
From: Marc Edwards <edwardsm@vt.edu>
Sent: Friday, October 16, 2015 3:24 PM
To: Wyant, Dan (DEQ);lwalters313@gmail.com;Andrew Leavitt;Melissa Mays;Dickinson, Jordan
Subject: RE: Urgent Request for Clarification: Letter to Lee-Anne Walters and justification for invalidating her samples.

MDEQ just sent my FOIA request to other reporters, without my permission, and without the reporters even submitting a FOIA.

Your employees are really beyond belief.

I paid nearly \$400 for it and harassed you about 2 times a week to release it, and then Wurfel just broadcasts it without even a FOIA request?

Marc

From: Marc Edwards [mailto:edwardsm@vt.edu]
Sent: Friday, October 16, 2015 3:06 PM
To: WyantD@michigan.gov; lwalters313@gmail.com; Andrew Leavitt (ALeavitt@senate.michigan.gov); Melissa Mays (indigrace@gmail.com); Dickinson, Jordan (Jordan.Dickinson@mail.house.gov)
Subject: RE: Urgent Request for Clarification: Letter to Lee-Anne Walters and justification for invalidating her samples.

Dear Dan,

I spoke with Lee-Anne, and it was Harvey Hollins that ordered MDEQ to respond to Lee-Anne in writing, about the reason for invalidating her samples, not the deputy chief of staff.

http://www.michigan.gov/snyder/0,4668,7-277-57577_57657_59871-260098--,00.html

Also, I asked Lee-Anne what she would have done, **IF she had received that e-mail from MDEQ about her invalidated samples.** She said one of the last things Miguel told her, **was to be sure that MDEQ did not invalidate her samples.** So if that e-mail had been received, which it was not, she would have screamed from the roof-top. How convenient it was not received.

Your employee's also told Lee-Anne and Melissa, at the August 4th meeting, **that they had no idea why her samples were invalidated. And that the City of Flint invalidated her samples.** This is also a lie. The e-mails have already shown that MDEQ employees led the invalidation of the samples. There is not a word from the City of Flint asking to invalidate Lee-Anne's samples.

My point is that if all of these shenanigans are not "wrong-doing," then what on earth is? If two of Lee-Anne's high lead samples are counted, Flint fails to meet the LCR, even with Flint just "throwing bottles out there," no sampling pool, a 5 minute pre-flush, and sampling in many homes like Melissa without any lead plumbing at all. People would have been protected. Corrosion control would have been required. Nobody would be running around, to this day, claiming in a city of lead poisoned children, that FLINT is meeting all Federal regulations, and that Flint is meeting the LCR. That false statement been a staple of almost every MDEQ press conference in the last few months. Your employee's made that happen.

Marc

From: Marc Edwards [mailto:edwardsm@vt.edu]

Sent: Thursday, October 15, 2015 10:44 AM

To: WyantD@michigan.gov; [walters313@gmail.com]; Andrew Leavitt (ALeavitt@senate.michigan.gov); Melissa Mays (indigrace@gmail.com); Dickinson, Jordan (Jordan.Dickinson@mail.house.gov)

Subject: Urgent Request for Clarification: Letter to Lee-Anne Walters and justification for invalidating her samples.

Hi Dan,

Thank you for your help (if any) with the MDEQ FOIA. I received the documents last night. I was hoping you could help me with something ASAP.

One of the things creating distrust between Flint residents and MDEQ, is a long list of miscommunications and false statements by your employees. I want you to help us understand one of those miscommunications as soon as possible.

On August 4th your employee's Wurfel, Busch and Shekter Smith met with Melissa and Lee-Anne. According to Melissa and Lee-Anne, in a meeting with the governor's Chief of Staff, your employee's could not explain to them, why Lee-Anne's samples were invalidated (i.e., thrown out of the samples used to calculate the 90th percentile lead).

For your information, on the basis of records from the City, Lee-Anne's home is the ONLY home in the 2015 sampling pool that is proven to have a lead pipe. I have compared the sample sites that the city used to the database that Flint has put together, and of 11 samples in the database that the city claims had a lead pipe, ZERO actually had a lead pipe. Michigan and Federal law further states that if a sample is taken from a home with a lead pipe, even if it has a point of use device like a filter or softener, once that sample is collected it cannot be invalidated (see below). EPA R5 staff explicitly told your employee's in writing, that Lee-Anne's samples had to be counted for compliance purposes. **Your employee's nonetheless, over R5's written instructions and the law, threw out the only Flint LCR samples known to be legitimate in the 2015 sampling round.** They also double counted Melissa's samples for LCR compliance purposes, even though her house does not have a lead pipe, and has no lead plumbing. So I hope you can see the "adding insult to injury" dimension of your employee's actions. The irony-- using samples from the chief critics of MDEQ, to cheat on the LCR monitoring. Specifically, counting a lead free site twice (when it should not be counted at all), and throwing out three samples from the only home known to have lead pipe. We also now have data that shows every single sample we could check in the 2015 round, did not have a lead pipe at all.

Furthermore, according to Melissa and Lee-Anne, the Governor's chief of staff ordered your employee's, to as soon as possible, communicate to Lee-Anne why her samples were invalidated. According to Melissa and Lee-Anne, the governor's chief of staff further ordered your employees to "CC" him on that communication. The governor's chief of staff also apparently asked them to get Lee-Anne's address and phone number, so that they could be sure their communication got to her, and they refused, and insisted they had all of Lee-Anne's information.

In the FOIA production, I was surprised to see that there is an e-mail to Lee-Anne dated August 25th. This is surprising because Lee-Anne never received that e-mail. Moreover, there is an apology to Lee-Anne that the e-mail is late, and furthermore, the chief of staff is not cc'd. Lee-Anne has looked in her spam and other files, and there is no evidence that this late e-mail ever reached her.

I am hoping you can get to the bottom of this, and see first of all 1) why the chief of staff was not cc'd as requested, 2) if this e-mail was actually sent, and produce some evidence that it was, and 3) try to understand why your employee's illegally invalidated Lee-Anne's samples over the objections of EPA and Lee-Anne. And I am hoping you can do this today. My understanding is that you are out and about trying to re-establish public trust in MDEQ, and this would be a good place to start.

Best Regards,

Marc Edwards

From your own web page.

c. Softeners and Other Point of Use (POU) and Point of Entry (POE) Devices:

Sampling sites with faucets that have POU or POE treatment devices, such as softeners, shall not be used as Tier 1, 2, or 3 sites unless insufficient Tiered sites are available. Field staff shall encourage water supplies to sample from a kitchen or bathroom tap that is not normally connected to the softener. **If a sample of softened water is analyzed, then the water supply may consider returning to the same site to collect a sample of unsoftened water. Some residents may be able to bypass the softener at the tap. Both sample results (softened and unsoftened) will be used to calculate the 90th percentile. Sample results shall not be deemed improper on the basis that the water passed through a softener.**