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To: Murray, David (GOV)
Subject: OAG letter

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 came as the OAG conducts an audit of the Office of Drinking Water and Municipal Assistance's handling of the Flint water crisis.

Conclusions:

While the 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 DEQ 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 WTP, but Flint had never tested its effect on the distribution system.

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 EPA had asked DEQ in February 2015 if Flint had a corrosion control program; the DEQ responded the city had an optimized program in place. But in April the EPA asked again, and the DEQ said that the Flint Water Treatment Plant (WTP) was not doing corrosion control. DEQ later explained that the first answer was referring to its LCR 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 ODWMA employees appeared to have notified management properly about the unfolding Flint water situation.

DEQ did not consult with the EPA on how best to apply the Lead and Copper Rule (LCR) 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; the upshot: corrosion controls already in place when Flint was on Detroit water should have been maintained after the switch.

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.

DEQ doesn't oversee 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 Flint's certifications. In November 2015, Flint admitted that 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).

There's been controversy that DEQ dropped two sampling sites with high lead levels from its second six-month review. 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.

Charts show that most water samples were taken in the sixth month of the six-month testing period. The report said it's tough to determine if the lateness of the sampling affects the accuracy.

The report ends with an excellent timeline. I have attached the report in case you want to review the timeline on page 11.

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