
From: Murray, David (GOV)
Sent: Monday, December 28, 2015 2:40 PM
To: Macaluso, Nora
Cc: Biehl, Laura (GOV); Heaton, Anna (GOV)
Subject: RE: looking for comment on flint

Hello Nora,

Happy to help. Do you have the actual letter? Here's a link to it: http://www.audgen.michigan.gov/finalpdfs/15_16/l761032015.pdf

Here is our statement, which you can attribute to me:

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.

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. Gov. Snyder is committed to working with Flint Mayor Weaver and officials on these issues.

Nora, for your background, here is a summary of answers from the Office of the Auditor General in response to questions mostly posed by Sen. Jim Ananich's office (the auditor added a few questions in the 11-page report). The questions were posed as the OAG conducts an audit of the Office of Drinking Water and Municipal Assistance's handling of the Flint water crisis.

Conclusions:

n

W While the Flint City Council voted in March 2013 to move to the KWA pipeline, it didn't designate the Flint River as an interim water source. But the Department of Environmental Quality had approved the river as a backup source for emergency purposes in 2006. The treated water met safety standards in quarterly tests by the Flint Water Treatment Plant, but Flint had never tested its effect on the distribution system.

n

In an email review of key DEQ managers to determine if there was an effort to conceal information, only one email exchange raised red flags. The Environmental Protection Agency had asked DEQ in February 2015 if Flint had a corrosion control program; the DEQ responded the city had an optimized program in place. In April the EPA asked again, and the DEQ said that the Flint Water Treatment Plant was not doing corrosion control. DEQ later explained that the first answer was referring to its Lead and Copper Rule program, in which it monitors a new water source (in this case, the Flint river) for lead/copper for two consecutive six-month periods to determine if corrosion treatment is necessary. The report says there's no reason to believe that DEQ willfully misrepresented information

to the EPA. It also concludes that Office of Drinking Water and Municipal Assistance employees appeared to have notified management properly about the unfolding Flint water situation.

- n DEQ did not consult with the EPA on how best to apply the Lead and Copper Rule monitoring practices after the switch to Flint water, but from past experience, DEQ believed it was doing so correctly by doing two rounds of six-month monitoring on the new water source before determining optimal corrosion control. The EPA disagreed with DEQ's interpretation of the LCR, but later stated that the LCR was open to interpretation. It then clarified the rule: Corrosion controls already in place when Flint was on Detroit water should have been maintained after the switch.
- n DEQ should have notified the Flint WTP to start corrosion controls once the first round of six-month sampling results arrived in late March 2015 and showed the water exceeded acceptable lead levels.
- n DEQ doesn't operate the Flint WTP so it doesn't have any accountability measures to ensure the WTP is collecting water samples from tier 1 homes, i.e., residences with lead service lines, soldering or plumbing. Instead, DEQ relies on Flint's certification of sample sites. The auditor suggests DEQ should consider an independent verification of the sampling pool or of Flint's certifications. In November 2015, Flint said it had no way to ensure the sites were all tier 1. Water samples came from 175 randomly distributed testing bottles. DEQ has asked Flint to verify its prior samples by this Wednesday (12/30).
- n There's been controversy that DEQ dropped two sampling sites with high lead levels from its second six-month review. The auditor determined it was appropriate for DEQ to do so because those sites did not meet federal criteria. It was also appropriate for DEQ to require flushing taps the night before sampling to ensure faucets didn't contain overly stagnant water.
- n Charts show that most water samples were taken in the sixth month of the six-month testing period. The auditor said it's difficult to determine if the lateness of the sampling affects the accuracy.

From: Macaluso, Nora [nmacaluso@bna.com]
Sent: Monday, December 28, 2015 2:17 PM
To: Wurfel, Brad (DEQ); Murray, David (GOV); Heaton, Anna (GOV)
Subject: looking for comment on flint

Hi .. any reaction to this? Writing today ..

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Nora Macaluso  
Staff Correspondent

Bloomberg BNA

**From:** Angela Wittrock [mailto:AWittrock@senate.michigan.gov]

**Sent:** Monday, December 28, 2015 1:01 PM

**To:** Angela Wittrock <AWittrock@senate.michigan.gov>

**Subject:** FOR IMMEDIATE RELEASE: Independent Review Confirms State Made Decision to Use Flint River, Failed to Ensure Corrosion Control

FOR IMMEDIATE RELEASE  
December 28, 2015

Contact: Angela Wittrock  
Phone: (517) 775-1430

## **Independent Review Confirms State Made Decision to Use Flint River, Failed to Ensure Corrosion Control**

*Lawmakers Ananich, Neeley call for more answers, resources*

LANSING, Mich. — Senate Democratic Leader Jim Ananich (D–Flint) and State Representative Sheldon Neeley (D–Flint) responded today to an independent review that confirmed that Michigan’s Department of Environmental Quality failed to ensure proper corrosion control was used to treat Flint River water and that the State was responsible for the decision to use the river as the City of Flint’s primary drinking water source.

The letter from the State Auditor General was the initial response to questions raised by Sen. Ananich in October. The Auditor General is working on a more thorough review and expects to have additional information in the coming months.

“The Auditor General has provided an important piece of this puzzle and I’m sure the extended report they are working on will reveal additional information,” Sen. Ananich said. “What’s clear is that corrosion control should have been used and there are serious failings in our system that must be addressed. 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.”

In response to the question about whether corrosion control treatment should have been maintained when the switch for the water source was made to the Flint River, the Auditor General letter concludes, “We believe that corrosion control treatment should have been maintained.”

With regard to how the decision was made about using the Flint River as the primary drinking water source, the letter states, “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.”

This is contrary to recent claims that somehow this local vote was in favor of using the river.

“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. Neeley said. “We need answers, we need action, and we need them sooner rather than later.”

Sen. Ananich and Rep. Neeley have been calling for legislative hearings and a more aggressive response since the Flint water crisis began. They also have been working with local and federal officials on securing additional resources to make safe water available to all residents, and to combat the health impacts of the lead that has been consumed.

*[Editor's note: A copy of the Auditor General letter is available upon request.]*

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**Angela Wittrock**

*Press Secretary*

Senate Minority Leader Jim Ananich

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**PPI**

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