dhallwood@gchd.us>, "Johnson, M.D., Gary" <GIOHNSON@gchd.us>

Subject: Information Request and Documentation

Hello everyone,

The Genesee County Health Department has made several written and verbal requests for specific information since October, 2014, including a Freedom of Information Act Request on January 27, 2015. The information still has not been received and the city's lack of cooperation continues to prevent my office from performing our responsibilities.

The Genesee County Health Department has the responsibility to conduct illness investigations and consider all potential sources, this is not optional. In 2014, Genesee County experienced a significant increase of confirmed Legionella illnesses relative to previous years. Legionella can be a deadly, waterborne disease that typically affects the respiratory system.

The increase of the illnesses closely corresponds with the timeframe of the switch to Flint River water. The majority of the cases reside or have an association with the city. Also, McLaren Hospital identified and mitigated Legionella in their water system. This is rather glaring information and it needs to be looked into now, prior to the warmer summer months when Legionella is at its peak and we are potentially faced with a crisis.

This situation has been explicitly explained to MDEQ and many of the city's officials. I want to make sure, in writing that there are no misunderstandings regarding this significant and urgent public health issue. The Trihalomethane issues "pale in comparison" to the potential public health risks of Legionella.

I am submitting the attached FOIA request again and requesting that the legal obligations of the request are met. If the information is not available, please let me know. In the past, I have requested to meet with the water plant staff and MDEQ regarding Legionella concerns. I did not receive a response from the water plant staff and MDEQ declined. I think it is in the best interest for all stakeholders that we meet and discuss the issues.

Respectfully,

Jim

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