

From: [Benzie, Richard \(DEQ\)](#)
To: [Shekter Smith, Liane \(DEQ\)](#)
Cc: [Busch, Stephen \(DEQ\)](#); [Prysby, Mike \(DEQ\)](#)
Subject: RE: Information Request and Documentation
Date: Wednesday, March 11, 2015 7:32:57 PM

Liane,

Steve's initial response is below.

As I see it, we need a plan of action fast.

- 1) Inform DEQ management, including legislative and media liaisons; suggest additional communication with DCH
- 2) Prepare response to Genesee County email – did anyone in ODWMA or DEQ have any contact with Genesee County about Legionella and if so, when and what? Was anyone in ODWMA or DEQ requested to meet with Genesee County to discuss Legionella and if so, when, and did they “decline” to meet?
- 3) Contact Flint to alert them of County's concerns and determine their response to the January 27th FOIA request.
- 4) Arrange for a meeting with Genesee County and other parties as deemed appropriate by DEQ management – DCH, Flint, Governor's Office, etc.; Establish a “Lead” agency but also develop a team approach to move forward and determine an appropriate, common message as well as when such information should be shared and by whom. Determine how long has Genesee County, DCH, and Flint been aware of the increased cases of Legionella and what the message should be about delays in public notification.
- 5) Determine additional steps – possible monitoring protocols, premise plumbing treatment options, public precautions if any, etc.; Consider possible CDC assistance.
- 6) Determine if EPA will be willing to share their draft Legionella guidance document being developed by a workgroup consisting of EPA, the States of Ohio, Minnesota, Pennsylvania, Washington, Nevada, Missouri and Nebraska, and CDC. The guidance will characterize the effectiveness of treatment technologies to address Legionella and address relevant regulatory implications. The primary implication is that individual customers that install “secondary” treatment systems to remove, reduce or prevent Legionella in their premise plumbing (such as hospitals are already doing) become by federal definition, public water systems required to comply with all applicable requirements of the Safe Drinking Water Act. The guidance has been delayed by internal reviews at EPA, but they are hoping to be able to have a final document in summer of 2015.

That's all I can think of at this point. Let me know what you think.

From: Busch, Stephen (DEQ)
Sent: Wednesday, March 11, 2015 9:37 AM
To: Prysby, Mike (DEQ); Benzie, Richard (DEQ)
Subject: RE: Information Request and Documentation

Mike,

I am not aware of a meeting request from Jim Henry or the Genesee County Health Department as indicated in his email below. Did you receive any such request?

The FOIA is specifically directed to the City of Flint not the DEQ. If requested some of the information asked for regarding Total Coliform and E.Coli compliance sampling could be provided, but there may also be additional construction repair sampling data.

We can respond to Jim when you get back in, but at this point while the change in source may have created water quality conditions that could provide additional organic nutrient source to support legionella growth, there is no evidence or confirmation of legionella coming directly from the Water Treatment Plant or in the community water supply distribution system at this time.

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

From: Prysby, Mike (DEQ)
Sent: Wednesday, March 11, 2015 7:35 AM
To: Busch, Stephen (DEQ); Benzie, Richard (DEQ)
Subject: Fwd: Information Request and Documentation

I am out today and will return tomorrow. Having trouble getting the attachment to open on my phone...but since it appears to be a FOIA regarding Legionella, I felt it is prudent to get this message to you. I will be available tomorrow to discuss or compile any info that we have.

Sent from my iPhone

Begin forwarded message:

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" <GJOHNSON@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

Jim Henry
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