

Weekly Conference Call Notes – Nov. 02, 2015

Allen Park –Oct. 30 –Mayor Matakas, M. Kibby, B. Cady E. Cline, P Dostine

Priorities

- Cady wondered if AP, with a fund balance of \$6.4M, could use \$1M to pay off the cost of the issuance. But Cady said Order 37 prevents that. OFR is reviewing Order 37.

Retiree Healthcare changeover

- At the Sept. 22 Allen Park council meeting, Pres. Of the Allen Park Retiree Association reported that some retirees were complaining about the new Humana insurance. Humana was limiting coverage to only its coverage-area. Kibby follow through on the individual complaints. The city is working with Humana and Humana is working with individual retirees' doctors in the cases where this has happened.

Bond tender updates

- Allen Park didn't get the rating (BBB+) it wanted from S & P.
 - If it were to sell bonds with this rating, the savings for AP from the tender would be next to nothing. Instead of the \$900K AP had hoped.
- For now, the structure is for BAML to lend them money at 4% for 270 days.
- Meanwhile, AP believes at the end of 270 days, it would receive a better rating which would allow them to sell the bonds at a more favorable interest rate.
- AP asked Treasury if it could lend it \$18 MM (like an emergency loan) for the same time period, rather than BAML. AP said it would rather pay the state 3% than BAML. Treasury said they are noting it and sending forward.
- City Administrator Kibby was told to put the request in writing to Treasury.

Old City Hall sale

- The appraisal is complete. The front-7 acres with the building is worth \$1M. The front-7 acres without the building is worth \$1.250M. The back 4 acres is worth \$1M, but AP does not want to sell it.
- There is a bit of dispute with the railroad over boundary lines on the back 4 acres.

Miscellaneous

- Allen Park will be swearing in new council Monday, Nov. 9 (which will be a council meeting in place of the regularly scheduled meeting Nov. 10). The city expects as many as three new members.

Benton Harbor –Oct. 22 – D. Watson, R. Widigan, E Cline, P Dostine

- **Weekly Priorities:**
 - Some commissioners won't speak during commission meetings because they are afraid of being yelled at/attacked in the meeting.
 - If the Mayor gavel the individual down for being out of order, a commission will "challenge" his decision and with a majority vote will override the Mayor's ruling of being out of order.
 - The City Commission is removing people from the Planning Commission because they aren't acting/voting the way the City Commission wants them to.
 - ASFME contract is complete, agreed to a 5 year contract. 2% raise in the first year, none after that. After year 1 they will do wage re-openers based on City's financial standing.
 - This contract will cost the City only \$1,800.
 - FOP discussions – will get together November 18 and attempt to hammer out the contract.
 - Currently the FOP is looking for what was taken away by the EM and EFM.
- **Lange, O'Brien/Unruh Lawsuits:** No update at this time.
- **Update on Vacant Positions:**
 - **Finance Director:** The MML search for finance director was not approved by the City Commission.
 - **Water Department Superintendent:** Agreement will be signed tomorrow and should start Monday.
 - **Community Development Director:** City is still in the search process. May need to use MML for a search.
 - During the 12/13 FY under Joe Harris, CDBG allocations costs totaling \$25K were improperly spent, the City may owe HUD \$25K.
 - **Assessor:** Assessor and assessing services agreement is close to being completed and signed. Should be in place by the first of November.
- **City Manager Evaluation Discussion:**
 - A resolution was brought up for the first time at the Oct 19 meeting by Commission Henry asking Darwin to submit a "summary of his past achievements and challenges since his last evaluation."

- This was not discussed before the meeting, Darwin was unaware this was going to be brought up.

- **October 19 Commission Meeting:**

- The Commissioners seem to be “stirred-up” seem to want to exercise power by browbeating staff and stakeholders in the community.
- Commissioners don’t review the packet and information given until the meeting.
- Darwin called the commissioners on Friday before the meeting to see if there were any questions on any agenda items, they told him they had no questions.
- Darwin then talked to each commissioner on Monday, before the meeting, and again they had no questions.
- During the meeting the commissioners said they haven’t had enough time to review the information and couldn’t act.
- These agenda items are discussed in committee meetings and then minutes from the commission meetings are sent to each commissioner for review.
- Darwin said it may be wise for one of us to attend the next commission meeting on November 2.

Ecorse – Oct. 20 – W. O’Neal, R. Byrne, D. Van de Grift, P. Dostine, A. Heimann

Priorities

- Water audit. Ecorse is in the process of doing a water audit. The city found that 24 % of the bills are estimates. Ecorse loses approximately \$940K worth of water annually. The city has discovered the use of straight pipes in 3 houses. O’Neal believes there are more in the city.
- O’Neal reported that the Water and Sewer fund currently has a positive cash flow.
- O’Neal said there is a lack of communication between the water billing department and the DPW. Broken or defective meters are not being reported to DPW. O’Neal also said the city will be raising the minimum water rate.

Fire Dept.

- Firemen are campaigning for Mayor Pro Tem Miller for mayor. O’Neal said at least three department heads have said they will resign if Miller is elected mayor.

OPEB benefit audit

- O’Neal said that the OPEB benefit audit has been completed. “Some discrepancies were found. But overall, it’s wasn’t bad,” O’Neal said. A deceased female was still receiving BCBS coverage. Ecorse is going to request a refund from BCBS.

DPW Business Plan

- O'Neal said the potential savings from taking DPW in-house is approximately \$57K annually. But this would depend on the wages Ecorse would pay workers. O'Neal said he is finding it difficult to find even part-time workers for DPW. O'Neal said it's unlikely the in-house plan will be implemented at this point.

Flint – Oct. 28 – N. Henderson, Mayor Walling, F. Headen, E. Cline, P. Dostine, A. Heimann, D. Hudson

Priorities

1. Crime/Safety

- Flint is preparing for this weekend (Halloween/Devil's Night) with an crime/arson prevention program that utilizes a volunteer citizen network
- Violence Reduction Network – National program to use analytics to help reduce crime by helping to identify individuals who are likely to accelerate crime. Had a press conference that was very well received to announce this partnership with the FBI/ Justice Dept.
- Police Recruitment – Going well, have already hired some staff, and will be sending 5 people to the Police Academy. Also, will be using the KRAM to hire some part-time community officers. The KRAM is a dedicated funding source and will have a net neutral impact on the budget.

Status of Water Situation

1. Revenues/Expenditures

- Flint is continuing to lose money, they are currently down about \$11 Million this period, and even after the shut off notices are sent out, they anticipate that they will still have a roughly \$6-8 Million loss
- Will be amending the budget to show the revenue loss, will be sending along a spreadsheet that has their cash flow estimates

2. Litigation

- Flint is currently absorbing the entire cost of the litigation against the City, and they feel as though the state should pay for part of these costs considering that the State has "some responsibility on this". They say that the decisions that led to this litigation were made in part by Mike Brown and that the State should offer to help pay some of the extra litigation costs. She intends to discuss this further with the Treasury Department when she makes her visit to Lansing in November.

3. KWA Bond Payment

- N. Henderson was unclear when this payment was actually due. Does know that it is around \$6M, and that the payment will need to be made in this fiscal year. N. Henderson agreed to follow up with Eric when she comes across the due date for the payment.

Miscellaneous

1. Mayoral Election

- Mayor Walling stated that the elected Mayor will be sworn into office the Monday following the election (November 9th) and as such, this may be his last phone call with the group. He expressed that this group has developed a very positive working relationship, and that he has enjoyed working with the people on the call

Hamtramck – Oct. 22 – K. Powell, P. Dostine, D. Van de Grift, A Heimann, D Hudson

Priorities

- RTAB packet will be out shortly
- Developing an online marketing video at no cost to the City. Will be available on the City's website next week
- Website will be up and running by next week
- Going to court 10/23 to address the City Council vacancy, court is going to have decision at that time, and a new Council Member should be present for the City Council meeting next Tuesday.
- There is a flier being distributed that calls for the removal of all the City's Muslims.
 - City is meeting with Yemeni Muslim leaders later in the week
 - City suspects that this flier is created by leaders in the Muslim community to create trouble.
- Election approaching, still dealing with scandal
 - Needed some advice on how to investigate this further, Pat offered some suggestions
- Parks, DPW, Water all going well
 - Sill "shutting people's water off" for non-payment, looking to reduce the amount of delinquency time before a shut off can happen.
- Operating surplus, currently projected at around \$900K
- Will likely need to spend some of that upgrading some City software products, Adobe was specifically mentioned.
- Projecting a \$3M fund balance, will be "shooting" for a 20-25% balance
- Water fund is saving money by utilizing some part-time staff hours

Auditor Search

- Katrina has selected a candidate
- Is approved by City Council, and Drew seemed positive that RTAB will likely approve as well.

Police Study

- Not much has been done on this issue since last meeting, this issue is “not been a priority”.
- Drew and Pat wanted to see some positive movement on this project within the next two weeks

Highland Park– Oct. 14 – C. Square, R. Byrne

- The collection firm has approximately \$7M in past due accounts to collect. However, many of these accounts are no longer active.
- Meadowbrook will be providing an updated report on OPEB costs which show a substantial reduction of the annual costs. The new estimated annual costs will be between \$200K and \$300K.
- New water bills with the new water and sewer rates have been sent out to the customers.
- Wade-Trim has opened its customer service center on Woodward Avenue.
- BSA software installation has been completed.
- The City will be submitting several FDCVT grant applications including master water meters, LED streetlights, and building improvements.
- Wade-Trim has received several shipments of residential water meters that will be installed soon.

Inkster – Sept 16 – M. Stuhldreher, R. Byrne, P. Dostine

Priorities

- Redevelopment Ready Community program. Inkster is interested in following through with MEDC to achieve RRC certification. Treasury to forward brief report on the program’s requirements.

Police chief

- New chief is fully engaged. He’s attended several community events. He’s been in the neighborhoods. Chief is in the process of hiring an officer to work narcotics. Inkster Police administration has lots of training dollars. Mark said Inkster has \$47K remaining from the FDCVT grant earmarked for training as well.

Pastors

- Mark had a meeting with Rev. George Williams, an outspoken critic of the upcoming Parks & Recreation millage. Mark stressed the importance of millage passing and that Rev Williams should at most remain neutral on the matter.

’16 FDCVT grant

- Inkster has not started its application process yet, but does plan to apply. Last year the city received \$900K in grant monies from Treasury.

Lincoln Park – Oct. 21 – B Coulter, R Byrne, D. Van de Grift, P Dostine

Priorities

- PA 345. Three councilpersons endorsed the millage at last council meeting. Efforts continue in the evenings at neighborhood elementary schools. Coulter and others recently met with local pastors. News Herald has been giving it a lot of coverage.
- Matt Coppler, new city manager. Coulter asserts Coppler was the right choice. Everything is going better than expected.

Lincoln Park Retiree Lawsuit

- A status conference took place Oct. 20. Everything was pushed back. Coulter had informal meeting with retiree attorney Porter. Coulter told Porter he hopes they can work together if PA 345 passes. Coulter said there would be enough money in his estimation to satisfy the plaintiffs' demands.

RTAB recruitment membership

- Coulter has collected two names of potential RTAB members. He is developing an application as an early screening instrument.

Final Order

- Coulter completed first draft of FO. Has given a copy to John Clark and Howard Shifman to review. The draft should be ready for Treasury review next week. Depending on what happens with PA 345, the FO may or may not have to be revised.

City Charter

- Coulter is having Miller Canfield provide advice on putting model provisions into the Charter. Coulter is leaning toward leaving any final formulation and adoption of model provisions to the future RTAB.

Miscellaneous

- Coulter is worried about DPS. Three more employees resigned in recent weeks without any notice, forgoing vacation. It's rumored that a supervisor may leave for the Metro Airport.
- The Government, Employees Labor Contract has been forwarded to Treasury for approval.

Pontiac – Oct. 30 - Mayor Waterman, Deputy-Mayor Jane Bais-DiSessa, J. Sobota, R. Widigan, P. Dostine

- **Weekly Priorities:**
 - HUD has sited the City in regards to their NSP3 Programs for incomplete data entry, all supporting information has been found and will be submitted. Should be submitted today.
 - Contract for the Sherriff is completed – base amount is decided by Oakland Co. Commission.
 - City has added on two additional officers for patrol.
 - Dep. Mayor – noticed a lot of passion from the council, they have a strong desire for change.
 - She will be reviewing the process for budget adjustments, and preparing council packets, etc...
 - Would like to make things as simple as possible for staff and council.
- **Deputy Mayor:** Has started work at the City, is catching up and beginning duties.
 - Will assist with transition goals for the city council and city to accomplish.
- **\$6M with Gray Financial Group:**
 - City is currently looking for a replacement for Gray, until then the \$6M will remain with Gray.
 - Currently compiling a chronology of events regarding the dealings with Gray group.
- **Budget Amendment/Audit:**
 - One set of amendments were voted on by city council last night, another vote to approve further amendments (street sweeping, grass cutting, etc...) will be presented at next Thursday's council meeting.
 - Mayor is ready to submit 16/17 budget as soon as budget amendments are approved.
- **Community Development Positions:**
 - At last night's council meeting, they council refused to fund the positions.
 - Same reasons as before.
 - Council wants their own attorney, until they receive one they won't fund the positions.

Royal Oak Township – Oct 5 – R. Burgess, R. Byrne, P. Dostine

- **Priorities for the Week/Miscellaneous Items**

- Hired an accountant – Nicholas Fedewa -- approximately \$55 to \$60 /hr. Fedewa was recommended by Pontiac Finance Director. He initially will work full time to catch the township up in the books. Produce a cash flow analysis from Aug till Dec. Work up till the end of the year. Treasury recommended the new accountant stay on pass the end of the fiscal and perhaps even longer. The work is needed.
- Montgomery has reduced its price from \$17K to \$10K. Still no deal, no close out of this invoice. Robert requested an Order so he can void the contract. Treasury noted that Montgomery could still take the township to court over the matter.
- There is an office employee that the township must provide rights and benefits under the union contract. Robert did not budget for these costs. The township attorney has counseled against eliminating her position or denying her benefits because she will grieve the case.

- **FY '16 budget**

- Robert said a draft of the budget is completed. He's met with all the directors and elected officials regarding their budgets. He's ready to show it to the Board at the next meeting (Oct. 15) or maybe earlier for review. In the budget are CIPs which have \$50,000 place holders.
- Robert has distributed project applications for FY 16 CIPs to all the dept directors. That process is underway.
- Robert said tax revenues will be slightly higher in FY '16 budget.
- Oakland Co told Robert that chargebacks for 2016 will be small.
- In 2017, the Fire, Street and Disposal funds should all break even.
- The projected fund balance for Year End FY 16 is approximately \$200K, which is less than the 15 percent recommended of the total budget amount (\$2MM).
- No money budgeted for township offices. Robert said he would have to do an amended budget should the issue arise in '16.
- Treasury requested a copy of the draft budget.

- **Police Update**

- Robert met with Oak Park regarding police services. Last week Robert gave Oak Park a written proposal. Oak Park has promised a response in two to three weeks.

Grant School

- Robert said this is not a priority until ROT gets a police contract first.

Township-owned house

- Update: This property has not been sold yet for \$975. At its last meeting, the Board approved the selling of the property, not the sale of it. At the same meeting, the Board did not approve of the rehabbing of the house for \$3K. Municipal Risk (sp) sent a

crew in to dry the basement out (the basement experienced water damaged due to clogged drains from area restaurants using them as grease bins) remove damaged drywall etc. It has been estimated that \$3K of rehab on the house would elevate the house in price on the market from \$10K to \$30K.

McKenna

- In 2014 the township paid approximately \$100K for McKenna's services. This year, the figure is approximately \$64K. Robert has talked to the DDA and Parks about what their share in the cost will be going forward. He hopes to get a reduced price from McKenna for FY '16.

Pleyte, Beth (Treasury)

From: Saxton, Thomas (Treasury)
Sent: Monday, November 02, 2015 8:11 AM
To: Sampson, Jeremy (TREASURY); Khouri, Nick (TREASURY)
Subject: FW: As Discussed

fyi

-----Original Message-----

From: Darnell Earley [mailto:darnell.earley@detroitk12.org]
Sent: Monday, November 02, 2015 8:03 AM
To: Baird, Richard (GOV) <bairdr@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Cc: McPhee, Karen (GOV) <McPheeK1@michigan.gov>; Walsh, John (GOV) <WalshJ@michigan.gov>; Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Michelle Zdrodowski <michelle.zdrodowski@detroitk12.org>; Kelly Rossman-McKinney <krossman@truscottrossman.com>
Subject: As Discussed

As discussed, I will be interviewed on WKAR this morning at 9. The topic of course is DPS and I was told to expect some questions regarding the Flint water issue.

Darnell

Sent from my iPhone

Workman, Wayne (TREASURY)

From: Workman, Wayne (TREASURY)
Sent: Monday, November 02, 2015 10:15 AM
To: 'Ken Sikkema'
Subject: RE: Flint Water Task Force

I will get with you later today

From: Ken Sikkema [mailto:ksikkema@pscinc.com]
Sent: Monday, November 02, 2015 10:03 AM
To: Workman, Wayne (TREASURY)
Subject: Flint Water Task Force

Wayne:

Rich Baird indicated you are the contact person at Treasury regarding our work on the Flint Water Task Force...could you give me a call on my cell when you have a minute: ~~517-484-4954~~...thanks.

--

Ken Sikkema
Senior Policy Fellow
Public Sector Consultants
PH: 517-484-4954
ksikkema@pscinc.com

Workman, Wayne (TREASURY)

From: Workman, Wayne (TREASURY)
Sent: Monday, November 02, 2015 11:05 AM
To: 'Ken Sikkema'; Byrne, Randall (Treasury); Saxton, Thomas (Treasury)
Cc: Dempkowski, Angela (Treasury); Stanton, Terry A. (Treasury); Pleyte, Beth (Treasury)
Subject: RE: Flint Water Task Force

All, Ken is working on the Flint Water Taskforce. Angela, could you et up a meeting for November 9 at 3:00 in Treasury for Ken, Randy, Tom(if available) and me to talk about the timeline for what happened in Flint. We should have the material we gathered for Terry available. Thanks, Wayne

From: Ken Sikkema [mailto:ksikkema@pscinc.com]
Sent: Monday, November 02, 2015 10:03 AM
To: Workman, Wayne (TREASURY)
Subject: Flint Water Task Force

Wayne:

Rich Baird indicated you are the contact person at Treasury regarding our work on the Flint Water Task Force...could you give me a call on my cell when you have a minute: [REDACTED]...thanks.

--

Ken Sikkema
Senior Policy Fellow
Public Sector Consultants
PH: 517-484-4954
ksikkema@pscinc.com

Byrne, Randall (Treasury)

From: Byrne, Randall (Treasury)
Sent: Monday, November 02, 2015 12:09 PM
To: Cline, Richard (Treasury)
Subject: RE: KWA & Water Quality Chronology Timeline

Eric:

Do you have the supporting documentation to go along with this timeline?

Randy

From: Cline, Richard (Treasury)
Sent: Monday, November 02, 2015 12:04 PM
To: Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: FW: KWA & Water Quality Chronology Timeline
Importance: High

Randy,

Per your request.

Eric Cline | Department Manager | State of Michigan
Michigan Department of Treasury | Local Government Financial Services Division | Fiscal Responsibility Section
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | Cell Phone (517) 243-8450 | Traverse City Office (231) 922-5228
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From: Cline, Richard (Treasury)
Sent: Monday, September 28, 2015 5:33 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>
Subject: KWA & Water Quality Chronology Timeline
Importance: High

Tom,

Updated, per your request.

Eric Cline | Department Manager | State of Michigan
Michigan Department of Treasury | Local Government Financial Services Division | Fiscal Responsibility Section
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Lansing Office (517) 335-2078 | Cell Phone (517) 243-8450 | Traverse City Office (231) 922-5228

Byrne, Randall (Treasury)

From: Vandegrift, Drew (TREASURY)
Sent: Monday, November 02, 2015 2:55 PM
To: Schafer, Suzanne K. (Treasury); Goodrich, Harlan G. (Treasury)
Cc: Byrne, Randall (Treasury)
Subject: MSU Flint Publication

Good Afternoon,

I have reviewed the *MSU Extension paper titled, The Flint Fiscal Playbook: An Assessment of the Emergency Manager Year (2011-2015)*. In general, it is an accurate summary of the emergency manager administrations of Mr. Brown, Mr. Kurtz, Mr. Brown (2nd time), Mr. Earley, and finally Mr. Ambrose. The paper first discusses the demographics of the City, including the economic and housing trends contributing to the financial emergency. Next, the City's personnel costs are examined, with particular attention to the OPEB costs which were not funded. EM Brown's modifications to retiree healthcare is a major topic, and the paper fairly documents the competing interests of retiree contract claims and the continued solvency of the City. The history of emergency managers increasing water and sewer rates is also noted. Perhaps the only controversy is found on page 25, where the paper couches the use of the Flint river as a local decision, which it was. A considerable portion of the paper is devoted to graphical illustrations of data from previous municipal audits.

I am available for further review upon request.

Kindly,
Drew



Drew Van de Grift, Esq. | Administrative Law Specialist
Department of Treasury | Office of Fiscal Responsibility
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
Office 313.456.1771 Cell .517.243.7450 Fax 517.373.0633
vandegriftd@michigan.gov

Vandegrift, Drew (TREASURY)

From: Vandegrift, Drew (TREASURY)
Sent: Monday, November 02, 2015 3:02 PM
To: Schafer, Suzanne K. (Treasury)
Subject: RE: MSU Flint Publication

I guess they need to publish something to keep that sweet Mott money rolling in. ☺

·Drew

From: Schafer, Suzanne K. (Treasury)
Sent: Monday, November 02, 2015 2:59 PM
To: Vandegrift, Drew (TREASURY)
Subject: RE: MSU Flint Publication

Drew,

Given your short summary, can I draw the conclusion that the author didn't really have much to say? In other words, the white paper(s) benefit the author more than the reader.

Suzanne

From: Vandegrift, Drew (TREASURY)
Sent: Monday, November 02, 2015 2:55 PM
To: Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Goodrich, Harlan G. (Treasury) <GoodrichH@michigan.gov>
Cc: Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: MSU Flint Publication

Good Afternoon,

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I am available for further review upon request.

Kindly,
Drew



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vande-grift@micichigan.gov

Dostine, Patrick (TREASURY)

From: Cline, Richard (Treasury)
Sent: Tuesday, November 03, 2015 2:07 PM
To: Dostine, Patrick (TREASURY)
Subject: RE: draft Flint list

Patrick,

A couple of minor adjustments.

I want to hit elections right out of the gate, since it will be foremost on everyone's mind anyway.

I put a couple of notes as to why I added things. This is for your understanding, but I don't think they need to be included on the list.

- Elections
- Priorities
- Devil's Night / Halloween report
- Water System Update ~~DWSD water in the system~~
- Aging Accounts Payable – *We have heard that they may have very significant levels of aging payables on top of what the water system is already short*
- KWA bond payment date
- Planning Director Start Date – *We want to know when his start date is as it might come into play at the RTAB level*
- Miscellaneous

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From: Dostine, Patrick (TREASURY)
Sent: Tuesday, November 03, 2015 1:46 PM
To: Cline, Richard (Treasury) <cliner1@michigan.gov>
Subject: draft Flint list

Add or subtract? Lemme know.

Flint – Nov. 4 – Mayor Walling, N. Henderson, J. Freeman, F. Headen, W. Lamphiere, E. Cline, P. Dostine, D. Hudson A. Heilmann,

- Priorities
- Devil's Night / Halloween report

- Elections
- DWSD water in the system
- KWA bond payment
- Miscellaneous

Patrick Dostine

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Cline, Richard (Treasury) SAM, RTAB II, Josh, CA, Mayer, Legal, UOS, Analyst II

From: Dostine, Patrick (TREASURY)
Sent: Tuesday, November 03, 2015 2:22 PM
To: Byrne, Randall (Treasury); Cline, Richard (Treasury), Heimann, Alexandr (TREASURY), Hudson, Deanna (TREASURY)
Subject: 9 AM Flint call list items

Flint – Nov. 4 – Mayor Walling, N. Henderson, J. Freeman, F. Headen, W. Lamphiere, E. Cline, P. Dostine, D. Hudson, A. Heimann

- Elections – Mayer Lost, New Approach [Anger/Frustration]
- Priorities
- Devil's Night / Halloween report – No Major Issues
- Water System Update – Final Permit to add more phosphate [High Usage]; Dit water flow system
- Aging Accounts Payable
- KWA bond payment date – Nov 2016
- Planning Director start date – Nov 9
- Miscellaneous – Met Grant #1 5M for Police Programs [3 yrs]; Met Foundation
Riverview Park #700 [Met]

Patrick Dostine

*No call - Next week

New Mayor promising
to replace Dept Heads

State of Michigan
Department of Treasury
Local Government Financial Services Division
Cadillac Place
3044 W Grand Blvd
Detroit, MI 48202
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Mayer

Hope Calls
Conference
Involve VC
Water Issue
must be addressed
[Infrastructure]

Tech Adv Com

Nov 9 Meeting

EPA Task Force
in Community

Org Meeting
Monday

Josh - likely
last call

↓

State needs
to stay
long term

Amend Final
order?

Vandegrift, Drew (TREASURY)

From: Widigan, Robert (TREASURY)

Sent: Wednesday, November 04, 2015 9:03 AM

To: Cline, Richard (Treasury); Vandegrift, Drew (TREASURY); Dostine, Patrick (TREASURY); Heimann, Alexandr (TREASURY); Heimann, Alexandr (TREASURY)

Subject: Al Sharpton group wants new Flint court for possible lead poison victims

FYI – http://www.mlive.com/news/flint/index.ssf/2015/11/al_sharpton_group_wants_specia.html

Robert Widigan

Local Government Financial Services Division

Michigan Department of Treasury

Office (517) 373-3227 

Hudson, Deanna (TREASURY)

From: Heimann, Alexandr (TREASURY)
Sent: Wednesday, November 04, 2015 9:42 AM
To: Byrne, Randall (Treasury); Dostine, Patrick (TREASURY); Widigan, Robert (TREASURY); Vandegrift, Drew (TREASURY); Cline, Richard (Treasury); Hudson, Deanna (TREASURY)
Subject: Flint Call - November 4th

Hello all,

Here are my notes from the call today with the City of Flint. Please notify me if you identify any factual errors, and I will be happy to remedy for the records:

Flint – Nov. 4

Mayor Walling, N. Henderson, J. Freeman, F. Headen, W. Lamphiere, E. Cline, P. Dostine, D. Hudson, A. Heimann – All in attendance

Elections

1. Mayor Walling – Reiterate a few things already shared, hopes that this group can continue to meet, and involve City Council, Council presence has been essential. Saying that we are going to be met with an entirely different approach, one of “anger and resentment”. Will need to be much more “Hands On”.
2. Called for additional investments to help deal with the elevated lead levels in high risk people’s blood
3. Believes that the new administration will be very destructive
4. We “have his number”
5. ALL- Nervous about new administration, and are looking for the State to be more involved to ensure that the atmosphere does not become too destructive.
6. N Henderson – Suggested that all department heads are at risk because new mayor has made promises to people for these department head jobs.
7. J Freeman – Not likely going to be elected for City Council president

Priorities

1. Grants: Received three grants from the Ruth Mott Foundation
 - \$1.5M (three yr) from the Ruth Mott foundation for Police work in the North End of the City. Not for operational policing, but for public safety programs.
 - Neighborhood planning grant \$300K, can work with previous grant, and are waiting on agreements
 - Park Grant \$70K

Devil’s Night / Halloween report

1. No Major issues
2. One fire, basement fire. Two more brush fires, nothing major. Sat it rained

Water System Update

1. Switched to DWSD
2. Waiting on a finalized permit, to add more phosphate to the water. Already have phosphate in water, but they believe that more is needed, and special permit is needed to add more. Recommendation from that there is substantially more Phosphate in the water.
3. Technical advisory committee meeting on November 9th

4. N Henderson will have a private EPA Meeting
5. EPA will have a task force meeting on Tuesday (Not public information)

KWA bond payment date

1. November 2016 - Working on it now (called Jodi? While we were on call to find date)

Planning Director Start-date

1. First day will be November 9th

Miscellaneous

1. RTAB vacancy – The Governor's office is taking names and then they will be making the decision. Unclear how long that process will take.
2. Veterans Day – will not be having a phone call with Veteran's day being Wednesday, Thursday will be the RTAB meeting not Wednesday, confirmed that they had posted the RTAB meeting appropriately.

Alexandr Heimann
Municipal Analyst
Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 335-2434



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

MEMORANDUM

DATE: November 4, 2015

SUBJECT: Transmittal of Final Report - High Lead at Three Residences in Flint, Michigan

FROM: Tinka G. Hyde *Tinka G. Hyde*
Water Division Director

TO: Jim Sygo
Deputy Director
Michigan Department of Environmental Quality

Howard Croft
Director of Flint Public Works

Enclosed please find for your file a final redacted version of a report prepared by EPA Scientist, Miguel Del Toral, regarding lead in drinking water at three residences in Flint, Michigan. The redactions remove personally identifiable and medical information. This report has been finalized and is also being provided to the National Drinking Water Advisory Council (NDWAC) for discussion during their upcoming meeting on November 17-19, 2015. We understand you saw an earlier version of this document; and note that most of the recommendations in that interim report are already being implemented (e.g., the City of Flint has switched back to Detroit water; filters have been provided to residents; and additional corrosion control treatment will be implemented).

The final report contains important new information indicating that physical disturbances of lead service lines can dislodge the protective coating that prevents lead from leaching into drinking water. The final report recommends notifying residents about the potential risks of increased lead levels in drinking water when work is undertaken that may disturb lead service lines.

cc: Natasha L. Henderson, City of Flint Administrator

High Lead Levels in Flint, Michigan

The purpose of this report is to present the findings of activities conducted in response to high lead levels in drinking water reported to the United States Environmental Protection Agency Region 5 Office (EPA) by a resident in the City of Flint, Michigan.

Background Information

Prior to April 30, 2014, the City of Flint purchased water from the City of Detroit. On April 30, 2014, the City of Flint switched from utilizing purchased water from Detroit to a new water source, the Flint River. Subsequent to the change in source water, the City of Flint experienced a number of water quality issues resulting in violations of National Primary Drinking Water Regulations (NPDWR) including acute and non-acute Coliform Maximum Contaminant Level (MCL) violations and Total Trihalomethanes (TTHM) MCL violations (see Appendix A).

Beginning in January 2015, [REDACTED], a resident of Flint, called the Flint Water Department (FWD) regarding the water quality in her home. In response to the initial and subsequent calls, the FWD visited the [REDACTED] home on a number of occasions and also collected tap water samples. [REDACTED] also contacted EPA regarding these same water quality issues and medical issues she believes are associated with the water quality in Flint.

Following initial calls on the general water quality, on February 26, 2015, [REDACTED] contacted EPA regarding high lead levels found in her drinking water by the City of Flint. The result of the initial lead in water sample collected by the City of Flint on February 18, 2015 from the [REDACTED] home was 104 µg/L and the level of iron in the water exceeded the capability of the instrument to measure (>3.3 mg/L). On February 26, 2015, upon receiving the lead results from [REDACTED], the EPA contacted the Michigan Department of Environmental Quality (MDEQ) regarding the high lead result. The MDEQ advised that the City of Flint collect a follow-up sample for lead at the [REDACTED] home.

On March 3, 2015, the City of Flint collected a follow-up sample for lead at the [REDACTED] residence and the result of this second sample was 397 µg/L¹. Subsequent to receiving her second result, EPA spoke to [REDACTED] via phone on March 19, 2015, and the following information was provided by [REDACTED]:

- The [REDACTED] home is a HUD home which was gutted and renovated in 2011. All existing plumbing had been removed and the [REDACTED] installed plastic plumbing.
- Due to high iron levels in the tap water, the [REDACTED] installed an iron filter downstream of the service line inlet into the home.
- [REDACTED] indicated that at this time they are not drinking the water or using it for cooking. She stated that her child's blood lead level (BLL) was originally at [REDACTED] in 2012 and that a more recent test showed it had increased to [REDACTED], but she noted that

¹ Note: A third water sample had been collected on April 2, 2015, but the results had not been provided to the [REDACTED] at the time the interim report was written. The third lead in water sample result was 707 µg/L.

the BLL testing was done well after the child had stopped drinking the water and may have been higher during the time the child was consuming the water.

- Water samples collected by the City of Flint from her home were collected from the kitchen tap after the iron filter was physically removed.
- The Flint Water Department (FWD) informed [REDACTED] that her service line does not connect to the water main in front of her home as is typically the case for most homes.
- On March 18, 2015, City of Flint personnel went to the [REDACTED] home to locate the external shut-off valve in conjunction with the planned replacement of the [REDACTED] service line and were unsuccessful. Eventually it was discovered that the external shut-off valve was located at the corner of [REDACTED] and Bryant Street, two houses down from the [REDACTED] home.

As part of EPA's effort to respond to [REDACTED] concerns regarding her water results, EPA contacted the FWD. The following information was provided to EPA by the FWD:

- [REDACTED] home is one of the first homes built on the block and the service line runs for approximately 50-60 yards, connecting to the water main on Bryant Street which runs perpendicular to [REDACTED] (see Appendix A).
- Flint has a large number of lead service lines, so it would not be surprising to find that this is a very long lead line.
- The first sample from the [REDACTED] home was collected with the iron filter in place, and the second was with the iron filter physically removed. The iron filter was located just after the water meter.
- [REDACTED] showed FWD a video of her son 10 minutes after taking a bath, and that he had a full body rash in the video.

It was a common practice in the early 1900s to purchase large parcels of land and later subdivide them. Since service lines are typically run from the water main to the nearest location on a property and it is possible that the [REDACTED] home may have originally been part of a larger parcel of land that encompassed the two homes that now exist adjacent to the [REDACTED] home and was subsequently divided, leaving the original home connected to the same service connection and water main, while the newer homes were connected to a more recent water main installed along [REDACTED].

Based on a suspected conflict of interest at the healthcare facility that originally tested her son's BLL, [REDACTED] took her son to a different healthcare facility to have his blood lead tested again. On April 1, 2015, [REDACTED] provided EPA with a copy of her child's blood lead testing performed on March 27, 2015, showing a higher BLL ([REDACTED]) than the original test.

Due to the persistently high lead results, the FWD shut off the water service to the [REDACTED] home on April 3, 2015. Per agreement between the FWD and [REDACTED], her home was then connected to her neighbor's home via a garden hose, from one hose bib to another. This was understood to be a temporary measure until the [REDACTED] service line could be replaced. The [REDACTED] used this water connection only for bathing, washing dishes and washing clothes.

At the invitation of [REDACTED], EPA visited the [REDACTED] home on April 27, 2015, and reviewed the internal plumbing and information provided by [REDACTED], including water samples and spent filter cartridges. During this visit, EPA observed that the internal pipes, valves and connectors at the [REDACTED] residence were made of CPVC plastic, approved by NSF for potable drinking water applications, with a few minor metal connectors. A review of the treatment units in the home by EPA found that there was no iron filter in the home as had previously been thought. The only active treatment device in the home was a whole-home sediment filter which utilizes NSF certified Whirlpool WHKF-WHWC cartridge filters for sediment removal and taste/odor. There was also a non-functioning 'Water Resources International Hydro-Quad Commercial Water Processor' which was bypassed (see Appendix A).

At the request of [REDACTED], Dr. Marc Edwards at Virginia Tech provided sampling instructions to [REDACTED] for collecting a series of samples from her home. As part of the instructions, on the night of April 27, 2015, the water at the [REDACTED] residence was turned back on temporarily and the kitchen tap was flushed for 25 minutes at low flow prior to letting the water sit overnight. A series of sequential samples were collected the following morning (April 28, 2015) and sent to Dr. Edwards for analysis.

Dr. Edwards provided [REDACTED] with the results of the analyses and also shared the results with EPA on May 5, 2015, along with information regarding other chemical parameters tested (see Appendix B). In addition to very high lead levels in all sample results, the analytical data shows a correlation between lead and phosphate as well as lead and aluminum in all samples. On April 24, 2015, EPA had learned that Flint did not have corrosion control treatment in place and also learned that Flint was using ferric chloride as a coagulant. Consequently, as the City of Flint is not utilizing phosphate or alum as treatment chemicals since the source switch, the results indicate that it is likely that the phosphate and aluminum were being released from the scale within the distribution system network. This scale would have formed on the inside of the pipes in Flint during the time when the City was purchasing water from Detroit, as Detroit utilizes orthophosphate for corrosion control and alum as a coagulant in their water filtration process.

Research conducted by EPA on lead content in pipe scales has shown that scales which form on the inside of lead pipes can be released or dislodged into the water and may contain a high percentage of lead (Appendix C). Although the results received from Virginia Tech were indicative of the presence of a lead service line, the FWD indicated that no records existed to confirm whether any portion of the service line connecting to the [REDACTED] home was made of lead. However, given the high lead levels found, it was presumed that at least a portion of the service line was likely made of lead. In the course of following up on the high lead at the [REDACTED] home, additional sample results provided to EPA from other residences in Flint also showed high lead levels.

Primarily from a public health standpoint, but also from a research standpoint, it was important to try to find out what the cause of these very high lead levels might be. EPA Region 5, EPA's Office of Research and Development and others have been working

together collaboratively to better understand lead release mechanisms from lead service lines in anticipation of upcoming revisions to the Lead and Copper Rule (LCR) and as part of a collaborative effort in EPA Region 5 to study potential options for optimizing phosphate treatment to control lead in water and the need to reduce phosphorus discharges into the environment. Since the [REDACTED] service line was scheduled for replacement on May 6, 2015 and the presumption was that at least a portion of the service line was lead, EPA visited the [REDACTED] home on the day of the service line replacement to gather information and service line pipe samples that could provide additional information as to how lead levels could get as high as they did in this case.

The original service line to the [REDACTED] home was disconnected and two service line pipe segments from this service line were extracted on May 6, 2015. Additional tap water samples were collected also from two homes on Bryant Street that were connected to the same water main as the [REDACTED] home (Appendix A). The samples were collected from these homes as they had more typical service line lengths as compared with the [REDACTED] home. During the same visit, patches of asphalt were also noted along the curb on Browning Avenue, indicating that excavation had occurred. These patches, which were in proximity of the [REDACTED] service line in the parkway (see Appendix C) may be one of the potential factors contributing to the high lead at the [REDACTED] home, as it has been shown that physical disturbances to pipes can dislodge the scales within those pipes.

The two service line segments that were extracted were subsequently identified as galvanized iron pipe. Analyses conducted by Virginia Tech on the extracted portions of the pipe indicate that the galvanized iron pipe was fairly typical in terms of composition (see Appendix C). The galvanized iron portion ran from inside the [REDACTED] home to the external shut-off valve at the corner of [REDACTED] and Bryant Street. The remainder of the [REDACTED] original service line from the shut-off valve to the water was made of lead.

Although the service line had been disconnected from the [REDACTED] home, it was not possible to retrieve a segment of the lead portion of the service line as it was beyond the shut-off valve which had been closed and left in place. Following the disconnection of the original service line, a new service line made of copper was installed from the [REDACTED] home to the water main in front of the home on [REDACTED]. Subsequent to the replacement of the service line at the [REDACTED] home, water samples were also collected from the [REDACTED] home and sent to the EPA Chicago Regional Laboratory for analysis. In all three homes, the sequential samples were collected using standard protocols used in prior sequential sampling efforts to capture water samples reflecting lead levels from the kitchen tap to the water main. Two additional samples were collected from the water heater drain valve at the [REDACTED] home to determine if lead deposits had accumulated in the water heater, and a final sample was collected from the bathroom tap. The sequential sampling results indicate that the service line replacement eliminated the high lead levels and that no residual lead had accumulated within the plastic plumbing of the [REDACTED] residence, which was a potential concern and possibility based on prior research. One of the two samples collected from the [REDACTED] hot water heater had high lead (32 µg/L), likely from lead particulate that had accumulated in the tank, and the sample collected from the bathroom was 5.5 µg/L.

The sequential samples collected from the two homes on Bryant Street had differing results. At the first home (Site 2), a series of 15 sequential one-liter samples were collected and the results are indicative of a service line that does not contain any portion that is made of lead. Consequently the lead results were low overall for samples representative of the service line. The first sample in the sequential sampling series was the highest, which potentially indicates the presence of leaded brass in the faucet or underlying sink fixtures. Some leaded brasses manufactured prior to the 2011 lead-free law have been shown to release high levels of lead in certain water qualities. Leaded-solder was ruled out as the home plumbing consisted of galvanized iron pipe, and it is presumed that if the galvanized iron pipe were contributing the higher lead, the lead levels would be more consistent in all 15 samples.

At the second home (Site 3), a series of 15 sequential one-liter samples were collected from the kitchen tap and the results indicated that there were no significant sources of lead within the home plumbing but that a portion of the service line is likely made of lead, as indicated by the characteristic peaking of lead levels in the liters capturing water from the service line between the property and the water main, where the portions of many service lines in Flint are made of lead.

All three sets of sequential samples were analyzed for lead, copper, iron, phosphorus and cadmium. In contrast to the samples analyzed by Virginia Tech from the [REDACTED] home prior to the removal of the original service line, no phosphorus was present in the sequential samples at the [REDACTED] home following the replacement of the service line. In addition, no phosphorus was detected in the sequential samples from the two homes on Bryant Street. These results indicate that the source of high lead, aluminum and phosphorus in the analyses conducted by Virginia Tech was likely dislodged or disintegrated scale from within the [REDACTED] original service line.

The sequential sampling results from the [REDACTED] home before and after service line replacement, as well as the results from the two homes on Bryant Street are included in Appendix B.

Although relative contributions cannot be determined, there are a number of factors that could have contributed to the high lead levels found at the [REDACTED] home as follows:

1) Corrosiveness of water and lack of mitigating (corrosion control) treatment

The corrosiveness of the water and the absence of mitigative treatment to control lead release are well known factors that can contribute to high lead release.

2) Presence of a lead service line

Lead service lines are the largest source of lead, when present, and can contribute up to 75 percent of the total mass of lead released into the water. The portion of the original service line from the water main to the external shut-off valve at the corner of [REDACTED] and Bryant Street, estimated to be approximately 25 feet in length, was found to be a lead

pipe. In addition, studies have also shown that the scales within galvanized iron pipe downstream of lead pipe segments can be 'seeded' with lead from the lead portion of the service line. The [REDACTED] service line was much longer than most typical service lines which would allow accumulation of a greater total mass of scale within the pipe.

3) Physical disturbances

A recent EPA study indicates that physical disturbances in proximity to lead service lines can cause the dislodging of the protective scales from within the service lines. The photograph in Appendix C shows the scale that was dislodged from inside a lead service line during routine maintenance work in another city due to a physical disturbance of the line. The dislodged scale and sediment contained a very high concentration of lead. At the time of the EPA visit to the [REDACTED] home, there were two patches of new asphalt visible on [REDACTED] along the parkway where the [REDACTED] original service line was located, indicating recent excavation and possible recent physical disturbances to the [REDACTED] service line (Appendix C). These potential disturbances were along the galvanized iron section of the service line and as noted above, research has shown that the presence of lead pipe upstream can 'seed' the galvanized iron pipe downstream with lead, which results in an accumulation of lead-bearing scales within the galvanized pipe downstream of the lead portion of the service line. It is reasonable to assume that these physical disturbances to the galvanized iron portion of the service line could therefore result in the same dislodging of scale and sediment as studies have shown can happen with lead service lines.

The street disturbances on [REDACTED] occurred after the [REDACTED] moved into the home along the portion of the service line made of galvanized iron pipe. There were no visible signs of disturbance on Bryant Street where the lead portion of the [REDACTED] service line was situated (see Appendix C). It is likely, given the extremely high lead levels found and the co-occurrence of aluminum, phosphorus and lead, that the long segment of galvanized iron pipe was seeded with lead over the entire length of the pipe and the physical disturbances and other factors such as the water chemistry resulted in the release of large amounts of the high-lead bearing scale and sediment into the water. Virginia Tech also found nearly perfect correlations between the lead in water and markers for galvanized pipe scales including zinc.

Recommendations

As indicated by the results from the [REDACTED] home and previous EPA work, the presence of lead pipes over many years has likely resulted in the accumulation of lead in the scales within non-lead pipes downstream of the lead pipe and physical disturbances to the lead or non-leaded portions of the service lines have the potential to release large amounts of scale and sediment that could pose an immediate and acute health hazard to the residents. Consequently, even with corrosion control treatment in place in the future, physical disturbances will be capable of dislodging the high lead-bearing scale and sediment from non-lead pipes as well as lead pipes, as was the case in the earlier EPA study.

Obtaining information on the lead reservoirs in the scales within the lead and non-leaded portions of intact service lines is essential for determining the potential risk to residents

from lead-bearing scale released as lead lines are replaced as well as the risk that may remain following removal of the lead lines, where the non-leaded portions of service lines are left in place.

As the [REDACTED] service line was very long compared to the length of most typical service lines, it is important to assess the potential risk posed by the scale reservoirs in more typical lengths of service lines by extracting both the leaded and non-leaded portions of service lines which have not been physically disturbed. The service lines chosen for extraction and analysis should be representative of the materials commonly used downstream of the lead pipe (e.g., galvanized iron, copper, plastic). Extraction/handling procedures should be developed by EPA to ensure that damage to the scales from the excavation, extraction and delivery of the service line segments is minimized. Sequential sampling should also be conducted on a representative group of homes with common plumbing materials (e.g., galvanized iron, copper, plastic) to determine the extent to which the lead from the service line has seeded the interior plumbing in homes.

It is also critically important to develop and incorporate ongoing training and public education on the potential for high lead release from the scales as a result of any future physical disturbances to service lines and mitigative actions that residents can take to lower their exposure risk. The training and educational material should be assessed for clarity, meaningfulness, and accessibility by a group of residents and health experts to ensure the effectiveness of the communications.

At a minimum, immediate training and public education on the potential risks posed by physical disturbances to service lines should be developed by communications experts and provided to residents, community groups, elected officials, health departments, pediatricians and gynecologists, water and non-water utilities (gas, electric, cable, etc.), plumbing organizations and contractors. Residents should be notified of scheduled work by water and non-water utilities and informed of the potential risk of increased lead levels due to these disturbances.

Appendix A – Background Information

National Primary Drinking Water Regulations (NPDWR) Violations – City of Flint

Following the switch to the Flint River, the City of Flint experienced a series of NPDWR violations as follows:

Acute Coliform MCL violation in August 2014
Monthly Coliform MCL violation in August 2014
Monthly Coliform MCL violation in September 2014
Average TTHM MCL violation in December 2014
Average TTHM MCL violation in March 2015
Average TTHM MCL violation in June 2015

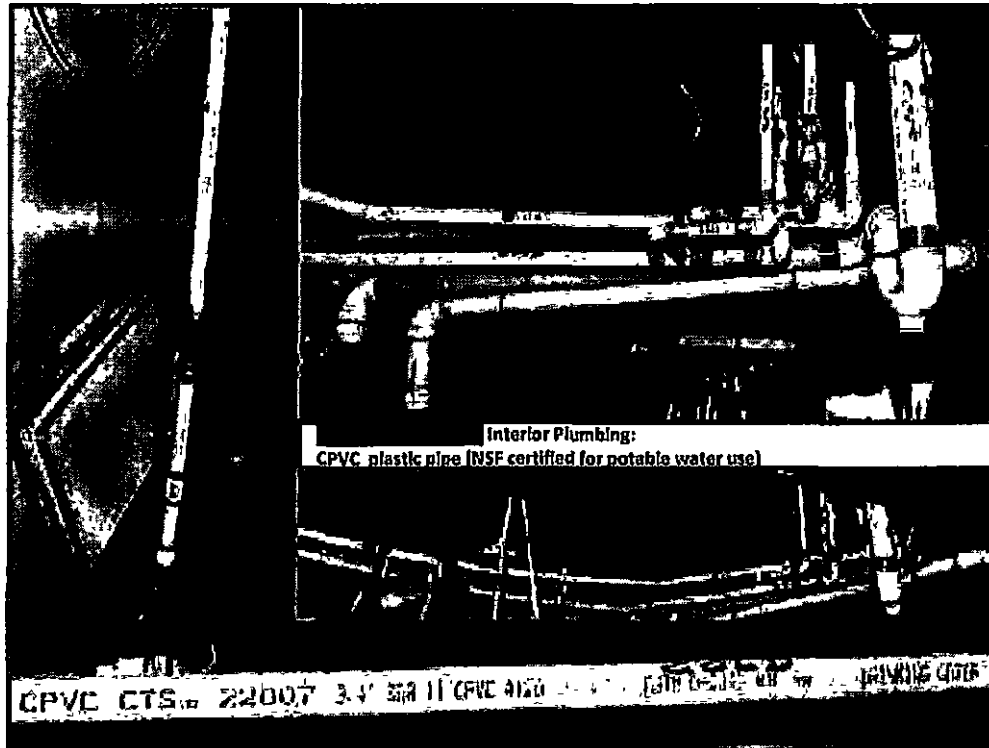
Sampling Sites

The map below shows the three homes that were sampled as provides information on the length of the service lines and the plumbing material. Two portions of the original service line were extracted and analyzed and a third portion was collected from the entry point into the home, but not analyzed.

[map redacted because it shows Personally Identifiable Information]

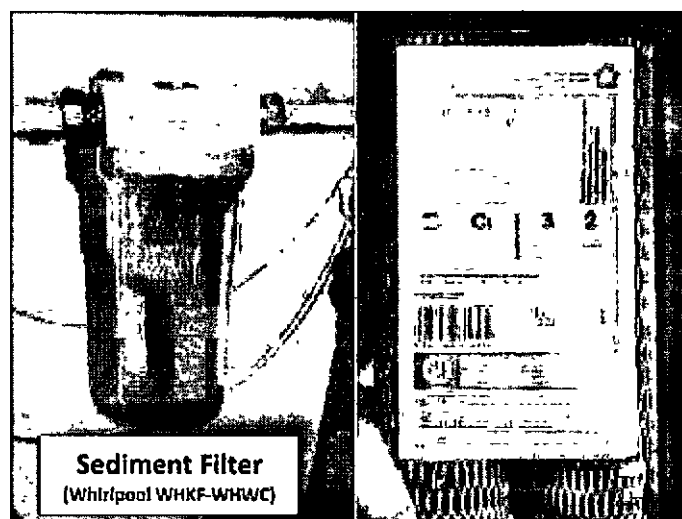
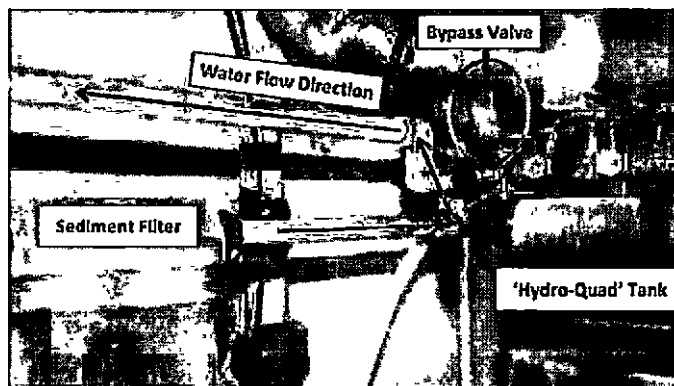
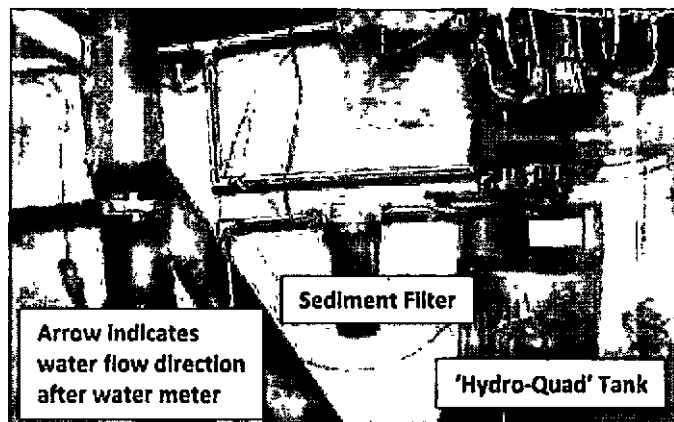
Internal Plumbing –

The following pictures were taken at the [REDACTED] home located at [REDACTED]. With the exception of a few minor metallic connectors, all potable water plumbing in the home was found to be CPVC plastic pipe which is NSF-certified for drinking water use.



Treatment Units –

The home has a whole-home sediment filter, as well a non-functioning 'Hydro-Quad Commercial Water Processor' which is bypassed. There was no iron filter in the home as had been previously reported.



Appendix B – Analytical Results

Lead in water sampling results from the [REDACTED] residence ([REDACTED])

City of Flint Samples

The City of Flint collected water samples from the [REDACTED] residence and analyzed them for lead. The results for each date are listed below.

February 18, 2015: 104 µg/L

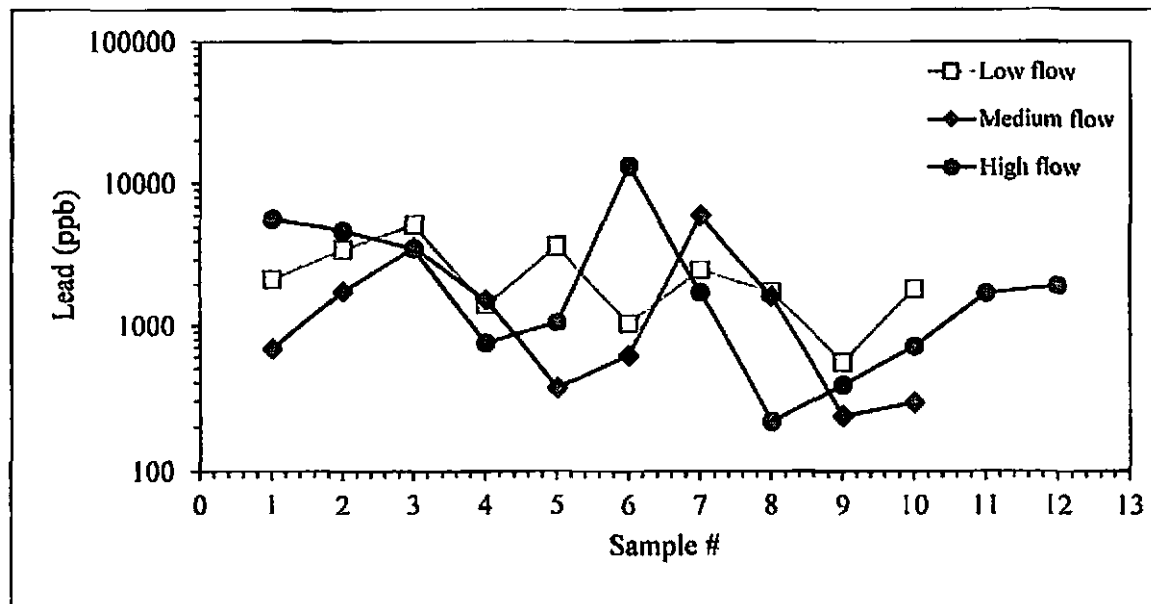
March 3, 2015: 397 µg/L

April 2, 2015: 707 µg/L*

*This sample result had not been provided to the [REDACTED] at the time the interim report was written.

Virginia Tech Sampling Results (provided courtesy of Virginia Tech)

Samples were collected from the [REDACTED] home following an extended stagnation period (April 3, 2015 to April 27, 2014) after the water at the [REDACTED] residence had been shut off. The water was turned back on and three sets of sequential samples were collected on April 28, 2015, at different flow rates (low, medium and high).



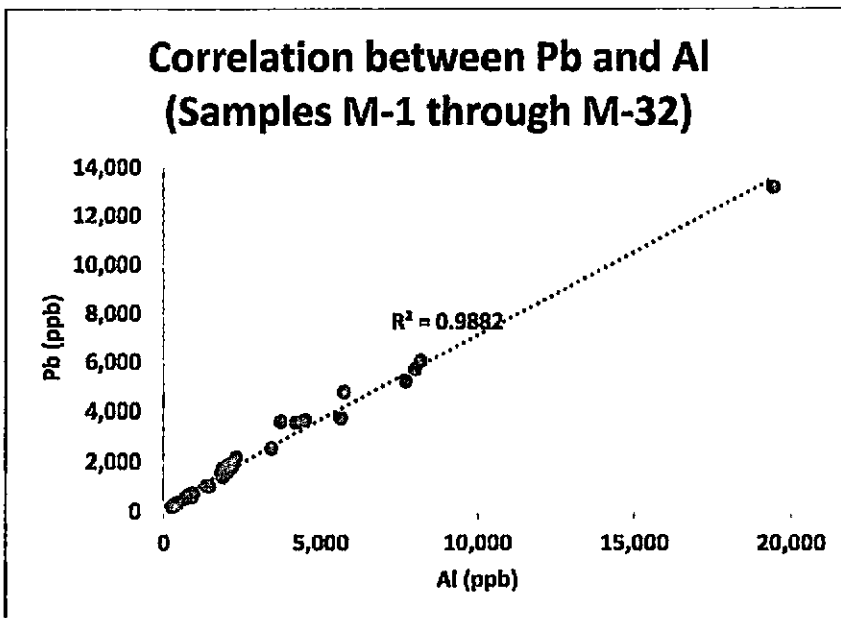
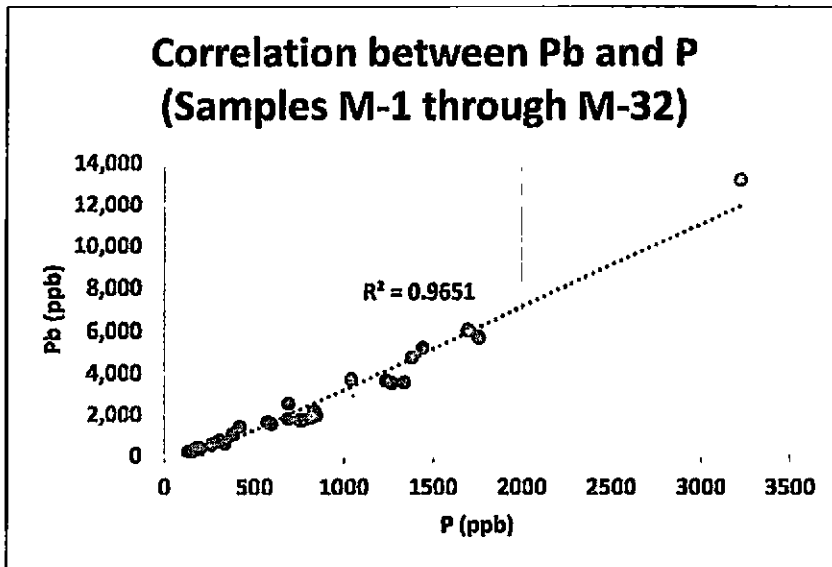
Element (units)	Low Flow									
	1 L Sample Bottle							125 mL Sample Bottle		
	M-1	M-2	M-3	M-4	M-5	M-6	M-7	M-21	M-22	M-23
Ag (ppb)	0	0	0	0	0	0	0	0	0	0
Al (ppb)	2,285	4,199	7,683	1,856	5,623	1,422	3,413	1,865	666	2,015
As (ppb)	3.3	3.9	4	2	3.2	2	2.6	3.6	1.9	3.1
Ba (ppb)	31.3	39.8	27.7	21.2	24.2	20.9	22.8	31.3	21.3	32.6
Ca (ppb)	43,150	43,620	43,580	42,590	43,030	42,030	42,440	40,790	41,050	41,460
Cd (ppb)	2.5	4.2	5.7	1.9	3.9	2	2.5	2.2	1.4	2.4
Cl (ppm)	1,206	1,148	1,272	1,178	1,187	1,214	1,218	1,641	1,076	1,044
Co (ppb)	1.1	1.7	0.9	0.4	0.7	0.4	0.5	0.9	0.3	1
Cr (ppb)	2.1	2.5	2.6	1.3	1.9	1.6	1.5	1.8	1.3	1.7
Cu (ppb)	235	355	294	94	146	101	112	180	82	178
Fe (ppb)	3,598	4,928	3,419	1,446	3,029	2,142	1,780	3,096	1,344	3,241
K (ppb)	3,480	3,508	3,445	3,435	3,430	3,391	3,409	3,256	3,319	3,341
Mg (ppb)	10,310	11,910	17,990	11,290	15,470	10,610	12,720	8,861	9,396	9,098
Mn (ppb)	1,734	2,790	1,093	462	703	429	652	1,382	442	1,509
Mo (ppb)	2.3	2.3	1.9	1.9	1.9	1.8	1.8	1.7	1.7	1.8
Na (ppb)	17,790	17,860	17,810	17,620	17,650	17,410	17,610	16,960	17,100	17,280
Ni (ppb)	9.8	16	30.7	8.1	23.2	6.2	15.3	6.6	3.7	6.8
P (ppb)	835	1,267	1,441	416	1,040	379	691	773	261	819
Pb (ppb)	2,171	3,550	5,224	1,412	3,735	1,038	2,542	1,759	552	1,857
S (ppm)	28.5	28.7	28.5	28.4	28.5	28	28	26	27	27.1
Se (ppb)	0.2	0	-0.1	0.1	0.2	0	0.3	0	0	0.2
Si (ppb)	3,212	5,281	12,320	4,474	9,401	3,770	6,231	2,619	2,582	2,775
Sn (ppb)	4.6	4.9	6.1	2.2	4.5	2.3	3	2.3	1.5	2.3
Sr (ppb)	129.4	132.3	128.5	125	127.7	125.3	126.1	126.3	125.5	128
Ti (ppb)	3.4	5.8	8.3	2.1	5.8	1.9	3.1	3	1.4	3.1
U (ppb)	1	1.6	2.6	0.8	1.9	0.7	1.2	0.9	0.4	0.9
V (ppb)	13.9	17.5	23.9	9.8	17.6	8.9	13.8	12.2	6	10.8
Zn (ppb)	1,055	1,848	2,731	777	1,890	839	979	746	513	808

Medium Flow										
Element (units)	1 L Sample Bottle							125 mL Sample Bottle		
	M-8	M-9	M-10	M-11	M-12	M-13	M-14	M-24	M-25	M-26
Ag (ppb)	0	0	0	0	0	0	0	0	0	0
Al (ppb)	891	2,142	4,493	1,810	431	877	8,159	2,005	286	347
As (ppb)	2.2	2.9	3.9	2.5	2	2.3	4.6	2.7	1.8	2
Ba (ppb)	22	29.1	36.3	28	18.9	22.6	37.1	26.2	18.9	19.4
Ca (ppb)	41,520	41,580	42,080	41,490	41,020	40,850	42,010	40,940	41,110	40,550
Cd (ppb)	1.5	2.4	4	2.1	1	1.5	4.9	2.9	0.9	1
Cl (ppm)	1,329	1,211	1,252	1,225	1,507	1,321	1,324	1,179	1,258	1,318
Co (ppb)	0.4	0.8	1.3	0.7	0.2	0.4	1.4	0.7	0.2	0.2
Cr (ppb)	1.1	1.5	2.2	1.4	1.2	1.1	3.5	2.1	1.1	1.1
Cu (ppb)	104	151	257	144	65	119	267	166	52	59
Fe (ppb)	1,510	2,476	4,254	2,258	912	1,471	4,563	3,450	711	820
K (ppb)	3,363	3,391	3,370	3,352	3,344	3,311	3,360	3,308	3,356	3,311
Mg (ppb)	9,769	9,960	12,360	9,703	9,331	9,513	16,430	10,820	9,237	9,166
Mn (ppb)	498	1,185	1,878	1,052	231	536	1,947	967	167	220
Mo (ppb)	1.8	1.8	1.8	1.9	1.8	1.8	2.2	2	1.7	1.7
Na (ppb)	17,240	17,370	17,370	17,310	17,190	17,010	17,320	17,020	17,140	16,950
Ni (ppb)	4.1	7.7	16.2	6.8	2.7	3.8	33	7.7	2.1	2.4
P (ppb)	321	690	1,233	595	178	332	1,697	573	144	163
Pb (ppb)	688	1,791	3,655	1,549	366	616	6,048	1,631	237	292
S (ppm)	27.6	27.5	27.3	27.3	27.1	26.9	27	26.4	27	26.6
Se (ppb)	0	0	0.2	0.1	0.1	0.2	0.2	0.3	0.1	0
Si (ppb)	2,892	3,591	6,180	3,307	2,445	2,756	11,280	4,184	2,274	2,303
Sn (ppb)	2.2	2.6	4.4	2.5	1.4	1.8	4.9	3	1	1.1
Sr (ppb)	124	128	128	126	124	124	128	126	125	124
Tl (ppb)	1.6	2.9	5.5	2.5	1	1.2	7.7	2.7	0.4	0.6
U (ppb)	0.5	0.9	1.7	0.9	0.4	0.5	2.7	0.9	0.3	0.3
V (ppb)	8.4	11.9	17.5	10.4	8.2	8.4	25.1	9.7	6	7.4
Zn (ppb)	657	933	1,669	836	366	592	1,934	1,304	305	337

Element (units)	High Flow											
	1 L Sample Bottle						125 mL Sample Bottle					
	M-15	M-16	M-17	M-18	M-19	M-20	M-27	M-28	M-29	M-30	M-31	M-32
Ag (ppb)	0	0	0	0	0	0	0	0	0	0	0	0
Al (ppb)	7,984	5,713	3,714	912	1,354	19,440	1,893	248	455	822	1,859	2,176
As (ppb)	5	4.1	4.3	1.9	2.1	7.4	2.9	2	2.2	2.3	3.2	3.4
Ba (ppb)	40	37	45	21	22	41	32	19	20	22	31	34
Ca (ppb)	42,200	41,870	41,760	41,120	41,110	43,860	41,410	40,730	40,990	40,550	41,000	41,050
Cd (ppb)	5.6	4.1	3.7	1.4	1.9	9.3	2.2	0.9	1.2	1.6	2.1	2.5
Cl (ppm)	1,347	1,261	1,088	1,150	1,138	1,285	891	1,261	1,309	1,215	1,121	1,226
Co (ppb)	1.6	1.4	1.7	0.4	0.4	1.9	0.9	0.2	0.3	0.4	0.9	1
Cr (ppb)	2.8	2.4	2.6	1.3	1.3	4.8	1.7	1.1	1.5	1.5	1.6	1.8
Cu (ppb)	541	24	276	89	105	351	165	52	70	96	167	192
Fe (ppb)	4,926	4,288	5,323	1,509	1,705	6,491	3,074	667	1,215	1,591	3,026	3,349
K (ppb)	3,363	3,350	3,343	3,327	3,305	3,410	3,361	3,320	3,348	3,287	3,333	3,331
Mg (ppb)	15,910	13,430	9,758	9,633	10,240	29,890	9,110	9,158	9,305	9,462	9,051	9,157
Mn (ppb)	2,067	2,058	2,818	498	503	1,975	1,401	149	301	534	1,369	1,638
Mo (ppb)	2	2	2	1.9	1.9	2.2	1.8	1.8	1.8	1.8	1.8	1.8
Na (ppb)	17,340	17,310	17,280	17,110	16,980	17,540	17,370	17,040	17,210	16,840	17,250	17,230
Ni (ppb)	30.6	21.7	11.8	4.6	5.8	80	7.5	3	2.8	3.9	6.3	7.2
P (ppb)	1,758	1,378	1,336	308	378	3,224	771	134	199	299	756	847
Pb (ppb)	5,702	4,781	3,585	755	1,055	13,200	1,752	217	384	715	1,742	1,962
S (ppm)	27.2	26.9	26.8	26.7	26.6	27.1	27	26.6	26.9	26.2	26.8	26.4
Se (ppb)	0.2	0.2	0.2	0	0	0.1	0	0.2	0.1	0.2	0.1	0.1
Si (ppb)	10,530	7,660	3,636	2,830	3,573	26,740	2,680	2,258	2,422	2,687	2,661	2,826
Sn (ppb)	5.6	4.2	3.8	1.8	2	8.9	2.2	1	1.3	1.6	2.2	2.5
Sr (ppb)	129	128	129	125	125	131	128	125	125	125	127	127
Tl (ppb)	8.2	6.1	6.2	1.1	2.2	16.9	3.7	0.5	0.8	1.3	3	3.1
U (ppb)	2.7	2	1.6	0.5	0.6	5.6	0.9	0.3	0.4	0.5	0.9	1
V (ppb)	24.3	19.8	16.3	6.8	8.3	51.3	10.2	6.5	7.8	8	10.9	11.7
Zn (ppb)	2,520	1,622	1,305	593	796	3,652	752	293	395	603	739	856

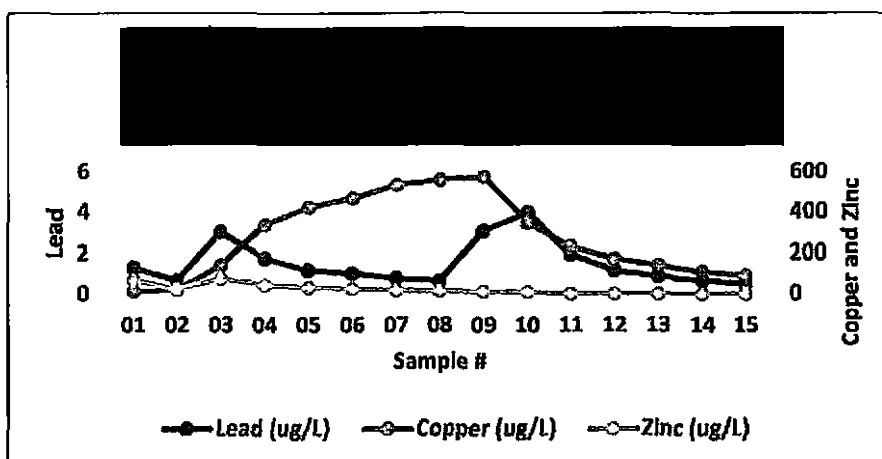
Correlation between lead, phosphorus and aluminum

The correlation of lead and phosphate, as well as lead and aluminum, indicate that the samples were captured scale and sediment that had formed inside the pipes while the City of Flint was purchasing water from Detroit. The absence of these chemicals in the current treatment provided by Flint indicate that these elements were not in the water passing through the pipes, but came from the scales inside the service line which had disintegrated into the water or were dislodged into the water.



U.S. EPA Region 5 sampling**██████████ residence (following replacement of service line)**

Following the replacement of the ██████████ original service line, a series of 15 sequential samples were collected from the kitchen tap to measure the lead levels and other parameters to ensure that the high lead from the original service line had not contaminated the interior plumbing at the ██████████ home. With the exception of two areas, lead levels were low throughout the ██████████ plumbing following the service line replacement. The two sources of lead that were still detected in the plumbing are likely the water meter (Sample 3) and the new external service shut-off valve (Samples 9-11). Although new brass plumbing components must be lead-free, there can still be some lead that is released from these components.



██████████. (██████████ home)

After Service Line Replacement

Sample #	Site Description	Copper (ug/L)	Lead (ug/L)	Zinc (ug/L)	Cadmium (mg/L)	Iron (mg/L)	Phosphorus (mg/L)
01	Kitchen	13.1	1.3	70.9	U	0.171	U
02	Kitchen	20.1	0.687	23.2	U	0.117	U
03	Kitchen	141	3.01	76.8	U	0.144	U
04	Kitchen	336	1.76	45.4	U	0.151	U
05	Kitchen	419	1.17	32.2	U	0.149	U
06	Kitchen	463	1.03	24.8	U	0.149	U
07	Kitchen	529	0.8	19.6	U	0.146	U
08	Kitchen	554	0.666	14.9	U	0.147	U
09	Kitchen	571	3.07	11.6	U	0.195	U
10	Kitchen	345	3.93	10.3	U	0.282	U
11	Kitchen	233	1.94	0	U	0.283	U

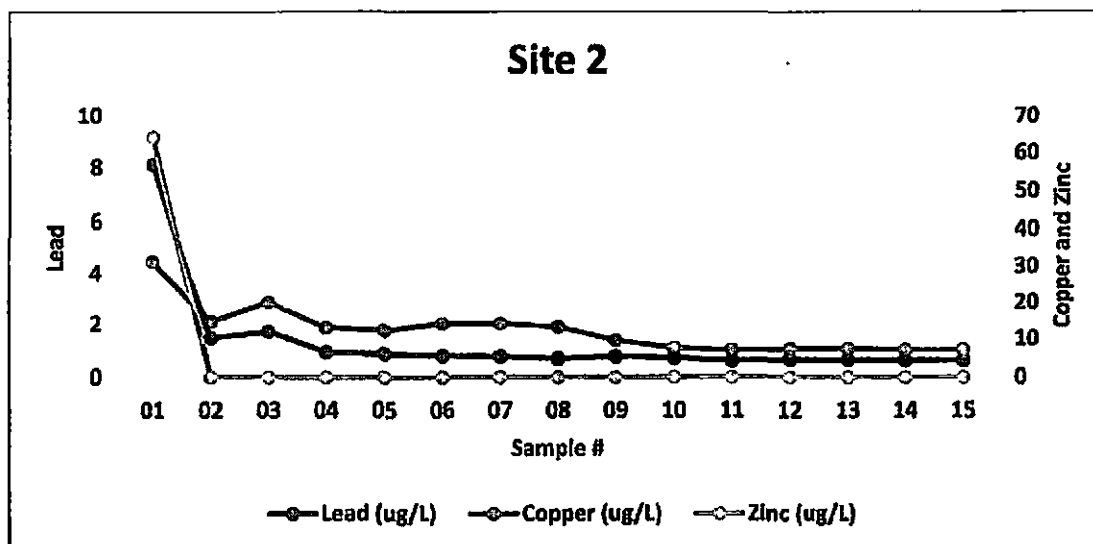
██████████. (██████████ home)

After Service Line Replacement

Sample #	Site Description	Copper (ug/L)	Lead (ug/L)	Zinc (ug/L)	Cadmium (mg/L)	Iron (mg/L)	Phosphorus (mg/L)
12	Kitchen	171	1.17	0	U	0.290	U
13	Kitchen	139	0.864	0	U	0.292	U
14	Kitchen	110	0.67	0	U	0.294	U
15	Kitchen	91.5	0.505	0	U	0.297	U
16	Bathroom	29.7	5.52	71.3	U	0.259	U
17	Water Heater	70.4	31.7	883	U	0.540	0.0877
18	Water Heater	35	9.74	346	U	0.0870	U

Site #2 (Bryant Street)

Based on the results found at this home, it does not appear that any portion of the service line is made of lead, and as a result, the lead levels are low in most samples. The exception is in Sample 1 which reflects water within approximately 15 feet of the kitchen tap and is likely due to brass components in the faucet, underlying valves and fixtures.



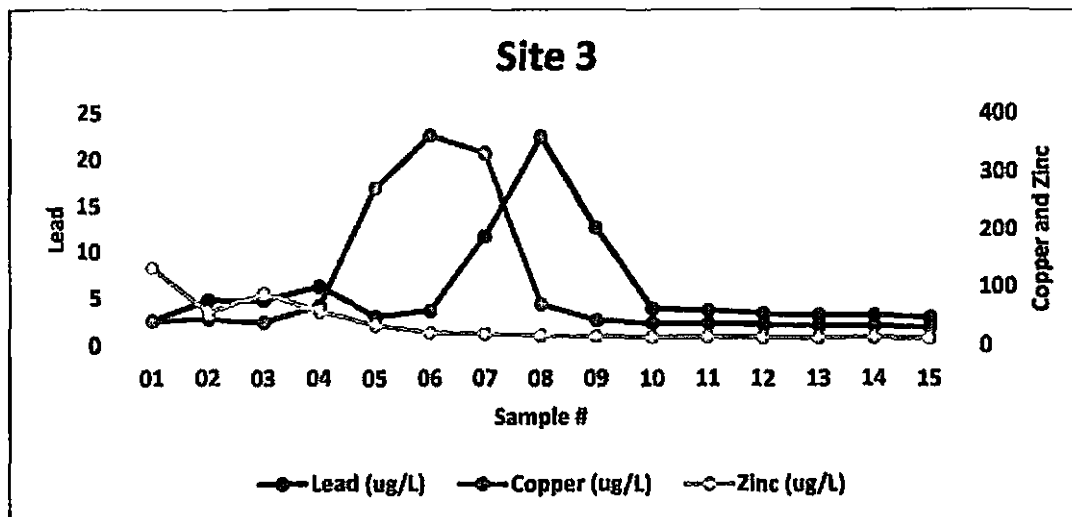
Site 2

(Note: U for Zinc replaced with 0 to show on graph)

Sample #	Copper (ug/L)	Lead (ug/L)	Zinc (ug/L)	Cadmium (mg/L)	Iron (mg/L)	Phosphorus (mg/L)
01	31.1	8.11	64	U	0.0307	U
02	14.7	1.46	U	U	0.0302	U
03	20	1.72	U	U	0.0302	U
04	13	0.933	U	U	0.0301	U
05	12.3	0.862	U	U	0.0311	U
06	14.2	0.795	U	U	0.0298	U
07	14.2	0.769	U	U	0.0311	U
08	13.3	0.691	U	U	0.0317	U
09	9.6	0.774	U	U	0.0319	U
10	7.57	0.715	U	U	0.0313	U
11	7.04	0.611	U	U	0.0301	U
12	7.3	0.655	U	U	0.0336	U
13	7.37	0.644	U	U	0.0308	U
14	7.09	0.631	U	U	0.0313	U
15	7.05	0.621	U	U	0.0300	U

Site #3 (Bryant Street)

Based on the results found at this home, it appears that the portion of the service line from the external service shut-off valve to the water main is made of lead as indicated by the increase in lead levels in samples 7 through 9.



Site 3

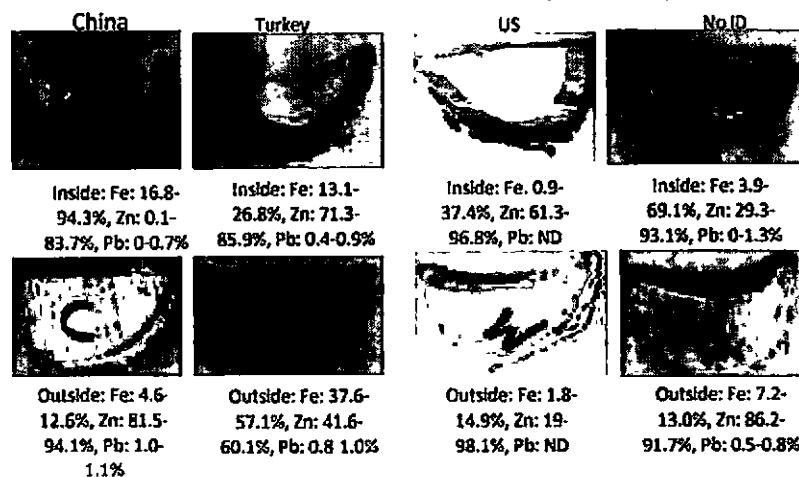
Sample #	Copper (ug/L)	Lead (ug/L)	Zinc (ug/L)	Cadmium (mg/L)	Iron (mg/L)	Phosphorus (mg/L)
01	40.7	2.63	132	U	0.0622	U
02	44.4	4.77	55.3	U	0.249	U
03	39.3	4.79	88.8	U	0.179	U
04	66.8	6.26	57.2	U	0.346	U
05	272	3.07	34.2	U	0.105	U
06	362	3.7	21.4	U	0.0598	U
07	331	11.7	19.5	U	0.0512	U
08	69.9	22.5	16.6	U	0.0399	U
09	42.5	12.7	15.1	U	0.0480	U
10	38.4	3.94	14.4	U	0.0489	U
11	37.5	3.72	14.5	U	0.0492	U
12	34.8	3.39	13.6	U	0.0481	U
13	33.1	3.23	13.1	U	0.0484	U
14	32.8	3.2	13	U	0.0480	U
15	31.4	3	12.3	U	0.0490	U

Analysis of [REDACTED] original service line pipe (galvanized iron portions)

Lead can also be found in galvanized pipe coatings as a contaminant in the zinc that is used to coat the surface of iron pipe in the galvanizing process. As such, two sections of the [REDACTED] original service line were analyzed for lead content.

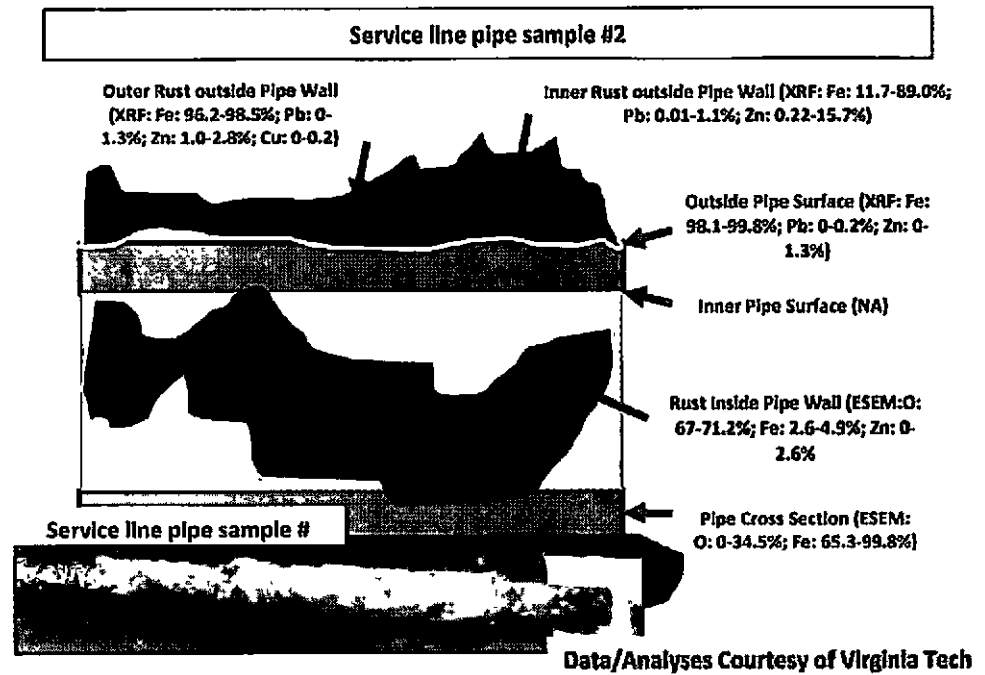
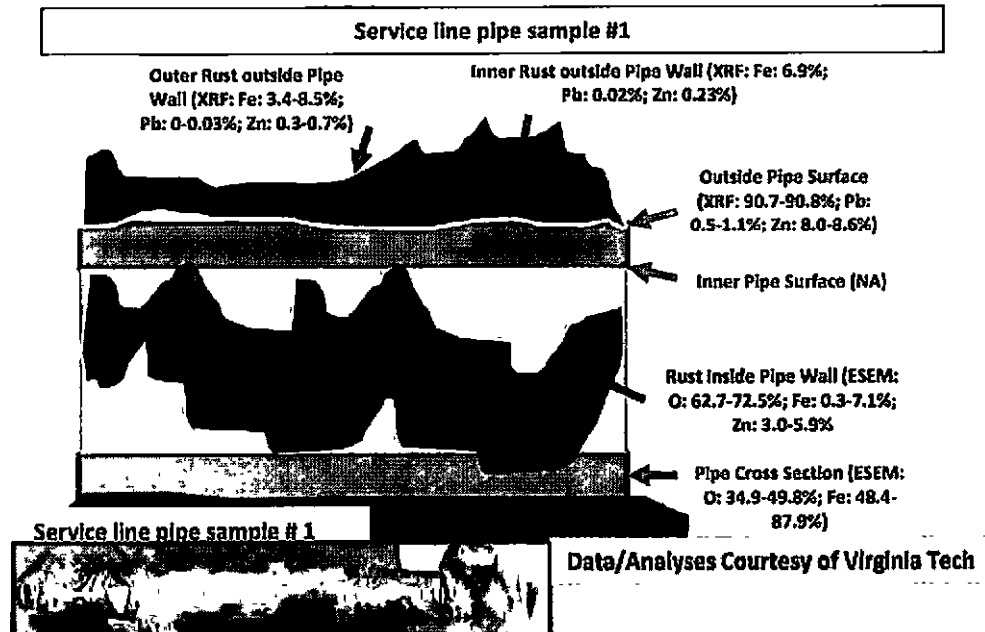
The images and data presented below are for a typical range of galvanized iron pipe.

Lead Content of Galvanized Iron Pipe - Examples



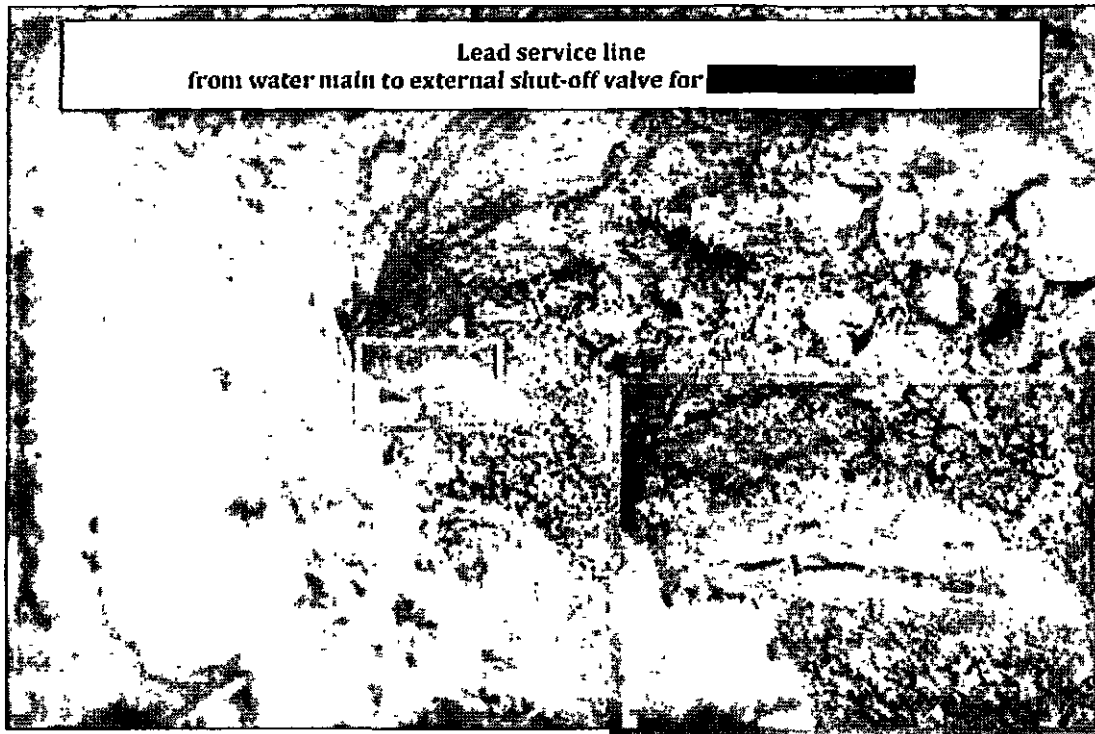
Data/Analyses Courtesy of Virginia Tech

Below are the results of the galvanized pipe analyses conducted by Virginia Tech on the two sections of galvanized iron pipe from the [REDACTED] original service line. The analyses indicate that the [REDACTED] original service line was a typical galvanized iron pipe.



Lead portion of the [REDACTED] original service line

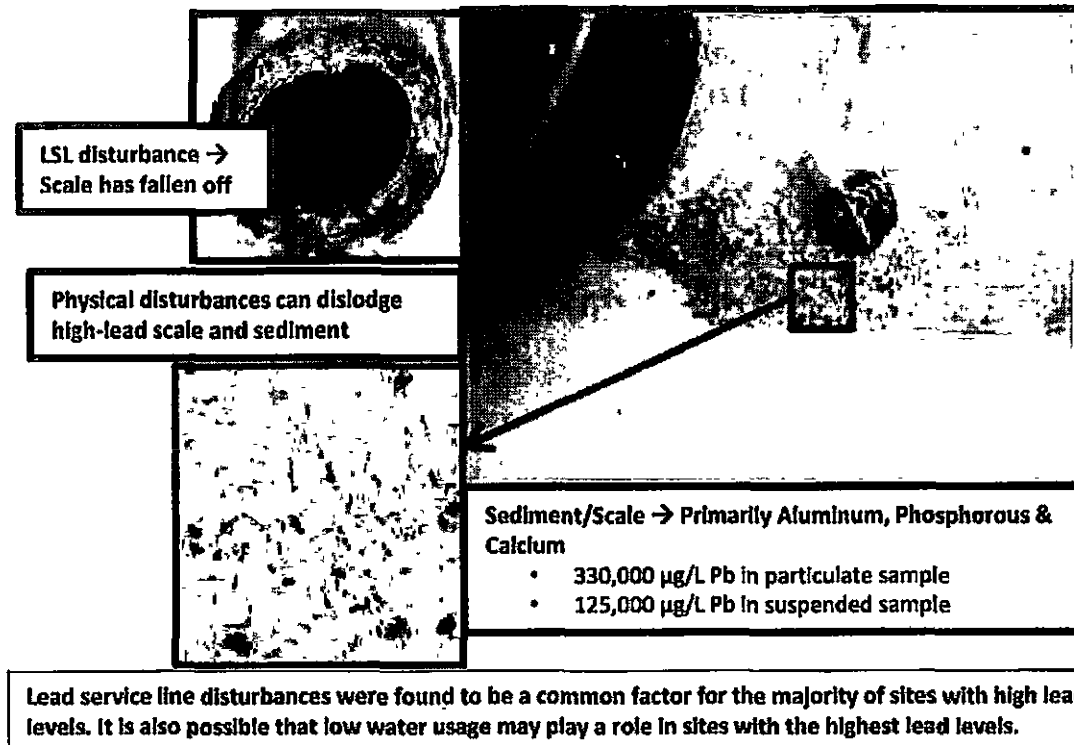
Lead service lines can contribute up to 75 percent of the total mass release into the water. The portion of the [REDACTED] original service line from the water main to the external shut-off valve at the corner of [REDACTED] and Bryant Street is made of lead and is estimated to be approximately 25 feet in length.



Appendix C – Additional Information

Physical disturbance of lead service lines

A recent EPA study indicates that physical disturbances to lead service lines or in proximity to lead service lines can cause the dislodging of the protective scales from within the lines. The photograph below shows the scale that was dislodged from inside a lead service line during routine maintenance work in another city due to a physical disturbance of the line. The dislodged scale and sediment contained a very high concentration of lead.



Lead service line scale analyses conducted by EPA's Office of Research and Development or obtained from peer-reviewed published literature from cities across the U.S. and in Canada (summarized below) show that scales within lead service lines can contain very high concentrations of lead. The yellow highlighted column in the table below shows the percentage of lead that has been found within different scales inside of lead service lines.

Lead & Element Percentages in Important Corrosion Byproduct Solids							
Mineral Name	Formula	% Pb	%C	%O	%S	% P	%Cl
litharge, massicot	PbO	97.80	0.00	7.20	0.00	0.00	
plattnerite, scrutinyite	PbO ₂	86.60	0.00	13.40	0.00	0.00	
Cerussite	PbCO ₃	77.50	4.50	18.00	0.00	0.00	
Hydrocerussite	Pb ₃ (CO ₃) ₂ (OH) ₂	80.10	3.10	16.50	0.00	0.00	0.00
Plumbonacrite	Pb ₁₀ (CO ₃) ₆ (OH) ₆ O	81.30	2.80	15.70	0.00	0.00	0.00
Anglesite	PbSO ₄	68.30	0.00	21.10	10.60	0.00	0.00

Lead & Element Percentages in Important Corrosion Byproduct Solids							
Mineral Name	Formula	% Pb	% C	% O	% S	% P	% Cl
Leadhillite, Susannite, MacPhersonite	$Pb_4(SO_4)(CO_3)_3(OH)_2$	76.80	2.20	17.80	3.00	0.00	0.00
Hydroxypyromorphite	$Pb_5(PO_4)_3OH$	77.43	0.00	15.55	0.00	6.95	0.00
Chloropyromorphite	$Pb_5(PO_4)_3Cl$	76.38	0.00	14.15	0.00	6.85	2.61
Tertiary Lead Orthophosphate	$Pb_3(PO_4)_2$	76.60	0.00	15.80	0.00	7.60	0.00
Lead(II) orthophosphate	$Pb_2(PO_4)_2$	76.60	0.00	15.80	0.00	7.60	0.00

While visiting the [REDACTED] home, two fresh patches of asphalt were seen along the parkway where the [REDACTED] original service line was located. The jarring and vibration associated with excavation can dislodge the high lead-bearing scales from within the service line pipes.



Recent patch (#1) of asphalt along curb next to the parkway where the [REDACTED] service line runs.

Photograph taken by U.S. EPA on April 27, 2015



Recent patch (#2) of asphalt along curb next to the parkway where the [REDACTED] service line runs.

Photograph taken by U.S. EPA on April 27, 2015



July 2011 image [REDACTED] (view from [REDACTED] toward Bryant Street).

Google 'Street View' Image 1 captured in July 2011 shows no patches in street along curb next to the parkway where the [REDACTED] service line runs toward Bryant Street, indicating that the physical disturbances occurred after the date this image was captured (July 2011).



July 2011 image of [REDACTED] (view from Bryant Street toward [REDACTED]).

Google 'Street View' Image 2 captured in July 2011 shows no patches in street along curb next to the parkway where the [REDACTED] service line runs toward Bryant Street, indicating that the physical disturbances occurred after the date this image was captured (July 2011).



Corner of [REDACTED] and Bryant Street (location of [REDACTED] original external shut-off valve).

Photograph taken by EPA on April 27, 2015 shows no visible signs of physical disturbances in the vicinity of the lead portion of the [REDACTED] service line from the external shut-off valve to the water main on Bryant Street.

Heimann, Alexandr (TREASURY)

From: Heimann, Alexandr (TREASURY)
Sent: Wednesday, November 04, 2015 10:51 AM
To: Vandegrift, Drew (TREASURY)
Subject: RE: Flint Orders
Attachments: Capture.PNG

Thanks Drew!

This is really helpful, I was looking online (Flint's website) before I called you, and I had a concern. They appear to be posting many of the EM orders on their site, but if the orders are listed in succession and sequential, then I am guessing that there are some missing from the site (I assume we are missing orders 9-19), please examine the attachment. Am I missing key information here, or do these documents not exist?

With regard,

Alexandr Heimann
Municipal Anlayst
Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 335-2434

From: Vandegrift, Drew (TREASURY)
Sent: Wednesday, November 04, 2015 10:41 AM
To: Heimann, Alexandr (TREASURY) <Heimanna@michigan.gov>
Subject: Flint Orders

Alex,

Well the final order is available on our site [HERE](#), but I think you really what to look at order 3 (attached). You will note that the mayor has some roll in the appointment of a few department heads. We should have a binder of all the flint orders somewhere, maybe in the overhead file in the cube between Eric and Randy. I suspect that the final order and order 3 will answer much of your question, but you might wish to peruse all the other orders just to make sure.

Call me if you have questions,
Drew

Byrne, Randall (Treasury)

From: Sampson, Jeremy (TREASURY)
Sent: Wednesday, November 04, 2015 3:13 PM
To: Koryzno, Edward (Treasury)
Cc: Workman, Wayne (TREASURY); Schafer, Suzanne K. (Treasury); Byrne, Randall (Treasury)
Subject: RE: Flint

okay

From: Koryzno, Edward (Treasury)
Sent: Wednesday, November 04, 2015 3:11 PM
To: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

We will call you in 5-10 minutes.



Edward B. Koryzno, Jr. | Director - Bureau of Local Government Services
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 373-4415 | (517) 373-0633 (fax)
KoryznoE@michigan.gov



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Thank you

From: Sampson, Jeremy (TREASURY)
Sent: Wednesday, November 04, 2015 3:07 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

He's looking at order No.3. The EM order is No.20. Correct? He is asking questions about the police chief and fire chief as well. Which in Order No.3 says are all subject to the Mayors approval.

From: Koryzno, Edward (Treasury)
Sent: Wednesday, November 04, 2015 2:36 PM
To: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

Yes, 3-3327



Edward B. Koryzno, Jr. | Director - Bureau of Local Government Services
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 373-4415 | (517) 373-0633 (fax)
KoryznoE@michigan.gov



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Thank you

From: Sampson, Jeremy (TREASURY)
Sent: Wednesday, November 04, 2015 2:36 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

Sorry I am putting out a quick fire for Nick. Can I call you guys in a few.

From: Koryzno, Edward (Treasury)
Sent: Wednesday, November 04, 2015 1:50 PM
To: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

We will call you at 2:30.



Edward B. Koryzno, Jr. | Director - Bureau of Local Government Services
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 373-4415 | (517) 373-0633 (fax)
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Thank you

From: Sampson, Jeremy (TREASURY)
Sent: Wednesday, November 04, 2015 1:30 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

I have a call with Detroit from 1:30-2:30. How about 2:30? 1-2623.

Thanks.

From: Koryzno, Edward (Treasury)
Sent: Wednesday, November 04, 2015 1:27 PM
To: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Subject: RE: Flint

Randy and I will call you, what is a good time?



Edward B. Koryzno, Jr. | Director - Bureau of Local Government Services
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 373-4415 | (517) 373-0633 (fax)
KoryznoE@michigan.gov



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Thank you

From: Sampson, Jeremy (TREASURY)
Sent: Wednesday, November 04, 2015 1:20 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Subject: Flint

Ed-

I took a call from a reporter at ABC 12 who had some questions about the City administrator.

Last night the new mayor said that they wanted to bring in a new city administrator. What is that process? Is it a majority vote by the City Council and the RTAB? They also wanted to know the length of Tasha Henderson's contract.

Any assistance you could provide would be appreciated. Thank you.

Jeremy Sampson
Communications Specialist
Department of Treasury

Richard H. Austin Building
430 West Allegan Street
Lansing, MI 48922
Office: 517-241-2623
Cell: 517-614-8480
sampsonj@michigan.gov

Byrne, Randall (Treasury)

From: Heimann, Alexandr (TREASURY)
Sent: Wednesday, November 04, 2015 3:57 PM
To: Sampson, Jeremy (TREASURY)
Cc: Byrne, Randall (Treasury)
Subject: Flint EM Order 03 - City Administrator
Attachments: Order-No.-3.pdf

Hello Jeremy,

I am sending the attached document on behalf of Randall Byrne. Please let me know if you will be needing any other documents.

With regard,

Alexandr Heimann
Municipal Analyst
Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 335-2434



**EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY MICHIGAN**

ORDER No. 3

CITY ADMINISTRATOR

**BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER
("EMERGENCY MANAGER") FOR THE CITY OF FLINT, MICHIGAN ("CITY")
PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012, LOCAL FINANCIAL
STABILITY AND CHOICE ACT, ("PA 436"); GERALD AMBROSE, THE EMERGENCY
MANAGER, ISSUES THE FOLLOWING ORDER:**

Pursuant to PA 436, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to PA 436, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to PA 436, the Emergency Manager has broad power to manage the local government, and may issue orders to elected and appointed officials necessary to accomplish the purpose of the Act. An Order issued under PA 436 is binding on the person to whom it is issued; and

IT IS HEREBY ORDERED:

The City Administrator shall serve as the City's Chief Administrative Officer at the pleasure of the Mayor, City Council and Emergency Manager or Receivership Advisory Transition Board (hereinafter "Board"), in accordance with the provisions of her contract with the City of Flint

dated February 23, 2015, and is charged with implementing executive and legislative directives and policies of the Mayor and City Council, subject to oversight of the Board, including strategic planning and budgeting, and with directing the management of day-to-day-administrative activities and appointed staff officials.

Consistent with the City Administrator Employment Agreement and Position Description, and subject to the approval and directives of the Board, the City Administrator shall have the following authority, duties and responsibilities notwithstanding any provision of the City Charter or Code of Ordinances:

1. Serve, advise and report to the Mayor with respect to the Mayor's executive functions, as set forth in Charter §4-101.
2. Serve and advise the Council with respect to the Council's legislative functions, as set forth in Charter §3-101.
3. Serve, advise and report to the Emergency Manager, as required by Public Act 436, so long as an Emergency Manager is in place.
4. Serve, advise and report to the Board, including:
 - a. Advise and report to the Board as required by Public Act 436;
 - b. Fully comply and assist the Board in meeting all duties assigned to it by the governor pursuant to MCL 141.1563(h);
 - c. Provide all budgetary information requested by the Board;
 - d. Serve as the primary contact between the Board and the City, including any department heads, officers, attorneys, accountants, employees, and any other contractors or consultants hired by the City to assist the City Administrator or the City in the discharge of powers, duties, functions, and responsibilities;
 - e. Promptly and effectively communicate with the Board regarding any matter that may have a significant financial impact on the City.
5. Direct City department heads in carrying out the daily activities of the City, in the assembly of financial and management information; and in the gathering and assembly of pertinent data and information and recommendations for the Mayor and City Council's consideration in making executive determinations and policy.
6. Translate executive decisions and policies of the Mayor into administrative procedures for the cost effective and efficient operation of the City.
7. Implement legislative action of the City Council.
8. Monitor and manage the administrative inter-activity of the City departments so the delivery of public services represents an efficient, effective, and coordinated effort.
9. Interact with other governmental agencies as requested by the Mayor or City Council.

10. Prepare and review correspondence, reports, speeches, resolutions, and other material for public relations purposes. Answers citizen and official inquiries regarding City policy matters.
11. In consultation with the Mayor, direct the assembly of information and items for consideration by the Council, and provide them to the City Clerk for inclusion on the appropriate agendas.
12. Regularly consult with the Mayor in the development of actions with respect to the Mayor's executive functions, and with matters relating to the daily administrative functions of the City, including the evaluation of the performance of department heads, and the resolution of customer service issues.
13. Except to the extent prohibited by or in material conflict with applicable laws and authorities, the City Administrator or designee shall attend all meetings of the City Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on, or pursuant to, this Agreement, or any amendment thereto, or the City Administrator's evaluation. The City Administrator shall advise members, and make recommendations consistent with policy objectives, strategic planning and administrative activities.
14. Attend public meetings and events; give presentations and information to the public regarding matters of City business.
15. Manage and oversee all department heads, division heads, managers and non-elected City employees. This shall include an annual written performance evaluation of all department heads, including those identified in paragraphs 15, 16 and 17.
16. Recommend, subject to the Mayor's approval, the following appointments:
 - a. Chief of Police;
 - b. Fire Chief;
 - c. Director of Finance;
 - d. Planning & Development Director;
 - e. Director of Department of Public Works;
 - f. Chief Legal Officer;
 - g. Chief Personnel Officer.
17. Recommend, subject to the Council's approval, the following appointments: City Clerk and City Auditor.
18. With the exception of those positions set forth in paragraphs 16 and 17, appoint all department heads, division heads and management positions, including the City Treasurer, Purchasing Director and the City Assessor, subject to any collective bargaining agreement(s) that may be applicable.

19. Ensure that all appointment processes, whether by the Mayor, Council or City Administrator, are open, competitive, and administered by the Human Resources Department or a qualified recruitment firm, with selection of the most qualified candidate to be based on defined education, experience, and professional standards appropriate to the position.
20. All appointments made pursuant to paragraphs 15, 16 and 17 shall serve at the pleasure of the City Administrator based on performance review.
21. Review current and potential litigation and labor disputes with the City Attorney and Mayor, and as needed the Board, and have complete decision making authority on behalf of the City, on all matters of litigation and labor disputes, including the ability to settle or initiate lawsuits and resolve labor disputes. The Mayor and City Council shall be consulted on such matters prior to implementation.
22. Negotiate all collective bargaining agreements on behalf of the City.
23. Work collaboratively with the City Council, the Mayor, other City or State officials and the Board to successfully transition to the termination of receivership for the City by supporting, implementing, and maintaining the financial and operating plans and the reforms instituted by the City's emergency managers, including but not limited to, the financial and operating plan for the city under Section II Act 436, and by providing appropriate training and explanation of City operations.
24. Serve as an official City representative before the Board, State departments and agencies, and the Michigan Legislature, with assistance from the Finance Director and the Mayor.
25. Be responsible for and vested with full authority necessary to effectively direct and supervise the day-to-day operations of the City by seeing that all laws and ordinances are faithfully executed, preparing the proposed annual budget as recommended by the Finance Director and any accounting firm retained by the City, and supervising the expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive branch of the City and working collaboratively with all officers and officials to effectively execute daily operations.
26. Ensure that a rolling six-year capital improvement plan is annually prepared in accordance with applicable law and the City's Code of Ordinances. Coordinate with the Mayor on the annual preparation of a rolling two-year budget
27. Review, approve and co-sign with the Mayor all contracts on behalf of and entered into by the City and modify or terminate any current contract with the City.
28. Approve all financial policies, City policies and procedures, job descriptions and personnel policies for the City, after consultation with the Mayor and City Council.
29. Designate check signers on all City bank accounts.

30. Refer City Council communications to the appropriate City employee or investigate such matter(s) and inform the City Council of the results of such efforts. Provided, however, when responding to City Council referrals, the City Administrator shall have discretion to utilize the personnel and resources the City Administrator deems reasonable and so as to avoid unnecessary interruption of services or incurrence of unnecessary costs.
31. Any investigation by the City Council, as contemplated by Charter §3-205 and §3-206, including the power to subpoena witnesses, shall be subject to the City Administrator's review and approval, so as to avoid unnecessary interruption of services or incurrence of unnecessary costs.
32. In the event the Mayor or Council fails to perform any duty or take any required action after having been afforded a reasonable opportunity to do so, the City Administrator may perform the duty or function of the Mayor or Council upon approval of the Board.

This Order may be amended, modified, repealed or terminated by any subsequent Order issued by the Emergency Manager.

Dated: _____

4/10/15

By: _____

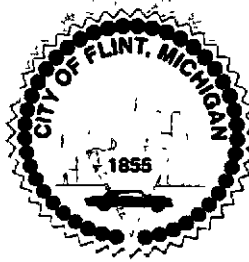


Gerald Ambrose
Emergency Manager
City of Flint

xc: State of Michigan Department of Treasury
Mayor Dayne Walling
Flint City Council
Inez Brown, City Clerk

S:\P Bade\EM2015\Orders\Order.No 3 City Administrator 03 30 15 pmb.docx

Dayne Walling
Mayor



Natasha L. Henderson
City Administrator

Jason Lorenz
Public Information Officer
Office: (810) 237-2039
Cell: (810) 875-2576
jlorenz@cityofflint.com

For Immediate Release

Flint Water Optimization Plan Receives Go Ahead from MDEQ for Additional Corrosion Control

Flint, Michigan – November 05, 2015 – The City of Flint's Department of Public Works (DPW) has received approval from the Michigan Department of Environmental Quality (MDEQ) for its plan to introduce additional corrosion control agents to water it buys from Detroit. It is expected that the additional corrosion control agents will further reduce the damage caused to water mains and service lines by water corrosion. While using the Flint River as a water source, the City was not required to use corrosion control as part of its Water Optimization Plan. That decision led to accelerated damage to underground pipes due to the corrosiveness of Flint River water.

"We are trying to reverse the effects of the more corrosive river water and better protect our underground infrastructure from deteriorating, and in turn protect our families and our children from exposure to metals such as lead and copper," said DPW Director Howard Croft. Older houses built before 1986 have the likelihood of having plumbing and services lines containing lead and copper.

Last month Flint resumed buying treated water from Detroit after it was learned that elevated levels of lead had been found in children living in the City. Flint also worked with local aid agencies to provide water tap mounted filters to every water customer in the City. Tests on water hardness throughout the City have confirmed that Detroit water has made its way to every customer.

—END—

Hudson, Deanna (TREASURY)

From: Heimann, Alexandr (TREASURY)
Sent: Thursday, November 05, 2015 8:44 AM
To: Cline, Richard (Treasury)
Cc: Hudson, Deanna (TREASURY)
Subject: Flint EMO Analysis
Attachments: Flint EM FO and EM Order Analysis.docx

Hello Eric,

Attached is my analysis outlining the powers of the City Administrator and the May and City Council for the City of Flint as described by Emergency Manager Orders. The orders were fairly concrete but I did identify some gaps (many of which might be explained in the City Charter and other documents), that left some unanswered questions.

Let me know if you need anything else.

With regard,

Alexandr Heimann
Municipal Analyst
Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 335-2434

City of Flint Emergency Manager's Orders Analysis

11/04/15

Summary of Emergency Manager's Order #20 (EMO 20) also referred to as the "EM Final Order", and Emergency Manager's Order#3 (EMO 3) also referred to as "City Administrator"

City Administrator's Powers

Management of Key City Staff

- City Administrator directs all Department Heads¹ in carrying out daily activities (EMO 3 p.2), and manages all department heads, division heads, and managers via written performance evaluations (EMO 3 p.3), these positions serve "at the pleasure of the City Administrator" (EMO 3 p.4)
- City Administrator must regularly consult with the Mayor on the daily administrative functions of the City Administrator
- EM Order Expressly prohibits the City Council² from interfering with the employees of the City (EMO 20 p.3).
- *Sole authority on compensation of City Staff and appointed officers (EMO 20 p.6)*
- Terminates department heads with approval of the board (EMO 20 p.7)

Participates in the hiring process for Key City Staff³ (EMO 3 p.3, 4)

- City Administrator Recommends candidates to the Mayor:
 - o Chief of Police
 - o Fire Chief
 - o Director of Finance
 - o Planning and Development Director
 - o Director of Public Works
 - o Chief Legal Officer
 - o Chief Personnel Officer
- City Administrator recommends the following positions to the City Council:
 - o City Clerk
 - o City Auditor
- City Administrator appoints all other Department headers, division heads, and management positions including:
 - o City Treasurer
 - o City Assessor
 - o Purchasing Director
- Ensures that all appointment processes are open, competitive, and administered by the HR department with selection of the most qualified candidate

¹ EMO 3 does not state that City Manager solely performs this task, leaves some room for interpretation

² Is in the section of the EMO named "Mayor and City Council", but section only expressly calls out the City Council

³ This language defines a process, but does not define it as the sole process, or that City Council, or the Mayor have to choose a candidate recommended by the City Administrator

Under certain circumstances, may perform the duty or function of the Mayor and City Council subject to the approval of the Board (EMO 3 p.5)

Mayor and City Council Powers

Mayor and City Council Hiring and Firing Powers (EMO 20 p.3)

- Mayor and City Council must fill any vacancies in the office of the City Administrator (only position mentioned) within 120 days, with the approval of the Board
- The Mayor and City Council cannot terminate any employee without Board approval⁴
- The Mayor and City Council may make changes to the job description of the City Administrator, not to go into effect without approval of the Board

Process for removal of City Administrator

- The City Administrator may only be removed in accordance with the provisions set forth by EM orders⁵ (EMO 20 p.7)
- Complaints against the City Administrator from the Mayor or City Council must be made available to the City Administrator in writing (EMO 20 p.7)
- Administrator may not be terminated, suspended, or placed on administrative leave without the approval of the Board (EMO 20 p.6)

Revisions, or modifications to EM orders (EMO 20 p.11)

- City Council and Mayor shall not revise any order made by EM prior to one year after the termination of receivership

Unanswered Questions (in addition to those footnoted)

1. What is the process for modifying the roles, and powers of the Department Heads? The EM orders do not appear to specifically address this
2. What is the process for removal of a Department Head? It does not appear to be clearly outline in the EM orders.
3. What are the provisions by which a City Administrator can be removed? Language references EM orders, but it is unclear which is to be referenced.

⁴ The statement in the EM order may imply that they have some hiring and firing powers of positions other than City Administrator subject to the approval of the board

⁵ EMO 3 does not appear to have provisions for the removal of a City Administrator

Byrne, Randall (Treasury)

From: Jason Lorenz <jlorenz@cityofflint.com>
Sent: Thursday, November 05, 2015 4:05 PM
Subject: PRESS RELEASE: Flint Water Optimization Approved
Attachments: Corrosion Control Plan Approved 2015.pdf

For Immediate Release**Flint Water Optimization Plan for Additional Corrosion Control Approved by MDEQ**

Flint, Michigan – November 05, 2015 – The City of Flint's Department of Public Works (DPW) has received approval from the Michigan Department of Environmental Quality (MDEQ) for its plan to introduce additional corrosion control agents to water it buys from Detroit. It is expected that the additional corrosion control agents will further reduce the damage caused to water mains and service lines by water corrosion. While using the Flint River as a water source, the City was not required to use corrosion control as part of its Water Optimization Plan. That decision led to accelerated damage to underground pipes due to the corrosiveness of Flint River water.

"We are trying to reverse the effects of the more corrosive river water and better protect our underground infrastructure from deteriorating, and in turn protect our families and our children from exposure to metals such as lead and copper," said DPW Director Howard Croft. Older houses built before 1986 have the likelihood of having plumbing and services lines containing lead and copper.

Last month Flint resumed buying treated water from Detroit after it was learned that elevated levels of lead had been found in children living in the City. Flint also worked with local aid agencies to provide water tap mounted filters to every water customer in the City. Tests on water hardness throughout the City have confirmed that Detroit water has made its way to every customer.

–END–

-Jason Lorenz
Public Information Officer
City of Flint
(810) 237-2039 (Office)
(810) 875-2576 (Cell)
jlorenz@cityofflint.com

Byrne, Randall (Treasury)

From: Byrne, Randall (Treasury)
Sent: Friday, November 06, 2015 9:05 AM
To: Schafer, Suzanne K. (Treasury) (SchaferS7@michigan.gov)
Subject: items for discussion
Attachments: Meeting with Suzanne November 6.docx

Suzanne:

For your review. Please let me know if you have any questions.

Thanks,
Randy



Randall Byrne | State Administrative Manager
Local Government Services - Office of Fiscal Responsibility
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 335-2521 | (517) 373-0633 (fax) | ByrneR1@michigan.gov

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++++Weekly Critical Issues —November 6, 2015

- **Allen Park**—Status of bond tender and successful road millage proposal.
- **Benton Harbor**—Finance Director search will need RTAB approval, I plan to be involved in the process. Darwin has not been contacted by the mayor elect as of yesterday suggested that the RTAB should stay another two years or else the City will revert back to problematic ways. I will be scheduling a meeting with Wayne, mayor elect and Darwin in the coming weeks. Are we going to revise the RTAB evaluation for Benton Harbor?
- **Ecorse** – Wayne should have an easier time to manage now with the election results. Status of their five year financial plan review. We should move forward on reducing scope of RTAB authorities. One additional RTAB member is needed (Joan Brophy).
- **Flint** – Meeting in Flint with the new mayor is being scheduled for early next week. City has reinstituted their water shutoff program which help to increase revenues. Lead issue was known to City, DEQ, and EPA in April. Waiting on word from Carla on the latest FOIA request. Fred wants to have the RTAB meeting on Thursday. I plan to attend the RTAB meeting and work in Flint in the afternoon.
- **Hamtramck**- the interim Police Chief will be appointed as the Police Chief. Phase 3 of the pension study can we begin or should I wait for Wayne to sign the signature sheet? The City auditors, Greg Terrell have started the audit process. The Court filled the City Council vacancy with the candidate that Katrina thought should have the seat. Katrina released a Confidentiality Agreement with the former Police Chief due to a FOIA request. Possible election irregularities may result in an investigation.
- **Highland Park**-The collection firm that has begun to collect past due (\$7M) water and sewer bills. Cathy has indicated that the City has over 500 aged payables including a DTE bill of \$200K for the water pumping station. The City has successfully reduced their OPEB costs to the prescribed level stated in the Plan of Adjustment. The City has purchased new water meters and will be installing them. There is a problem with the cell towers for the new meter read system. A conference call on Tuesday has been scheduled with Cathy to discuss the way forward.
- **Lincoln Park**-His exit will be December 18th. I have a revised EM Final Order. We are hoping to find several RTAB candidates soon. E-Loan may be necessary? I will be scheduling a call with MERS for early next week do you want to be invited?
- **Inkster**- Mark indicated that some of the new council members may be difficult. Millages for senior and parks were approved by voters. Senior services should see an improvement due to additional funding. I am hoping to schedule a meeting with the new mayor and Mark soon.
- **Pontiac**- the mayor wants to hire an executive secretary. I am planning to visit Pontiac to meet with the Mayor and Jane. The Mayor would like to do a study of the Phoenix Center. Problem with the GERS Board financial advisor. Six million may be in jeopardy. One RTAB member is needed.
- **River Rouge**—Drew's memo on the exit.
- **Royal Oak Township**- We may receive a proposal from Oak Park for police service. We have received a draft 2016 budget from Robert. Montgomery and Co. the accounting firm has

submitted an invoice for \$17,000. He has hired Mr. Fedewa for accounting. According to Robert, he is doing a good job and is well liked by the Clerk and Treasurer.

- **Miscellaneous Items**—the draft of the November Governor's Memo has been revised with election results and sent to Angela. FOIA request is on hold until word from Carla. Meeting with Ken Sikkema, Tom and Wayne on Monday regarding Flint water. I would like to discuss questions with you regarding yesterdays discussion.

Widigan, Robert (TREASURY)

From: Widigan, Robert (TREASURY)
Sent: Friday, November 06, 2015 9:24 AM
To: Byrne, Randall (Treasury)
Cc: Cline, Richard (Treasury); Dempkowski, Angela (Treasury)
Subject: Flint Timeline #13
Attachments: KWA pipeline groundbreaking starts new path for water.pdf

Randy,

Will the attached article work for an attachment to item #13?

Robert Widigan

Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 373-3227 Cell (517) 243-8645

Westward ho: KWA pipeline groundbreaking starts new path for water



By Ron Fonger | rfonger1@mlive.com

on June 28, 2013 at 6 00 AM, updated July 03, 2013 at 9 34 AM

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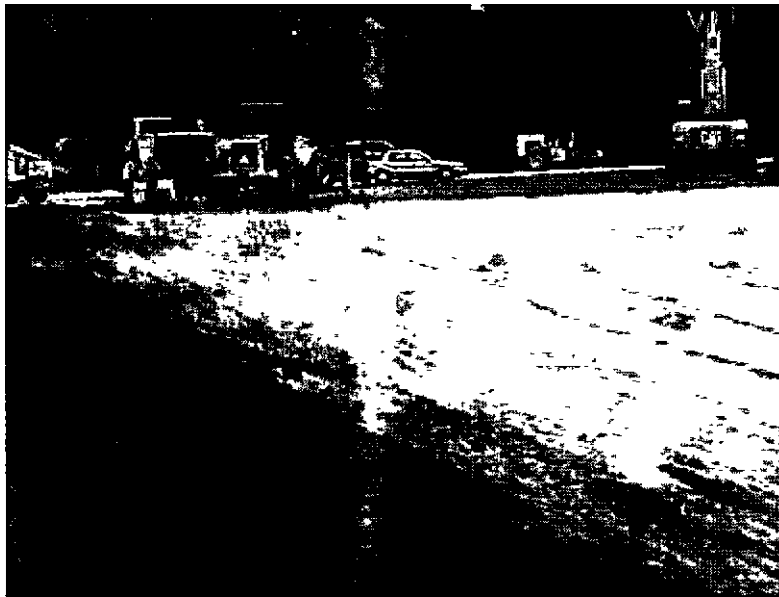
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(This story has been updated to correct an error.)

GENESEE COUNTY, MI — When dignitaries cut the ribbon near Lake Huron on the new Karegnondi Water Authority pipeline



today, June 28, they won't have to look far to imagine the project's initial path back toward Genesee County.

Part of the construction site for the Karegnondi Water Authority water pipeline is shown in this submitted photo.

Drain Commissioner Jeff Wright said plans call for the pipeline to be buried in the public right of way under Fisher Road, a gravel road that borders Sanilac and St. Clair counties, most of the way to Lapeer County.

Talked about for decades, the water pipeline will put Flint and Genesee County into the water supply business and end its time as a customer of the Detroit Water and Sewerage Department.

Detroit water prices have increased an average of more than 9 percent annually for the last 12 years, according to the county.

The county and city are the key members of the KWA and officials in Sanilac and Lapeer counties have expressed interest in future raw water purchases from the authority. Wright said the city of Lapeer is still considering membership in the KWA.

Flint emergency manager Ed Kurtz has said the city of Flint alone has the potential to save at least \$100 million during the next 25 years by using KWA water.

Friday's ceremony at Fisher Road and M-25 marks the start of construction of the intake portion of the pipeline and heavy equipment is already at the site, laying the foundation for that work, much of which will be done in Lake Huron.

While that work gears up this summer, talks are continuing over the design of the pipeline and the firming-up of the exact route it will be built on.

"About 95 percent of the pathway has been set," Wright said. "The other 5 percent — we're looking at some options ... potentially a cost savings" by using some private property.

The drain commissioner said he expects to contact about 10 owners of farmland in Lapeer County as early as next week about his interest in using their land. Talks with road commissions in Sanilac and St. Clair counties about Fisher Road started about six months ago, he added.

Sanilac County Road Commission Engineer/Manager Robb Falls said he's already getting questions from Fisher Road residents about the \$274-million pipeline project, which will require detours.

"A lot of people, I think, are happy for the project," Falls said. "They figure maybe the road will actually be improved (as a result). A couple of people have been upset (but) hopefully, maybe the pipeline would allow some industry in the area."

The potential for attracting new businesses with a need for raw water is certain to be one of the subjects of speeches kicking off the pipeline ceremony, which starts at 10 a.m. Friday.

Several officials, including Wright, Flint Mayor Dayne Walling, state Reps. Pam Faris and Charles Smiley, and county Board of Commissioners Chairman Jamie Curtis are among scheduled speakers.

Wright said visitors to the ground-breaking site might be surprised by how much preparation work, including construction of a service road, has already started.

"It's amazing ... I'm surprised myself (about) how much they have gotten done," including about 100 feet of road, drainage work, and the creation of a 3-acre staging area for the intake project work, he said.

Construction of the water intake will require tunneling under the floor of Lake Huron and the use of divers, who will connect sections of 72-inch diameter pipe underwater.

The work is expected to take 30 months to complete and to bring an estimated 250 workers to the construction zone, located on 230 acres, including 40 acres of shoreline, which is owned by the county.

L. D'Agostini & Sons Inc., a Macomb-area contractor, won the right to build the intake for \$24.6 million, and the job, including engineering, is expected to cost \$26.7 million.

Byrne, Randall (Treasury)

From: Widigan, Robert (TREASURY)
Sent: Friday, November 06, 2015 2:32 PM
To: Byrne, Randall (Treasury); Dempkowski, Angela (Treasury)
Subject: UPDATED: Flint Final Timeline
Attachments: KWA & Water Quality Chronology Timeline 11-06-15.docx

Importance: High

Randy,

Per your request, attached is the updated final timeline. The attachments are located here <V:\LGOV\OFR\Cities\City of Flint\KWA Water Authority\2015 Water Quality Issues\Flint Water Timeline RWidigan 11-06-15>

If additional information is desired please let me know.

-Rob

Robert Widigan
Local Government Financial Services Division
Michigan Department of Treasury
Office (517) 373-3227 Cell (517) 243-8645



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

NICK A. KHOURI
STATE TREASURER

Flint Water Timeline (11-06-15)

1. **June 26, 2012** – Letter from Flint EM Mike Brown to DWSD for permission to begin blending Flint River water with treated water from DWSD. The letter indicates that the DEQ is supporting this option and its implementation would save the City between \$2M and \$3M annually.
2. **September 20, 2012** – Letter from Flint EM Ed Kurtz to DWSD requesting written permission to implement the blending option. Approval is requested by October 1, 2012.
3. **October 31, 2012** – Analysis by the Flint Finance Director suggests that the annual cost to purchase water from DWSD will steadily increase to \$23M per year by fiscal year 2020.
4. **November 2012** – Treasury retains Tucker, Young, Jackson and Tull (TYJT) to evaluate the KWA proposal to the City of Flint.
5. **November 6, 2012** – Letter from Flint Emergency Manager Ed Kurtz to State Treasurer Dillon that a proposal from DWSD is expected but that the initial assessment is that switching to KWA is in the best interest of the City of Flint.
6. **February 6, 2013** – TYJT issues a final report to Treasury on the comparison between Karegnondi Water Authority (KWA) and DWSD. Analysis suggests that the KWA option is the cheaper option for the City of Flint.
7. **March 2013** – DWSD contacts the City of Flint to begin direct negotiations on a contract extension. Multiple options are provided to the Flint Emergency Manager (EM) Ed Kurtz.
8. **March 25, 2013** – The Flint City Council endorses joining KWA.
9. **April 11, 2013** – State Treasurer Andy Dillon authorizes Flint EM Ed Kurtz, pursuant to Section 12(3) of P.A. 436 of 2012, to enter into a contract with KWA if a final offer from DWSD is either not received for rejected in good faith based upon specific objections.
10. **April 15, 2013** – DWSD provides a best and final offer to the City of Flint. Analyses by Flint EM Ed Kurtz, the Department of Environmental Quality and Treasury's Office of Fiscal Responsibility independently conclude that the KWA option is cheaper for the City of Flint.

11. **April 16, 2013** –Flint EM Ed Kurtz informs the State Treasurer that the City will join KWA. This decision was officially announced May 1, 2013.
12. **April 17, 2013** – DWSD transmits a letter to Flint EM Ed Kurtz terminating service to the City of Flint, effective April 17, 2014.
13. **June 26, 2013** – Groundbreaking for the Karegnondi Water Authority. Flint also requests full time use of the Flint Water Treatment Plant with Flint River water as a source.
14. **June 28, 2013** – Financing Contract between the City of Flint and KWA is approved. Effective August 1, 2013. This document was signed by EM Mike Brown.
15. **July 08, 2013** – The City retains Lockwood, Andrews & Newman engineering firm to get the City's water plant up and running while the KWA pipeline is built.
16. **February 19, 2014** – The KWA Board of Directors adopts Resolution 2014-01, authorizing KWA to bond for water line construction on-behalf of the City of Flint.
17. **April 17, 2014** – Water service from DWSD officially ends. The City of Flint also conducts two separate public forums regarding the use of Flint River water, upgrades to the City's water system and the overall cost of the switch to KWA.
18. **April 25, 2014** – City conducts public event marking the transition to the use of Flint River water. DEQ information shows that transition complete by May 2015.
19. **January 2, 2015** – The City issues a public notification stating the City water system exceeds the TTHM maximum contaminant level.
20. **March 3, 2015** – Flint EM Jerry Ambrose provides a memorandum to Deputy State Treasurer Wayne Workman stating that a reconnection to DWSD will cost the City \$10.1M/year and that water purchases could be as high as \$1M/month.
21. **March 12, 2015** – Veolia issues the final operational evaluation of the City's water system.
22. **November 4, 2015** – The EPA issues its final report on high lead levels at three residences in the City.

Byrne, Randall (Treasury)

From: Sampson, Jeremy (TREASURY)
Sent: Friday, November 06, 2015 3:36 PM
To: Byrne, Randall (Treasury)
Subject: RE: Need comment ASAP

Can you call me when you get a chance. 1-2623

Thanks.

From: Byrne, Randall (Treasury)
Sent: Friday, November 06, 2015 1:40 PM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Cline, Richard (Treasury) <cliner1@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: RE: Need comment ASAP

Tom and Wayne:

Eric and I will call Jeremy regarding the response.

Thanks,
Randy

From: Workman, Wayne (TREASURY)
Sent: Friday, November 06, 2015 1:21 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Cline, Richard (Treasury) <cliner1@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: Re: Need comment ASAP

Let's mention that the City approved this 7-1, County approved it and DWSD cut them off

Sent from my iPhone

On Nov 6, 2015, at 12:05 PM, Koryzno, Edward (Treasury) <KoryznoE@michigan.gov> wrote:

We'll get on it.

Sent from my iPhone

On Nov 6, 2015, at 12:59 PM, Saxton, Thomas (Treasury) <SaxtonT@michigan.gov> wrote:

Can you work with Jeremy on a response.

Sent from my iPhone

Begin forwarded message:

From: "Sampson, Jeremy (TREASURY)" <SampsonJ@michigan.gov>
Date: November 6, 2015 at 12:55:04 PM EST
To: "Saxton, Thomas (Treasury)" <SaxtonT@michigan.gov>, "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>
Cc: "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
Subject: FW: Need comment ASAP

Just received this. Please advise.

Thank you.

Jeremy

From: Kaffer, Nancy [<mailto:nkaffer@freepress.com>]
Sent: Friday, November 06, 2015 12:17 PM
To: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: FW: Need comment ASAP
Importance: High

Hi, I see that Terry is out of the office so am forwarding to you.

Nancy Kaffer
Columnist
Detroit Free Press
www.freep.com/abettermichigan
313-222-6585
@nancykaffer, @abettermi

From: Kaffer, Nancy
Sent: Friday, November 06, 2015 12:15 PM
To: 'Stanton, Terry A. (Treasury)' <StantonT@michigan.gov>
Subject: Need comment ASAP
Importance: High

Hey Terry,

Don't know if you've listened to my lengthy voice mail yet. In reviewing some materials re Flint that I FOIA'd from MDEQ, there's a 2013 report commissioned by then-Treasurer Dillon about the advisability of Flint switching to the Karegnondi Water Authority. The report actually finds that Karegnondi is a risky proposition and could wind up costing a lot more, and says DWSD is the better option. So why was the decision made to go with the KWA?

Need an answer ASAP. This is for Sunday.

Nancy

Nancy Kaffer
Columnist

Stanton, Terry A. (Treasury)

From: Sampson, Jeremy (TREASURY)
Sent: Sunday, November 08, 2015 6:45 PM
To: Wurfel, Sara (GOV)
Cc: Stanton, Terry A. (Treasury)
Subject: Re: Treasury

It's my understanding that you have seen all reports. We can circle back tomorrow if you would like.

Terry should be back as well.

Sent from my iPhone

On Nov 8, 2015, at 3:56 PM, Wurfel, Sara (GOV) <Wurfels@michigan.gov> wrote:

Many thanks, Jeremy. Much appreciated.

To be clear then, there WERE other reports and documents since that 2013 date? I thought there had been at least two, but couldn't recall exact timing or access the reports. We'll want to make sure we have handy if so.

Think it was great Matt D talked to Nick about that. I think the story overall turned out well and covered potential pension without overhyping or scaring.

From: Sampson, Jeremy (TREASURY)
Sent: Friday, November 06, 2015 4:47 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Cc: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>
Subject: Treasury
Importance: High

Sara-

Wanted to update you on a couple of potential stories that you could see over the weekend.

First Nancy Kaffer of the Freep is writing a column for Sunday to do with Flint and the choice of KWA over DWSD. She had FOIA'd a doc from MEDQ that had a 2013 report from Andy Dillion that says that KWA is a risky proposition and that DWSD was a better option. I let her know that the report was just a starting point in the process and as more information became available a joint decision was made by the EM, council and other key city leaders.

Second Matt Dolan from the Freep called and said that he was doing a one year wrap up on Detroit coming out of Bankruptcy and he wanted to speak to Ron Rose. I offered up Nick instead (with his permission) Nick did a 15 minute phone interview with him. After a few softballs about a year later Matt opened a line of questions about possible pension liabilities in 2024. NK did a good job of staying high level. I believe that Matt reached out on his own and spoke to Ron as well as John Hill.

Let me know if you have any questions.

Weekly Conference Call Notes – Nov. 09, 2015

Allen Park –Nov. 6 –Mayor Matakas, M. Kibby, B. Cady E. Cline, P Dostine

Election commentary

- Road millage. 10-year millage passed (\$1.43M). Meetings will begin with engineering, DPW, to create a list of roads for the next four years. Plan is to get bid specs out Dec/Jan, thus locking in lower rates. With the city bundling the millage, with Act 51 (\$1.9M) with \$500K general fund, it will have approximately \$3.8M annually to do reconstruction, crack sealing, street sectioning. Allen Park can also use the millage as a match for the county's FAC program (20% match).
- The success of the millage as well as the mayor winning by a large margin and incumbent councilpersons winning are all seen as a vote of confidence in a way, the mayor stated.
- The city is offering MML training to the entire council.

Bond update

- BAML dropped the ball, Cady said. BAML wouldn't give AP a guarantee to buy the new issuance.
- Allen Park got an extension till Nov. 19 to make final the recent bond tender. Meanwhile, Allen Park is looking elsewhere for another institution.
- S & P gave a below grade rating to Allen Park (CCC+ up from CCC-).
- City Administrator Kibby sent Treasury a letter requesting financial help.

Order 29

- Kibby requested Order 29 be amended to offer new hires a choice of the 20% or the hard cap. Currently, Order 29 mandates the 20% premium cost, hard cap is not an option.

Benton Harbor –Nov. 5 – D. Watson, R. Widigan, E Cline, A. Heimann, D. Hudson

- **Weekly Priorities**
 - City approved a contract with AFSCME.
 - City attorney will update the commission on the ongoing lawsuits, no major changes on the Lange, O'Brien, Unruh lawsuits.
 - Two new lawsuits: wage and hour claim and a wrongful termination/first amendment claim.
- **Update on Vacant Positions:**
 - **Finance Director:** MML search approved by commission 9-0
 - Darwin will speak with the MML and get the process going, vote is subject to RTAB approval.

- **Water Department Superintendent:** Fleis & VandenBrink Engineering has started working with the city.
 - Still looking to fill the superintendent position.
- **Assistant City Manager/Community Development Director:** City has some potential *interim* individuals to fill the position, short term while the city looks for someone to fill the position.
- **Assessor:** Assessor is on board and beginning work, a lot of work to do.
 - None of the building permits found have been recorded.
 - None of the new construction have been updated (roughly \$12M in new contraction).
 - Meeting with BS&A to develop a plan of attack.
 - A letter will be submitted to the state and the assessors division regarding what the past assessor has done.
- **City Manager Evaluation Discussion:** Already rumors to replace Darwin with individuals friends of the city commissioners.
 - Staff is very concerned that if Darwin is gone they will all be fired.
- **E-Loan Payment:** City has made the payment.
- **Election/Atmosphere @ City Hall:** Newly elected Commissioner, Bryan Jones is a supporter of the emergency manager law.
 - Commissioner Muhammad will have to vacate his commission seat to become mayor.
 - Mayor-elect Muhammad has not reached out to Darwin.
 - Mood is very somber at city hall.
 - Darwin stated if the RTAB left today, the city would be under emergency manager within 2 years, likely sooner.
 - Commissioners are very upset and if there was no state oversight they would blow through the budget.
 - Likely to be multiple attempts to change/fire staff.
 - He stated that there are rumors the state is looking to pull the RTAB, Darwin stated that would be a grave mistake.
 - After election results were in, Commissioner Seats entered the building and removed a photo of Mayor Hightower off the wall

Ecorse – Oct. 20 – W. O’Neal, R. Byrne, D. Van de Grift, P. Dostine, A. Heimann

Priorities

- Water audit. Ecorse is in the process of doing a water audit. The city found that 24 % of the bills are estimates. Ecorse loses approximately \$940K worth of water annually. The city has discovered the use of straight pipes in 3 houses. O’Neal believes there are more in the city.
- O’Neal reported that the Water and Sewer fund currently has a positive cash flow.
- O’Neal said there is a lack of communication between the water billing department and the DPW. Broken or defective meters are not being reported to DPW. O’Neal also said the city will be raising the minimum water rate.

Fire Dept.

- Firemen are campaigning for Mayor Pro Tem Miller for mayor. O’Neal said at least three department heads have said they will resign if Miller is elected mayor.

OPEB benefit audit

- O’Neal said that the OPEB benefit audit has been completed. “Some discrepancies were found. But overall, it’s wasn’t bad,” O’Neal said. A deceased female was still receiving BCBS coverage. Ecorse is going to request a refund from BCBS.

DPW Business Plan

- O’Neal said the potential savings from taking DPW in-house is approximately \$57K annually. But this would depend on the wages Ecorse would pay workers. O’Neal said he is finding it difficult to find even part-time workers for DPW. O’Neal said it’s unlikely the in-house plan will be implemented at this point.

Flint – Nov. 4 – Mayor Walling, N. Henderson, J. Freeman, F. Headen, W. Lamphiere, E. Cline, P. Dostine, D. Hudson, A. Heimann

Elections

- Mayor Walling – Reiterate a few things already shared, hopes that this group can continue to meet, and involve City Council, Council presence has been essential. Saying that we are going to be met with an entirely different approach, one of “anger and resentment”. Will need to be much more “Hands On”.
- Called for additional investments to help deal with the elevated lead levels in high risk people’s blood
- Believes that the new administration will be very destructive
- We “have his number”

- ALL- Nervous about new administration, and are looking for the State to be more involved to ensure that the atmosphere does not become too destructive.
- N Henderson – Suggested that all department heads are at risk because new mayor has made promises to people for these department head jobs.
- J Freeman – Not likely going to be elected for City Council president

Priorities

- Grants: Received three grants from the Ruth Mott Foundation
- \$1.5M (three yr) from the Ruth Mott foundation for Police work in the North End of the City. Not for operational policing, but for public safety programs.
- Neighborhood planning grant \$300K, can work with previous grant, and are waiting on agreements
- Park Grant \$70K

Devil's Night / Halloween report

- No Major issues
- One fire, basement fire. Two more brush fires, nothing major. Sat it rained

Water System Update

- Switched to DWSD
- Waiting on a finalized permit, to add more phosphate to the water. Already have phosphate in water, but they believe that more is needed, and special permit is needed to add more. Recommendation from that there is substantially more Phosphate in the water.
- Technical advisory committee meeting on November 9th
- N Henderson will have a private EPA Meeting
- EPA will have a task force meeting on Tuesday (Not public information)

KWA bond payment date

- November 2016 - Working on it now (called Jodi? While we were on call to find date)

Planning Director Start-date

- First day will be November 9th

Miscellaneous

- RTAB vacancy – The Governor's office is taking names and then they will be making the decision. Unclear how long that process will take.
- Veterans Day – will not be having a phone call with Veteran's day being Wednesday, Thursday will be the RTAB meeting not Wednesday, confirmed that they had posted the RTAB meeting appropriately.

Byrne, Randall (Treasury)

From: Lamphier, Wendy (Treasury)
Sent: Monday, November 09, 2015 3:54 PM
To: Headen, Frederick (Treasury); Stanton, Terry A. (Treasury); Workman, Wayne (TREASURY); Koryzno, Edward (Treasury); Byrne, Randall (Treasury)
Cc: Sampson, Jeremy (TREASURY)
Subject: RE: Flint EM reports

I think Flint took theirs down after the EM left.

From: Headen, Frederick (Treasury)
Sent: Monday, November 09, 2015 3:53 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Cc: Lamphier, Wendy (Treasury) <LAMPHERW@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: RE: Flint EM reports

Act 436 requires EMs to file two different EM quarterly reports, per § 9(5) and § 17. Both quarterly reports are required to be posted on the website of the local government or school district.

From: Stanton, Terry A. (Treasury)
Sent: Monday, November 09, 2015 3:41 PM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Cc: Headen, Frederick (Treasury) <HeadenF@michigan.gov>; Lamphier, Wendy (Treasury) <LAMPHERW@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: Fwd: Flint EM reports

FYI. Can we get these?

Begin forwarded message:

From: "Kaffer, Nancy" <nkaffer@freepress.com>
Date: November 9, 2015 at 3:39:05 PM EST
To: "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>, "sampsonj@michigan.gov" <sampsonj@michigan.gov>
Subject: Flint EM reports

Hey guys, I'm looking for the various Flint EMs' quarterly reports, and not seeing them on the Treasury website. If they're online somewhere, I'd appreciate a link; if not, it'd be great if you could email them over.

Thanks!

Nancy

Stanton, Terry A. (Treasury)

From: Sampson, Jeremy (TREASURY)
Sent: Tuesday, November 10, 2015 9:21 AM
To: Stanton, Terry A. (Treasury)
Subject: RE: Today

<https://www.cityofflint.com/rtab/reports/>

Looks like the Flint reports are on their website. Let me know if you would like me to let Nancy know or if you want to talk to her.

JS

-----Original Message-----

From: Stanton, Terry A. (Treasury)
Sent: Tuesday, November 10, 2015 8:50 AM
To: Cousineau, Sara (Treasury) <CousineauS@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>
Cc: Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: Today

I'm not going to be in today but will be checking email etc.

Feel free to put reporters in my vm.

Thx.

Byrne, Randall (Treasury)

From: Sampson, Jeremy (TREASURY)
Sent: Tuesday, November 10, 2015 11:07 AM
To: Lamphier, Wendy (Treasury); Stanton, Terry A. (Treasury); Workman, Wayne (TREASURY); Koryzno, Edward (Treasury); Byrne, Randall (Treasury)
Cc: Headen, Frederick (Treasury)
Subject: RE: Flint EM reports

I was able to find the reports on the Flint website. <https://www.cityofflint.com/rtab/reports/>

Jeremy

From: Lamphier, Wendy (Treasury)
Sent: Monday, November 09, 2015 4:40 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Cc: Headen, Frederick (Treasury) <HeadenF@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: RE: Flint EM reports

This is all that I can locate. All local unit files were scanned onto disks before Local Government moved to 3rd floor. I have a complete set and so does Penny Ducat. This email includes reports located on the scanned Flint disk.

~Wendy

From: Stanton, Terry A. (Treasury)
Sent: Monday, November 09, 2015 3:41 PM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>
Cc: Headen, Frederick (Treasury) <HeadenF@michigan.gov>; Lamphier, Wendy (Treasury) <LAMPHIERW@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: Fwd: Flint EM reports

FYI. Can we get these?

Begin forwarded message:

From: "Kaffer, Nancy" <nkaffer@freepress.com>
Date: November 9, 2015 at 3:39:05 PM EST
To: "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>, "sampsonj@michigan.gov" <sampsonj@michigan.gov>
Subject: Flint EM reports

Hey guys, I'm looking for the various Flint EMs' quarterly reports, and not seeing them on the Treasury website. If they're online somewhere, I'd appreciate a link; if not, it'd be great if you could email them over.

Thanks!

Dempkowski, Angela (Treasury)

From: Pleyte, Beth (Treasury)
Sent: Tuesday, November 10, 2015 1:51 PM
To: Workman, Wayne (TREASURY); Ken Sikkema
Cc: Saxton, Thomas (Treasury)
Subject: RE: Article

Andy Dillon
Adillon@conwaymckenzie.com
[REDACTED] cell

From: Workman, Wayne (TREASURY)
Sent: Tuesday, November 10, 2015 1:40 PM
To: Ken Sikkema <ksikkema@pscinc.com>
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>
Subject: Re: Article

Beth can you send Andy's contact?

Sent from my iPhone

On Nov 10, 2015, at 1:03 PM, Ken Sikkema <ksikkema@pscinc.com> wrote:

Wayne:

Many thanks...can you also send me Andy Dillon's contact information...I should chat with him about KWA, etc.

Again, thank you for time and the effort it took to compile the timeline binder.

Ken Sikkema

On Tue, Nov 10, 2015 at 1:00 PM, Workman, Wayne (TREASURY) <WorkmanW@michigan.gov> wrote:

Ken, Tom ran across this article yesterday after our meeting and we thought it sheds a lot of light on the big picture for water quality in the US. Wayne

Wayne L. Workman

Deputy State Treasurer

Michigan Department of Treasury

From: Saxton, Thomas (Treasury)
Sent: Tuesday, November 10, 2015 11:11 AM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Cc: Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: FW: Article

From: Pleyte, Beth (Treasury)
Sent: Monday, November 09, 2015 4:27 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Article

Beth Pleyte

Executive Assistant to

Tom Saxton, Chief Deputy Treasurer

430 West Allegan St.

Lansing, MI 48922

 Direct

517-373-3223 Office

--

Ken Sikkema

Workman, Wayne (TREASURY)

From: Saxton, Thomas (Treasury)
Sent: Tuesday, November 10, 2015 2:56 PM
To: Andy Dillon (adillon@conwaymackenzie.com)
Cc: Workman, Wayne (TREASURY)
Subject: FW: FW: Article

Andy – you may have heard Ken Sikkema is heading up this Flint Water Task Force. They are supposedly doing an ‘after action’ report of some type. We met with Ken yesterday & it went fine. They would like to talk to you. I was going to give them your email. What phone # would you like me to use ? i.e., cell ?

From: Ken Sikkema [mailto:ksikkema@pscinc.com]
Sent: Tuesday, November 10, 2015 1:03 PM
To: Workman, Wayne (TREASURY)
Cc: Saxton, Thomas (Treasury)
Subject: Re: FW: Article

Wayne:

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Ken Sikkema

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Ken, Tom ran across this article yesterday after our meeting and we thought it sheds a lot of light on the big picture for water quality in the US. Wayne

Wayne L. Workman

Deputy State Treasurer

Michigan Department of Treasury

From: Saxton, Thomas (Treasury)
Sent: Tuesday, November 10, 2015 11:11 AM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Cc: Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>
Subject: FW: Article

From: Pleyte, Beth (Treasury)
Sent: Monday, November 09, 2015 4:27 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Article

Beth Pleyte

Executive Assistant to

Tom Saxton, Chief Deputy Treasurer

430 West Allegan St.

Lansing, MI 48922

 Direct

517-373-3223 Office

--

Ken Sikkema
Senior Policy Fellow
Public Sector Consultants
PH: 517-484-4954
ksikkema@pscinc.com

Workman, Wayne (TREASURY)

From: Saxton, Thomas (Treasury)
Sent: Tuesday, November 10, 2015 3:51 PM
To: Ken Sikkema
Cc: Workman, Wayne (TREASURY); Andy Dillon (adillon@conwaymackenzie.com)
Subject: follow up...

Ken – per your request... Andy's email is reflected as a 'cc'. His cell is [REDACTED]. It was nice talking with you yesterday. Good luck with your report. And call us if you need anything further.

From: Ken Sikkema [mailto:ksikkema@pscinc.com]
Sent: Tuesday, November 10, 2015 1:03 PM
To: Workman, Wayne (TREASURY)
Cc: Saxton, Thomas (Treasury)
Subject: Re: FW: Article

Wayne:

Many thanks...can you also send me Andy Dillon's contact information...I should chat with him about KWA, etc.

Again, thank you for time and the effort it took to compile the timeline binder.

Ken Sikkema

On Tue, Nov 10, 2015 at 1:00 PM, Workman, Wayne (TREASURY) <WorkmanW@michigan.gov> wrote:

Ken, Tom ran across this article yesterday after our meeting and we thought it sheds a lot of light on the big picture for water quality in the US. Wayne

Wayne L. Workman

Deputy State Treasurer

Michigan Department of Treasury

--

Ken Sikkema
Senior Policy Fellow
Public Sector Consultants
PH: 517-484-4954
ksikkema@pscinc.com

Byrne, Randall (Treasury)

From: Byrne, Randall (Treasury)
Sent: Thursday, November 12, 2015 8:17 AM
To: Schafer, Suzanne K. (Treasury) (SchaferS7@michigan.gov)
Subject: Meeting this morning
Attachments: Meeting with Suzanne November 12.docx

Suzanne:

I have attached my list of items for discussion with you. See you at 9 am.

Randy,



Randall Byrne | State Administrative Manager
Local Government Services - Fiscal Responsibility Section
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 335-2521 | (517) 373-0633 (fax) | ByrneR1@michigan.gov

Think Green! Don't print this e-mail unless you need to.

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++++Weekly Critical Issues —November 12, 2015

- **Allen Park**—Status of bond tender.
- **Benton Harbor**— I will be scheduling a meeting with Wayne, mayor elect and Darwin. Are we going to revise the RTAB evaluation for Benton Harbor?
- **Ecorse** – Wayne should have an easier time to manage now with the election results. Status of their five year financial plan review. We should move forward on reducing scope of RTAB authorities. One RTAB member is going to be appointed (Joan Brophy).
- **Flint** – Meeting in Flint with the new mayor and Natasha next week. Telephone call with Natasha yesterday. City still has not added additional phosphate at water plant hopefully by Thanksgiving. City has reinstituted their water shutoff program which help to increase revenues. Lead issue was known to City, DEQ, and EPA in April. Waiting on word from Carla on the latest FOIA request.
- **Hamtramck**- the interim Police Chief will be appointed as the Police Chief. Phase 3 of the pension study can has begun. Possible election irregularities may result in an investigation. Katrina wants to purchase DPW equipment for in-house snow removal.
- **Highland Park**-The Judge has ordered a meeting on November 19th to reach a possible settlement in the DWSD lawsuit. Cathy has indicated that the City has over 500 aged payables including a DTE bill of \$200K for the water pumping station. The water pumping station needs approximately \$250K of repairs. The City has successfully reduced their OPEB costs to the prescribed level stated in the Plan of Adjustment. The City has purchased new water meters and will be installing them. There is a problem with the cell towers for the new meter read system. A conference call on Tuesday has been scheduled with Cathy to discuss the way forward.
- **Lincoln Park**-His exit will be December 18th. I have a revised draft EM Final Order that will be reviewed by the AG's office early next week. We are hoping to find several RTAB candidates soon. E-Loan may be necessary? I have a call with MERS today to discuss pension contribution options. MSHDA meeting on November 20th.
- **Inkster**- Mark indicated that some of the new council members may be difficult. Millages for senior and parks were approved by voters. Senior services should see an improvement due to additional funding. A meeting with the new mayor and Mark will be scheduled.
- **Pontiac**- the Mayor wants to hire an executive secretary. I am planning to visit Pontiac to meet with the Mayor, Joe, and Jane. The Mayor would like to do a study of the Phoenix Center. Problem with the GERS Board financial advisor. Six million may be in jeopardy. Mr. Bernstein may be the new RTAB member.
- **River Rouge**—Drew's memo on the exit.
- **Royal Oak Township**- We may receive a proposal from Oak Park for police service. We have received a draft 2016 budget from Robert. Montgomery and Co. the accounting firm has submitted an invoice for \$17,000. The cash flow is nearly completed. Meeting with MSHDA on housing development discussion soon. Potential judgement against Township for \$100,000.

- **Miscellaneous Items**— FOIA request is on hold until word from Carla. Meeting with Ken Sikkema, Tom and Wayne on Monday regarding Flint water. Problem with the Baird invoice for the HP High School project. I would like to discuss questions with you regarding OFR discussion.

Byrne, Randall (Treasury)

From: Byrne, Randall (Treasury)
Sent: Thursday, November 12, 2015 5:05 PM
To: ksikkema@pscinc.com
Cc: Schafer, Suzanne K. (Treasury) (SchaferS7@michigan.gov)
Subject: FW: Flint Timeline
Attachments: KWA Water Quality Chronology Timeline 11-09-15.pdf

Ken:

Sorry for the delay. I have attached an electronic version of the Flint Timeline, per your request.

Thanks,
Randall



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

NICK A. KHOURI
STATE TREASURER

Flint Water Timeline (11-09-15)

1. **June 26, 2012** – Letter from Flint EM Mike Brown to DWSD for permission to begin blending Flint River water with treated water from DWSD. The letter indicates that the DEQ is supporting this option and its implementation would save the City between \$2M and \$3M annually.
2. **September 20, 2012** – Letter from Flint EM Ed Kurtz to DWSD requesting written permission to implement the blending option. Approval is requested by October 1, 2012.
3. **October 31, 2012** – Analysis by the Flint Finance Director suggests that the annual cost to purchase water from DWSD will steadily increase to \$23M per year by fiscal year 2020.
4. **November 2012** – Treasury retains Tucker, Young, Jackson and Tull (TYJT) to evaluate the KWA proposal to the City of Flint.
5. **November 6, 2012** – Letter from Flint Emergency Manager Ed Kurtz to State Treasurer Dillon that a proposal from DWSD is expected but that the initial assessment is that switching to KWA is in the best interest of the City of Flint.
6. **February 6, 2013** – TYJT issues a final report to Treasury on the comparison between Karegnondi Water Authority (KWA) and DWSD. Analysis suggests that the KWA option is the cheaper option for the City of Flint.
7. **March 2013** – DWSD contacts the City of Flint to begin direct negotiations on a contract extension. Multiple options are provided to the Flint Emergency Manager (EM) Ed Kurtz.
8. **March 25, 2013** – The Flint City Council endorses joining KWA.
9. **April 11, 2013** – State Treasurer Andy Dillon authorizes Flint EM Ed Kurtz, pursuant to Section 12(3) of P.A. 436 of 2012, to enter into a contract with KWA if a final offer from DWSD is either not received for rejected in good faith based upon specific objections.
10. **April 15, 2013** – DWSD provides a best and final offer to the City of Flint. Analyses by Flint EM Ed Kurtz, the Department of Environmental Quality and Treasury's Office of Fiscal Responsibility independently conclude that the KWA option is cheaper for the City of Flint.

11. **April 16, 2013** – Flint EM Ed Kurtz informs the State Treasurer that the City will join KWA. This decision was officially announced May 1, 2013.
12. **April 17, 2013** – DWSD transmits a letter to Flint EM Ed Kurtz terminating service to the City of Flint, effective April 17, 2014.
13. **June 26, 2013** – Groundbreaking for the Karegnondi Water Authority begins. Flint also requests full time use of the Flint Water Treatment Plant with Flint River water as a source.
14. **June 28, 2013** – Financing Contract between the City of Flint and KWA is approved. Effective August 1, 2013. This document was signed by EM Mike Brown.
15. **July 08, 2013** – The City retains Lockwood, Andrews & Newman engineering firm to get the City's water plant up and running while the KWA pipeline is built.
16. **February 19, 2014** – The KWA Board of Directors adopts Resolution 2014-01, authorizing KWA to bond for water line construction on-behalf of the City of Flint.
17. **April 17, 2014** – Water service from DWSD officially ends. The City of Flint also conducts two separate public forums regarding the use of Flint River water, upgrades to the City's water system and the overall cost of the switch to KWA.
18. **April 25, 2014** – City conducts public event marking the transition to the use of Flint River water. DEQ information shows that transition complete by May 2015.
19. **January 2, 2015** – The City issues a press release stating the City water system exceeds the TTHM maximum contaminant level.
20. **March 3, 2015** – Flint EM Jerry Ambrose provides a memorandum to Deputy State Treasurer Wayne Workman stating that a reconnection to DWSD will cost the City \$10.1M/year and that water purchases could be as high as \$1M/month.
21. **March 12, 2015** – Veolia issues the final operational evaluation of the City's water system.
22. **September 3, 2015** – MDEQ testing of the City's water shows TTHM levels are below the required action level.
23. **September 25, 2015** – Genesee County Health Department and the City of Flint issues a lead advisory for residents to be aware of lead levels in drinking water after hearing concerns from the medical community.
24. **October 16, 2015** – The City of Flint reconnects to Detroit Water.
25. **November 4, 2015** – The EPA issues its final report on high lead levels at three residences in the City.

Flint Water Advisory Task Force

November 12, 2015

Ms. Karen Weaver, Mayor
Ms. Natasha Henderson, City Administrator
City Hall
1101 S. Saginaw St.
Flint, MI 48502

Dear Mayor Weaver and Administrator Henderson:

As you are aware, Governor Snyder has appointed a Flint Water Advisory Task Force to review what led to the problem of high lead levels in drinking water, review the related regulatory framework, and make appropriate recommendations to prevent reoccurrence in Flint or elsewhere in Michigan. Members of the Task Force are Dr. Lawrence Reynolds, Dr. Matthew Davis, Eric Rothstein, Chris Kolb, and Ken Sikkema.

As part of our review, we would like to talk with appropriate individuals who are or were responsible for Flint Water Treatment Plant operations and capital planning during the past few years. We think these discussions are important for us to understand how the source water conversion was planned and implemented, how challenges in treating water from the Flint River were managed, and how water quality in the distribution system was monitored and addressed.

Individuals we would like to meet with include (1) Howard Croft, (2) DPW Staff – Daugherty Johnson, Brent Wright, Mike Glasgow and (3) Warren Green with the LAN engineering firm. We are requesting your assistance in securing the availability of these individuals in the afternoon of Monday, November 23 or anytime on Tuesday, November 24. If preferable, we can contact these individuals directly for scheduling purposes and would request your assistance in ensuring this scheduling is appropriately prioritized.

Please feel free to contact us through email or by telephone. Thank you for your assistance and cooperation in this important matter.

Sincerely,



Chris Kolb
chris@environmentalcouncil.org
517-487-9539



Ken Sikkema
ksikkema@pscinc.com
517-484-4954

Cc: Dr. Lawrence Reynolds
Dr. Matthew Davis
Eric Rothstein

Sampson, Jeremy (TREASURY)

From: Wurfel, Brad (DEQ)
Sent: Thursday, November 12, 2015 7:19 PM
To: Stanton, Terry A. (Treasury)
Cc: Wurfel, Sara (GOV); Murray, David (GOV); Sampson, Jeremy (TREASURY)
Subject: Re: Question re Flint

I'm not aware that I have any responsive records to this.

Sent from my iPhone

On Nov 12, 2015, at 5:45 PM, Stanton, Terry A. (Treasury) <StantonT@michigan.gov> wrote:

FYI.

We can check emails (that have already been subject to one or more FOIA requests) but I doubt there is any documentation related to the calls or meetings.

Thoughts etc.?

Begin forwarded message:

From: "Kaffer, Nancy" <nkaffer@freepress.com>
Date: November 12, 2015 at 5:38:18 PM EST
To: "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
Subject: Question re Flint

On March 25, former Treasurer Dillon had a call with Dennis Muchmore about Flint water, and the next day met with Dan Wyant and Dayne Walling separately about Flint – I'm wondering what was discussed – specifically, if the report the former treasurer had had done about the cost effectiveness of switching to the Karegnondi Water Authority was discussed –or if there's any available documentation related to those calls or meetings?

Best,

Nancy

Nancy Kaffer
Columnist
Detroit Free Press
www.freep.com/abettermichigan
313-222-6585
[@nancykaffer](https://twitter.com/nancykaffer), [@abettermi](https://twitter.com/abettermi)

Dostine, Patrick (TREASURY)

From: Widigan, Robert (TREASURY)
Sent: Monday, November 16, 2015 7:35 AM
To: Byrne, Randall (Treasury); Cline, Richard (Treasury); Dostine, Patrick (TREASURY); Heimann, Alexandr (TREASURY); Hudson, Deanna (TREASURY); Vandegrift, Drew (TREASURY)
Subject: Flint Community Group Files Lawsuit Stating Lead Water Caused Medical Conditions

FYI – <http://wlns.com/2015/11/16/flint-community-group-files-lawsuit-stating-lead-water-caused-medical-conditions/>

Sampson, Jeremy (TREASURY)

From: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Sent: Monday, November 16, 2015 2:18 PM
To: Wurfel, Brad (DEQ); Stanton, Terry A. (Treasury); Sampson, Jeremy (TREASURY); Lasher, Geralyn (DHHS); Minicuci, Angela (DHHS); Eisner, Jennifer (DHHS)
Cc: Murray, David (GOV)
Subject: FW: u.s. district court lawsuit concerning flint water

FYI

From: Wurfel, Sara (GOV)
Sent: Monday, November 16, 2015 2:14 PM
To: 'Ronald Fonger' <RFONGER1@mlive.com>
Cc: Murray, David (GOV) <MurrayD1@michigan.gov>
Subject: RE: u.s. district court lawsuit concerning flint water

Hi there Ron –

Sure – can do now.

We haven't been served yet so can't comment on specific details. What would say is that we're focused on moving forward and ensuring public health and clean, safe drinking water. The governor has outlined a detailed multiple step action plan for both immediate, mid and long term. He has also appointed a task force doing a very important job of reviewing all past actions. They are a bipartisan group of people of the highest integrity, experts in their fields and widely respected who are going to do a very thorough, objective review.

Just let me know if anything more needed at all.

Thanks and best,
SW

From: Ronald Fonger [mailto:RFONGER1@mlive.com]
Sent: Monday, November 16, 2015 2:05 PM
To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: u.s. district court lawsuit concerning flint water

Sara:

Dave Murray said you would be handling any comment on the lawsuit filed in U.S. District Court Friday. Do you have an estimated time when you will be available or have a comment?
I'm putting the story together now.
Thanks,

Ron Fonger
MLive Media Group
Reporter

mobile 810.347.9963

Goodrich, Harlan G. (Treasury)

From: Schafer, Suzanne K. (Treasury)
Sent: Monday, November 16, 2015 4:11 PM
To: Vaughn, Cary J. (Treasury); Goodrich, Harlan G. (Treasury)
Subject: FW: Safe Drinking Water Act Notice of Intent to Sue
Attachments: 2015-11-16-SDWA-Notice of Intent to Sue-Flint-FINAL.PDF

Please see the attached. While the three of us had little involvement during this time, it is likely you will be placed on a litigation hold regarding Flint.

From: Workman, Wayne (TREASURY)
Sent: Monday, November 16, 2015 12:38 PM
To: Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Schafer, Suzanne K. (Treasury) <SchaferS7@michigan.gov>; Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Cline, Richard (Treasury) <cliner1@michigan.gov>
Cc: Dempkowski, Angela (Treasury) <DempkowskiA@michigan.gov>
Subject: FW: Safe Drinking Water Act Notice of Intent to Sue

Wayne L. Workman
Deputy State Treasurer
Michigan Department of Treasury

From: Headen, Frederick (Treasury)
Sent: Monday, November 16, 2015 8:59 AM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Subject: FW: Safe Drinking Water Act Notice of Intent to Sue

FYI.

From: Chaudhary, Dimple [mailto:dchaudhary@nrdc.org]
Sent: Monday, November 16, 2015 8:43 AM
To: mayer@cityofflint.com; contactmichigan@state.mi.us; Wyant, Dan (DEQ) <WyantD@michigan.gov>; Khouri, Nick (TREASURY) <KhouriN@michigan.gov>; Headen, Frederick (Treasury) <HeadenF@michigan.gov>; drmcghee@skillman.org; president@kettering.edu; b.walkergriffa@mcc.edu; blarkin@flintandgenesee.org; nhenderson@cityofflint.com
Cc: Michael J. Steinberg (msteinberg@aclumich.org) <msteinberg@aclumich.org>
Subject: Safe Drinking Water Act Notice of Intent to Sue

Attached please find a Notice of Intent to sue under the Safe Drinking Water Act for failure to control lead in drinking water in Flint, Michigan, and failure to assist Michigan schools with lead testing and remediation. We have also sent you the Notice and a CD of exhibits today by certified mail, return receipt requested.

Best regards,

Pleyte, Beth (Treasury)

From: Weber, Travis (GOV) <WeberT7@michigan.gov>
Sent: Monday, November 16, 2015 1:34 PM
To: Saxton, Thomas (Treasury); Redford, James (GOV)
Cc: Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Murray, David (GOV); Khouri, Nick (TREASURY); Sampson, Jeremy (TREASURY); Wyant, Dan (DEQ); Wurfel, Brad (DEQ); Wurfel, Sara (GOV)
Subject: RE: FYI first class action for the water crisis
Attachments: Mays v Snyder class action.pdf

Attached is the complaint that was filed Friday, Treasury folks were not included in this one...

We have not been served.

From: Saxton, Thomas (Treasury)
Sent: Monday, November 16, 2015 10:03 AM
To: Redford, James (GOV) <RedfordJ@michigan.gov>; Weber, Travis (GOV) <WeberT7@michigan.gov>
Cc: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Khouri, Nick (TREASURY) <KhouriN@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>; Wyant, Dan (DEQ) <WyantD@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: RE: FYI first class action for the water crisis

... another fyi (see attached)

From: Redford, James (GOV)
Sent: Monday, November 16, 2015 6:31 AM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Cc: Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Clement, Elizabeth (GOV) <clemente@michigan.gov>; Murray, David (GOV) <MurrayD1@michigan.gov>; Khouri, Nick (TREASURY) <KhouriN@michigan.gov>; Sampson, Jeremy (TREASURY) <SampsonJ@michigan.gov>; Wyant, Dan (DEQ) <WyantD@michigan.gov>; Wurfel, Brad (DEQ) <WurfelB@michigan.gov>; Wurfel, Sara (GOV) <Wurfels@michigan.gov>
Subject: Re: FYI first class action for the water crisis

I have Travis Webber checking this morning to see if any filings.

Jim

Sent from my iPhone

On Nov 16, 2015, at 6:01 AM, Saxton, Thomas (Treasury) <SaxtonT@michigan.gov> wrote:

I may have it missed it the press this weekend but apparently there is a class action lawsuit in the works re Flint water.

Begin forwarded message:

From: Darnell Earley <darnell.earley@detroitk12.org>
Date: November 14, 2015 at 12:24:39 PM EST
To: Thomas Saxton <saxtont@michigan.gov>, headenf <headenf@michigan.gov>, stantont <stantont@michigan.gov>
Subject: Fwd: FYI first class action for the water crisis

Okay...here we go!!

Sent from my iPhone

Begin forwarded message:

From: "Reising, William" <WReising@plunkettcooney.com>
Date: November 14, 2015 at 10:29:33 AM EST
To: "Mr. Darnell Earley" <darnell.earley@detroitk12.org>
Subject: Fwd: FYI first class action for the water crisis

FYI. Filed 11-13. Federal Court/Detroit. Good draw for judge. You can assume that you will be served with the complaint in the near future.

Begin forwarded message:

From: "Szymczak, Richard"
<RSzymczak@plunkettcooney.com>
Date: November 14, 2015 at 8:32:15 AM EST
To: "Reising, William"
<WReising@plunkettcooney.com>
Subject: FYI first class action for the water crisis

Melisa Mays, individually and as next friend of three minor children; Jacqueline Pemberton; Keith John Pemberton; Elnora Carthan; Rhonda Kelso, individually and as next friend of one minor child, all on behalf of themselves and a class of all others similarly situated

v.
Governor Rick Snyder; State of Michigan; Daniel Wyant; Liane Shekter Smith; Adam Rosenthal; Stephen Busch; Patrick Cook; Michael Prysby; Bradley Wurfel; Darnell Earley; Gerald Ambrose; Dayne Walling; Howard Croft; Michael Glasgow; Daugherty Johnson; City of Flint
11/13/2015 2:15 cv 14002

Class action for declaratory relief. Plaintiffs seek compensation for exposure to toxic tap water pulled from the Flint River after repeated assurances from the defendants the water was properly treated and monitored. Plaintiffs drank water with high levels of copper and lead that caused neurological injury as well as physical effects.

[Download](#)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Melisa Mays, individually and as next friend of three
minor children, Michael Mays, Jacqueline Pemberton,
Keith John Pemberton, Elnora Carthan, and Rhonda Kelso,
individually and as next friend of one minor child,
all on behalf of themselves and a class of all others
similarly situated,

CLASS ACTION

Plaintiffs,

Case No. 15-

vs.

Hon.

Governor Rick Snyder, in his official capacity, and the
State of Michigan for prospective relief only; Daniel
Wyant, Liane Shekter Smith, Adam Rosenthal, Stephen
Busch, Patrick Cook, Michael Prysby, Bradley Wurfel all
in their individual capacities; Darnell Earley, Gerald
Ambrose, Dayne Walling, Howard Croft, Michael
Glasgow and Daugherty Johnson in their individual and
official capacities, and the City of Flint, a municipal
corporation, jointly and severally,

Defendants.

William Goodman P14173
Julie H. Hurwitz P34720
Goodman & Hurwitz, PC
1394 E. Jefferson Ave.
Detroit, MI 48207
313-567-6170
bgoodman@goodmanhurwitz.com
jhurwitz@goodmanhurwitz.com

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Flint, MI 48505-4443
810-239-6302
trachelleyoung@gmail.com

Michael L. Pitt P24429
Cary S. McGehee P42318
Beth M. Rivers P36614
Pitt McGehee Palmer & Rivers, PC
117 W. Fourth Street, Suite 200
Royal Oak, MI 48067
248-398-9800

mpitt@pittlawpc.com
cmcgehee@pittlawpc.com
brivers@pittlawpc.com

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF
MONEY DAMAGES AND JURY DEMAND**

INTRODUCTORY STATEMENT

1. This class action is pursued on behalf of tens of thousands of residents (“Class”) of the City of Flint (“Flint”), who from April 25, 2014 to the present, have experienced and will continue to experience serious personal injury and property damage caused by Defendants’ deliberate decision to expose them to the extreme toxicity of water pumped from the Flint River into their homes, schools, hospitals, workplaces and public places.

2. Defendants, who are all state of Michigan (“State”) or Flint government employees, acting under the color of law, deliberately deprived Plaintiffs and the Plaintiff Class of the rights and guarantees secured by the 14th Amendment to the United States Constitution in that they deprived Plaintiffs of life, liberty and property without due process of law when they took from Plaintiffs safe drinking water and replaced it with what they knew to be a highly toxic alternative solely for fiscal purposes.

3. “For more than 18 months, state and local government officials ignored irrefutable evidence that the water pumped from the Flint River exposed the

Plaintiffs and the Plaintiff Class to extreme toxicity, causing serious and dire injury and health hazards, and property damage to the Flint water users. These state and local officials, Defendants herein, regularly assured the Flint water users that the water supplied from the Flint River was being properly treated, monitored and tested and was safe to consume and use. Information obtained through the Freedom of Information Act establishes that many of these assurances were known to be false when uttered: state and local officials were not properly monitoring or sampling the Flint River water and delayed in notifying the public of serious safety and health risks in a knowing and deliberate effort to conceal the truth from those who were being poisoned. The deliberately false denials about the safety of the Flint River water was as deadly as it was arrogant.”

4. The massive personal and property injuries experienced by Plaintiffs and the Class, and the ensuing environmental disaster, reaches constitutional proportions because defendants, acting under the color of law, both created and increased the risk of prolonged serious and life threatening dangers to Plaintiffs and the Class where none existed before.

5. The state and local government officials, Defendants herein, who made the decision to replace safe water with an alternative that created toxic water, violated the constitutional rights of Plaintiffs and Plaintiff Class members by acting

in a manner that shocks the conscience and was deliberately indifferent to the those constitutional rights, as well as to the health and well-being of the Plaintiffs.

JURISDICTION AND VENUE

6. This is a civil action brought pursuant to 42 U.S.C. § 1983 seeking injunctive and declaratory relief together with monetary damages against Defendants for violation of Fourteenth Amendment of the United States Constitution.

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which authorizes federal courts to decide cases concerning federal questions; 28 U.S.C. § 1343(a)(3) and (4), which authorizes federal courts to hear civil rights cases; and 28 U.S.C. § 2201, the Declaratory Judgment Act. This Court has personal jurisdiction over Defendants named herein as public officials of the State of Michigan sued in their individual capacities and public officials, employees of the City of Flint sued in their official and individual capacities and the City of Flint for violations of plaintiffs' constitutional rights. Similarly, the Court has jurisdiction over the Governor of the State of Michigan, in his official capacity, for prospective relief, exclusively.

8. Venue is proper in this Court as Defendants conduct their business in the Eastern District of Michigan.

PARTIES

A. PLAINTIFFS

9. Plaintiff representatives are citizens of the United States and at all relevant times were residents of Flint – individuals, home owners, parents and minors – who, since April 25, 2014, were and continue to be exposed to highly dangerous conditions created, caused and prolonged by Defendants’ deliberate decision to replace safe drinking water supplied by the City of Detroit’s water system with the extreme toxicity resulting from water pumped from the Flint River; and these Defendants continued failure to remediate these dangers notwithstanding their knowledge thereof. Plaintiffs bring this action on behalf of themselves and a Class of individuals who were injured in their persons or their property after April 25, 2014 because of their exposure to the toxic water pumped from the Flint Rivers.

B. DEFENDANTS

10. All individual Defendants are sued in their individual and/or official capacities as indicated below.

11. Defendant Rick Snyder is the Governor of the State of Michigan and is invested with executive power pursuant to Art. V, Section 1 of the Michigan Constitution. The Governor, is responsible for the management of state government for the health and welfare of its citizens and residents and is sued by plaintiffs and the Class in his official capacity exclusively for prospective equitable relief to correct the harm caused and prolonged by state government and to prevent future injury.

12. Defendant State of Michigan operates its Department of Environmental Quality (“MDEQ”), which is responsible for overall management of the state department responsible for the environmental safety and health of Michigan citizens and residents. The State is sued because, acting through MDEQ, it made the final decision that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

13. Defendant Daniel Wyant (“Wyant”) currently is and at all relevant times was Director of MDEQ and is sued by Plaintiffs and the Plaintiff Class in his individual capacity because he was aware of and participated in the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

14. Liane Shekter Smith (“Smith”) was at all relevant times Chief of the Office of Drinking Water and Municipal Assistance for MDEQ, holding that position until October 19, 2015 when she was removed because of “mistakes” in the manner in which the Flint water crisis was handled. Smith is individually liable because during her term, as Chief of Drinking Water for MDEQ, she approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

15. Adam Rosenthal (“Rosenthal”) was at all relevant times a Water Quality Analyst assigned to the Lansing District Office of the MDEQ. Rosenthal is individually liable because, as Water Quality Analyst for MDEQ, he approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

16. Stephen Busch (“Busch”) was at all relevant times District Supervisor assigned to the Lansing District Office of the MDEQ. Busch is individually liable because as District Office Supervisor of MDEQ he deliberately created, increased and prolonged the hazards by falsely reporting that anti-corrosive agents had been used to treat the highly corrosive Flint River water thereby enhancing the threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

17. Patrick Cook (“Cook”) was at all relevant times Water Treatment Specialist assigned to the Lansing Community Drinking Water Unit of the MDEQ. Cook is individually liable because, as Water Treatment Specialist District of MDEQ, he approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

18. Michael Prysby (“Prysby”) was at all relevant times Engineer assigned to District 11 (Genesee County) of the MDEQ. Prysby is individually liable because

as Engineer assigned to District 11 because he approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

19. Bradley Wurfel ("Wurfel") was at all relevant times was the Director of Communications for MDEQ. Wurfel is individually liable because as Director of Communications he was responsible for the deliberate misleading and inaccurate communications that increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

20. Darnell Earley ("Earley") was the Emergency Manager appointed by the Governor on November 1, 2013 and served in this capacity until January 12, 2015. Earley is individually liable because during his term as Emergency Manager of Flint he deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

21. Gerald Ambrose ("Ambrose") was the Emergency Manager appointed by the Governor on January 13, 2015 and served in this capacity until April 28, 2015. Ambrose is individually liable because during his term as Emergency Manager of Flint he deliberately increased and prolonged the hazards, threats and dangers that

arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

22. Dayne Walling (“Walling”) was at all relevant times Mayor of Flint from August 4, 2009 until November 9, 2015 when he was unseated by Karen Weaver. Walling is individually liable because, as Mayor, he approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

23. Howard Croft (“Croft”) was at all relevant times Director of Public Works for the City of Flint. Croft is individually liable because as Director of Public Works, he approved of, and thereby participated in, the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

24. Michael Glasgow (“Glasgow”) was at all relevant times Utilities Administrator for the City of Flint. Glasgow is individually liable because as Utilities Administrator, he deliberately created, increased and prolonged the hazards of using Flint River water because he provided the MDEQ with misleading and inaccurate reports about the threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

25. Daugherty Johnson was at all relevant times the Utilities Administrator for the City of Flint. Johnson is individually liable because, as Utilities

Administrator, he approved of, and thereby participated in the decisions that deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

26. The City of Flint is a municipal corporation, so authorized by the laws of the State of Michigan that operates Department of Public Works and provides water to its residents and property owners as part of its responsibilities and services. The City of Flint is liable because, despite the protests of a number of elected and appointed officials within the organization, the municipal corporation itself, through its policy makers, deliberately created, increased and prolonged the hazards, threats and dangers that arose by replacing of safe drinking washing and bathing water with a highly toxic alternative.

STATEMENT OF FACTS REGARDING THE MAYS FAMILY

27. Plaintiff Melissa Mays, age 37, is married to plaintiff Michael Mays, age 40 and is mother and next friend of three minor children, ages 17, 12, and 11.

28. The Mays family at all relevant times lived in a single family home built around 1910 on Beecher Street in Flint.

29. Melissa and Michael Mays were the equitable owners of the home located on Beecher Street.

30. From April 18, 2014 until approximately September, 2014, members of the Mays family, unaware of the toxic nature of the tap water supplied by Flint,

regularly used the water for drinking, cooking, washing, bathing and clothes washing.

31. In September, 2014 the Mays family, in response to an advisory to boil all drinking water coming from their taps, discontinued drinking or cooking with the water supplied by Flint. The family was led to believe that the water would still be safe for washing, bathing and clothes washing. The family continued to wash, bathe and wash clothing with the water until the summer of 2015 when the family became aware of the highly toxic and deleterious nature of the supplied water.

32. As a proximate result of Defendants actions, as set forth herein, members of the Mays family have experienced serious physical and emotional injury due to their exposure to the toxic water, including but not limited to:

- a. High levels of lead and copper in their bloodstreams, brains, bones and other organs;
- b. Skin lesions and hair loss;
- c. Chemical induced hypertension;
- d. Autoimmune disorder;
- e. Neurological disorders such as “brain fog”, seizure like convulsions, vision loss, memory loss;
- f. Psychological disorders such as depression, chronic anxiety, post-traumatic stress disorder and an inability to cope with normal stress.

33. Melissa and Michael Mays have experienced property damage in the nature of irreparably damaged service line pipes resulting from Flint’s use of Flint

water without use of an anti-corrosive agent; as well, they have sustained substantial loss in the value of their property.

STATEMENT OF FACTS REGARDING THE PEMBERTON FAMILY

34. Keith John Pemberton and Jacqueline Pemberton are 67 and 66 years old and live on Custer Street in Flint.

35. The Pembertons own the home on Custer Street.

36. As a proximate result of Defendants actions, as set forth herein, the Pembertons have experienced property damage in the nature of irreparably damaged service line pipes resulting from Flint's use of Flint water without use of an anti-corrosive agent, as well as the substantial loss in the value of their property. They have experienced serious physical and emotional injury due to their exposure to the toxic water, including but not limited to:

- a. High levels of lead and copper in their bloodstreams, brains, bones and other organs;
- b. Skin lesions and hair loss;
- c. Neurological disorders such as "brain fog", seizure like convulsions, vision loss, memory loss;
- d. Chronic and acute abdominal and stomach discomfort;
- e. Psychological disorders such as depression, chronic anxiety and an inability to cope with normal stress.

STATEMENT OF FACTS REGARDING ELNORA CARTHAN

37. Elnora Carthan is a 70 year old widow who lives alone at, a home she owns in Flint and where she has lived since 1976.

38. In April, 2014, after the actions of these Defendants caused her water to become highly toxic, when it had once been safe and nourishing, Ms. Carthan began to boil her water but also continued to cook with it and to wash and bathe with it.

39. Finally, in August, 2015, the opportunity arose for her to have her water tested for the presence of lead and other metals. This opportunity arose due to the efforts of Virginia Polytechnic Institute and State University ("Virginia Tech"), notwithstanding the continuous denials and roadblocks to such testing posed by these Defendants. As a result, she determined that the lead levels in her water vastly exceeded anything close to acceptable and were, in fact, extremely dangerous.

40. As a proximate result of Defendants actions, as set forth herein, Ms. Carthan has suffered property damage as well as a loss in the value of her property.

41. As a proximate result of Defendants actions, as set forth herein, Ms. Carthan has experienced serious physical and emotional injury due to her exposure to the toxic water, including but not limited to:

- a. Skin lesions and dermatologic pathology;
- b. Neurological disorders, including but not limited to constant exhaustion and memory loss;
- c. Chronic and acute respiratory disorders including, but not limited to, chronic rhinitis;

- d. Psychological disorders such as depression, chronic anxiety, post-traumatic stress disorder and an inability to cope with normal stress.

STATEMENT OF FACTS REGARDING THE KELSO FAMILY

42. Rhonda Kelso is a 52 year old woman who suffers from several disabilities, including the results of a stroke, spastic paraparesis and bi-polar disorder. She owns her home located in Flint. She and her family have lived in that home since 1993.

43. As a result of the toxicity in the water, these Defendants have caused massive damage to the water pipes in the Keslo home, causing extreme disruption, inconvenience, discomfort and emotional distress.

44. Ms. Kelso lives at the aforementioned home with her minor daughter "K.E.K." who is 12 years old. K.E.K. is a special needs student in school and suffers from a number of disabilities including, but not limited to hearing impairment, cardiac problems, and developmental delays involving speech and language.

45. Both Rhonda Kelso and K.E.K. drank the toxic water from April, 2014 until the Autumn of 2014. They bathed, washed and cooked with the water until at least January, 2015.

46. As a proximate result of Defendants actions, as set forth herein, Ms. Kelso has suffered a loss in the value of her property.

47. As a proximate result of Defendants actions, as set forth herein, Ms. Kelso has experienced serious physical and emotional injury due to her exposure to the toxic water, including but not limited to:

- a. Skin lesions and dermatologic pathology, including hair loss;
- b. Chronic throat and respiratory disorders, including aggravation of asthma;
- c. Aggravation of the pre-existing conditions and disabilities, referenced above;
- d. Psychological disorders such as depression, chronic anxiety, post-traumatic stress disorder and an inability to cope with normal stress, all due in part to the injuries and damage caused to her daughter K.E.K., as set forth below.

48. As a proximate result of Defendants actions, as set forth herein. K.E.K. has experienced serious physical and emotional injury due to her exposure to the toxic water, including but not limited to:

- a. Heightened levels of lead in her blood;
- b. Inability to overcome her developmental disorders, particularly speech and language development and, to some extent, a worsening of those disorders;
- c. Aggravation of the pre-existing conditions and disabilities, referenced above;
- d. Psychological and emotional problems.

**STATEMENT OF FACTS REGARDING DEFENDANTS' DECISION TO
REPLACE SAFE DRINKING WATER WITH A TOXIC ALTERNATIVE**

49. From 1964 to 2014, Flint water users received their water from Lake Huron via the Detroit water system.

50. During this 50 year span, the Flint water users enjoyed safe, clean, fresh water in their homes, businesses, hospitals other places of public services.

51. In 2011, Flint government officials commissioned a study to determine if the Flint River could be safely used by the city as the primary source of drinking water for its more than 31,000 users.

52. According to recent media reports, the report stated that the water from the Flint River was highly corrosive and could not be used safely without an anti-corrosive agent to prevent lead, copper and other heavy metals from leaching from lead, copper and iron based water lines.

53. According to recent media reports, in 2013, Flint government officials delivered to MDEQ the report that stated and warned that the Flint River water was highly corrosive and could not be used as a primary source of drinking water unless treated with anti-corrosive agents.

54. In March, 2013, the Flint City Council approved a resolution to secure future water service from a regional water authority known as the Karegnondi Water Authority ("KWA") scheduled to become operational in 2016.

55. In April 2014, although safe water from Detroit remained available on a temporary basis until the KWA became operational two years later, Flint Emergency Manager at the time Defendant Earley ordered Flint to draw water from

the Flint River, even though he knew that the water was highly corrosive and dangerous to people and property when distributed without proper anti-corrosive treatment.

56. According to recent media reports, defendants had been informed by the 2011 report that use of the Flint River water, without a proper anti-corrosive treatment, would create a condition dangerous to health and property.

57. Beginning in April 2014, Defendants were fully aware that the required and necessary anti-corrosive was not being used in during the distribution of Flint River water to Flint residents, families and home owners.

58. It has been estimated that the daily cost of the anti-corrosive agent would have been \$60.

59. Flint water users, having enjoyed decades of safe, clean and fresh water via the Detroit water system, knew almost immediately after the switch to Flint River water that something was not right about this new water supply.

60. Within days after the switch, Defendants began receiving complaints from water users that the water was cloudy and foul in appearance, taste and odor.

61. During the next 8 months, Flint water users expressed their concerns about water quality in a multiple of ways including letters, emails and telephone calls to Flint and MDEQ officials, the media and through well publicized demonstrations on the streets of Flint.

62. After 8 months of undertaking this failed “experiment,” the only reasonable response to the mounting complaints would have been to reconnect the Flint water system to the Detroit water system. Instead, Defendants ignored the protests, went into deliberate denial mode, offered ineffective solutions and continued to falsely reassure and insist that the water was safe even though they knew that the foul taste, odor and appearance probably was the result of using highly corrosive Flint River water, untreated with the proper anti-corrosive agents, which caused particulate lead to contaminate the water.

63. Beginning almost immediately after the Flint River became the primary source of water for the Flint users, the MDEQ and Flint officials were aware of elevated levels of Trihalomethanes (“TTHM”) in the water and that these levels were above the legal limit.

64. After about 7 months of elevated TTHM levels, Flint water users received a notice in January, 2015 from Flint stating that the water was not in compliance with the federal Safe Drinking Water Act because unlawful levels of TTHMs.

65. Within a few weeks of the issuance of the TTHM notice, Flint City Council members approached Emergency Manager Defendant Earley demanding that a reasonable response to the health risks would be that Flint should reconnect with Detroit water. Earley refused to act as requested by members of the City Council.

66. At this same time, representatives of the Detroit water system expressed interest in re-establishing a relationship with Flint and offered to waive the \$4 million re-connect fee in order re-establish the relationship. Defendant Earley rejected this initiative, and deliberately continued to mislead Flint residents to believe that their water was safe.

67. On January 20, 2015, citizen protests mounted, fueled in part by encouragement from environmental activist Erin Brockovich and her associate, water expert Bob Bowcock. These advocates offered advice and assistance to the protesting Flint water users who were now very concerned about the health risks they faced by this toxic water.

68. On January 13, 2015, Earley left his position as Emergency Manager and was replaced by Emergency Manager Ambrose. On January 29, 2015, Detroit Director of Water offered to Emergency Manager Ambrose another opportunity to protect Plaintiffs and the Plaintiff Class from known dangers and to use Detroit water. Notwithstanding Detroit's overture, Emergency Manager Ambrose rejected this offer, and deliberately continued to mislead Flint residents to believe that their water was safe.

69. On February 17, 2015, Flint water users staged public demonstrations demanding that Flint re-connect with Detroit. Once again Ambrose refused to restore Detroit water for Flint water users and deliberately continued to endanger Plaintiffs and Plaintiff Class.

70. In the meantime, and according to emails received via the Freedom of Information Act, the MDEQ (including named Defendants from that agency) knew that Flint residents were being exposed to particulate lead on a daily basis. Moreover, MDEQ representatives, including named Defendants, knew that inaccurate test results were providing false assurance to residents about the true lead levels in the water.

71. On March 25, 2015, Flint City Council voted to re-connect to Detroit's water system. Ambrose rejected this vote and continued to refuse to re-connect the Flint system back to the Detroit water system.

72. In June of 2015, EPA representative Miquel Del Toral wrote a detailed memo outlining numerous dangerous problems with the water being pumped from the Flint River including unacceptable levels of lead. This report was shared with MDEQ defendants Shekter-Smith, Cook, Busch and Prysby.

73. During the spring and summer of 2015, Professor Marc Edwards ("Professor Edwards") and other experts from Virginia Tech tested 277 drinking water samples and found that 10% of the samples had lead levels of 25 parts per billion (ppb), substantially in excess of the federal action level of 15 ppb.

74. Professor Edwards also determined that the Flint River water was 19 times more corrosive than the water pumped from Lake Huron by the Detroit water system.

75. When Professor Edwards published the results of his studies, demands for the re-connecting to the Detroit water system started to be made to the Defendants. These demands came from national and regional public interest groups such as the ACLU of Michigan, the Natural Resources Defense Council and local public interest groups such as the Michigan Chapter of the National Conference Black Lawyers, NAACP-Michigan State Conference, Michigan Nurses Association, Democracy Defense League Water Task Force, Water You Fighting For, Concerned Pastors for Social Action, Coalition for Clean Water and other similar public interest groups.

76. At this time, public interest groups investigating the growing crisis noted that Flint did not have records of which user had or did not have lead service pipes or plumbing. Flint was required by Federal law to maintain these records so that Flint and the MDEQ could alter those users who were most at risk and that proper testing could be carried out. The absence of these required records was increasing the risk of harm to many Flint water users.

77. In addition, Dr. Mona Hanna-Attisha MD of Hurley Hospital demonstrated a dramatic and dangerous spike in elevated blood lead levels in a large cohort of Flint children corresponding with the time of exposure to the highly corrosive Flint River water. Her disturbing results were published in August of 2015.

78. Faced with overwhelming evidence that the water was unsafe to drink and a source of lead poisoning for the children of Flint and other vulnerable persons,

Genesee County Health Officials, on October 1, 2015, issued a public health emergency advising Flint residents not to drink the tap water.

79. Although reconnecting to the Detroit water system was the only reasonable option to protect the health and safety of the Flint water users, and this option should have been exercised within weeks of the appearance of the foul water, Defendants deliberately chose not to do so. Instead, on October 2, 2015, state officials announced that the State would provide water filters to Flint water users in a useless effort to ameliorate the problem.

80. On October 8, 2015, Defendant Snyder recognized that he could no longer pretend that the water from the Flint River was safe. He finally ordered Flint to re-connect with the Detroit water system.

81. However, based on information and belief, due to the prolonged exposure of contaminated water without adequate anti-corrosive agents, Plaintiffs and Plaintiff Class members continue to be exposed to toxic water until such time that pipes and services lines that were damaged by corrosive water from the Flint River can be replaced.

CLASS ALLEGATIONS

82. This action is brought by the named Plaintiffs on behalf of individuals who from April 25, 2014 to present were exposed to toxic Flint water and experienced an injury to their person or property or who in the future will be so injured.

83. The number of injured individuals who have been injured by exposure to toxic Flint water is in the tens of thousands. The number of class members is sufficiently numerous to make class action status the most practical method for Plaintiffs to secure redress for injuries sustained and class wide equitable relief.

84. There are questions of law and fact raised by the named Plaintiffs' claims common to, and typical of, those raised by the Class they seek to represent.

85. The violations of law and resulting harms alleged by the named Plaintiffs are typical of the legal violations and harms suffered by all Class members.

86. Plaintiff Class representatives will fairly and adequately protect the interests of the Plaintiff class members. Plaintiffs' counsel are unaware of any conflicts of interest between the class representatives and absent class members with respect to the matters at issue in this litigation; the class representatives will vigorously prosecute the suit on behalf of the Class; and the class representatives are represented by experienced counsel. Plaintiffs are represented by attorneys with substantial experience and expertise in complex and class action litigation involving personal and property damage.

87. Plaintiffs' attorneys have identified and thoroughly investigated all claims in this action, and have committed sufficient resources to represent the Class.

88. The maintenance of the action as a class action will be superior to other available methods of adjudication and will promote the convenient administration of justice. Moreover, the prosecution of separate actions by individual members of the

Class could result in inconsistent or varying adjudications with respect to individual members of the Class and/or one or more of the Defendants.

89. Defendants have acted or failed to act on grounds generally applicable to all Plaintiffs, necessitating declaratory and injunctive relief for the Class.

COUNT I-CAUSE OF ACTION: VIOLATION OF 42 U.S.C. § 1983
SUBSTANTIVE DUE PROCESS – STATE CREATED DANGER
PLAINTIFFS V ALL DEFENDANTS

90. The due process clause of the 14th Amendment provides that the state may not deprive a person of life, liberty or property without due process of law.

91. These Defendants deliberately withdrew water that was safe for drinking, cooking, washing and bathing from Plaintiffs and the Plaintiff Class. They deliberately exposed Plaintiffs and the Plaintiff Class to dangerous, unsafe and untreated (or inadequately treated) Flint River water knowing that it could and would result in widespread permanent serious damage caused by the toxic water including the irreversible lead poisoning of children and other vulnerable persons. This conduct was culpable in the extreme.

92. Plaintiffs and Class Members were foreseeable victims of the decision to replace safe water with a toxic alternative.

93. The decisions and actions to deprive Plaintiffs and the Plaintiff Class of clean and healthy water and to replace that water with toxic, unhealthy and unsafe water constituted affirmative acts that caused and/or increased the risk of harm, both

property damage, as well as physical and emotional injury, to Plaintiffs and Plaintiff Class.

94. At all times herein Defendants acted under color of law.

95. The unconstitutional acts of Earley and Ambrose as Emergency Managers executes a policy statement or decision officially adopted by the City of Flint.

96. As a direct and proximate result of the unconstitutional acts of Defendants as alleged in this complaint, Plaintiffs and Plaintiff Class members have experienced serious and in some cases life threatening and irreversible bodily injury; Plaintiffs and Plaintiff Class members have and will incur substantial economic losses in the nature of medical expenses, lost wages; Plaintiffs and Plaintiff Class members are entitled to an award of non-economic damages in the nature of pain and suffering, embarrassment, outrage, mental anguish, fear and mortification, and stress related physical symptoms such as sleepiness, gastro-intestinal discomfort, neuropathy and similar symptoms.

97. Plaintiffs and Plaintiff Class members have experienced property damage to the homes and places of business in the nature of lost property value and seek damages to remediate the permanent damage caused by the use of corrosive water without proper anti-corrosive treatment.

98. The conduct of Defendants was reckless and outrageous, entitling Plaintiffs and Plaintiff Class members to an award of punitive damages.

COUNT II -CAUSE OF ACTION: VIOLATION OF 42 U.S.C. § 1983
SUBSTANTIVE DUE PROCESS – BODILY INTEGRITY
PLAINTIFFS v ALL DEFENDANTS

99. The due process clause of the 14th Amendment includes an implied right to bodily integrity.

100. Defendants violated Plaintiffs' and Plaintiff Class members' right to bodily integrity, insofar as:

- a. Defendants a duty to protect Plaintiffs and Plaintiff Class members from a foreseeable risk of harm from contaminated water;
- b. Defendants knew of the serious medical risks associated with exposure to contaminated water;
- c. Defendants failed to protect Plaintiffs and Plaintiff Class members from the known risks associated with exposure to contaminated water; and
- d. Plaintiffs and Plaintiff Class members suffered bodily harm as a result of their exposure to contaminated water.

101. Defendants' conduct in exposing Flint residents to toxic water was so egregious and so outrageous that it shocks the conscience. Defendants had time for deliberation in their decisions to expose Flint residents to toxic water, and their decision to do so was made with deliberate indifference to the serious medical risks.

102. As a direct and proximate result of the unconstitutional acts of Defendants as alleged in this complaint, Plaintiffs and Plaintiff Class members have

experienced serious and in some cases life threatening and irreversible bodily injury; Plaintiffs and Plaintiff Class members have and will incur substantial economic losses in the nature of medical expenses, lost wages; Plaintiffs and Plaintiff Class members are entitled to an award of non-economic damages in the nature of pain and suffering, embarrassment, outrage, mental anguish, fear and mortification, and stress related physical symptoms such as sleepiness, gastro-intestinal discomfort, neuropathy and similar symptoms.

103. The conduct of Defendants was reckless and outrageous, entitling Plaintiffs and Plaintiff Class members to an award of punitive damages.

RELIEF REQUESTED

Accordingly, plaintiffs request the following relief from the court:

- a. An order certifying this case as a Class Action;
- b. An order declaring the conduct of defendants unconstitutional;
- c. An order of equitable relief to remediate the harm caused by defendants unconstitutional conduct including repairs or property, establishment of as medical monitoring fund and appointing a monitor to oversee the water operations of Flint for a period of time deemed appropriate by the court;
- d. An order for an award of compensatory damages;
- e. An order for an award of punitive damages;

- f. An order for an award of actual reasonable attorney fees and litigation expenses;
- g. An order for all such other relief the court deems equitable.

Respectfully submitted,

By: /s/ Michael L. Pitt P24429

Michael L. Pitt P24429

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Dated: November 13, 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Melisa Mays, individually and as next friend of three
minor children, Michael Mays, Jacqueline Pemberton,
Keith John Pemberton, Elnora Carthan, and Rhonda Kelso,
individually and as next friend of one minor child,
all on behalf of themselves and a class of all others
similarly situated,

CLASS ACTION

Plaintiffs,

Case No. 15-

vs.

Hon.

Governor Rick Snyder, in his official capacity, and the
State of Michigan for prospective relief only; Daniel
Wyant, Liane Shekter Smith, Adam Rosenthal, Stephen
Busch, Patrick Cook, Michael Prysby, Bradley Wurfel all
in their individual capacities; Darnell Earley, Gerald
Ambrose, Dayne Walling, Howard Croft, Michael
Glasgow and Daugherty Johnson in their individual and
official capacities, and the City of Flint, a municipal
corporation, jointly and severally,

Defendants.

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DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury as to all those issues triable as of right.

Respectfully submitted,

By: /s/ Michael L. Pitt P24429

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Dated: November 13, 2015

Vandegrift, Drew (TREASURY)

From: Cline, Richard (Treasury)
Sent: Tuesday, November 17, 2015 8:28 AM
To: Vandegrift, Drew (TREASURY); Dostine, Patrick (TREASURY); Hudson, Deanna (TREASURY); Heimann, Alexandr (TREASURY)
Subject: FW: Howard Croft, Flint official resigns

FYI

Eric Cline | Department Manager | State of Michigan
Michigan Department of Treasury | Local Government Financial Services Division | Fiscal Responsibility Section
430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
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From: Widigan, Robert (TREASURY)
Sent: Tuesday, November 17, 2015 7:09 AM
To: Byrne, Randall (Treasury) ; Cline, Richard (Treasury)
Cc: Schafer, Suzanne K. (Treasury)
Subject: Howard Croft, Flint official resigns

http://www.mlive.com/news/flint/index.ssf/2015/11/howard_croft_flint_official_re.html#incart_river_mobile_home

Howard Croft, Flint official responsible for water oversight, resigns



photo

Flint Department of Public Works Director Howard Croft is shown in this Flint Journal file photo *Flint Journal file*

FLINT, MI — Howard Croft, the department head responsible for oversight of Flint water operations, has resigned his position effective immediately.

Croft, in a letter to City Administrator Natasha Henderson on Monday, Nov. 16, said he is leaving his position at the city Department of Public Works to regain public trust following a lead-in-water crisis.

"It is with deep sadness that I tender my immediate resignation" as public works director, the letter says. "With the city engaged in transition and working to regain public trust, I believe that now is the right time for me to step down from this position."

Croft, a lifelong resident of Flint, has been in charge of the city's DPW operations since he was appointed to the position by former emergency manager Mike Brown in December 2011.

After his hiring, Croft said he would emphasize responsibility among those who worked for him.

"The one word we are going to try and push for is accountability," Croft said nearly four years ago. "That goes for every employee, accountability for every employee."

The DPW is responsible for Flint's utilities and transportation divisions, but Croft's oversight of city-owned facilities, specifically the drinking water division, put him in the center of what has become a public health emergency because of rising levels of lead in city drinking water.

The city began using the Flint River as its source of drinking water in April 2014, and Croft defended the quality and safety of the water even as the city struggled with bacteria, total trihalomethanes (TTHM) and lead levels.

Faced with mounting evidence of rising lead levels in Flint's drinking water, the city abandoned its use of the river last month, reconnecting to the Detroit water system until the completion of the Karegnondi Water Authority pipeline, which is expected in 2016.

Croft inherited an aging water distribution system that was built to serve twice as many residents as it does now and which was prone to transmission line breaks, leaks and broken valves.

In an email to Mayor Karen Weaver and the City Council, Henderson said Croft will consult the city on an interim basis "as we recruit for a new public works director to make this as seamless as possible."

"Mr. Croft will be missed as he transitions from the director position. ... He has made valuable contributions during his time with the city, and I truly thank him for his service," Henderson's email says.

Weaver said the city will "do what we need to do to have a qualified person in place" to replace Croft.

"I definitely will be having input," she said.

Sworn into office just last week after her election Nov. 3, Weaver has said she expects Henderson to respect her wishes on executive appointments.

Although the city charter gives the mayor the authority to appoint an executive staff, an emergency manager order signed in April transferred that authority to the city administrator.

Croft's letter of resignation says he made every effort to serve with honesty, dignity and integrity.

"I am proud of the many accomplishments that I have been a part of over the years," including assisting in the development of a 50-year master plan, a multi-year capital improvement plan and a prioritized plan to deal with aging infrastructure.

Croft praised DPW employees, "who by no fault of their own have encountered drastic changes in staffing, equipment, and work environment, yet they continue to provide daily services to the absolute best of their ability."

Sent from my iPhone

Stanton, Terry A. (Treasury)

From: Kaffer, Nancy <nkaffer@freepress.com>
Sent: Tuesday, November 17, 2015 12:49 PM
To: Stanton, Terry A. (Treasury)
Cc: Egan, Paul
Subject: Re: Question re Flint

Hi Terry, sorry to hear that you're having personal issues. I hope everything is OK. Any information about what was discussed on those calls? Or contact info for the former treasurer?

Sent from my iPhone

On Nov 17, 2015, at 11:37 AM, Stanton, Terry A. (Treasury) <StantonT@michigan.gov> wrote:

Nancy...

So sorry for the delay in responding. Dealing with some personal issues.

I am not aware of any documentation, etc., related to these calls/mtgs.

Terry

From: Kaffer, Nancy [<mailto:nkaffer@freepress.com>]
Sent: Thursday, November 12, 2015 5:38 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>
Subject: Question re Flint

On March 25, former Treasurer Dillon had a call with Dennis Muchmore about Flint water, and the next day met with Dan Wyant and Dayne Walling separately about Flint – I'm wondering what was discussed – specifically, if the report the former treasurer had had done about the cost effectiveness of switching to the Karegnondi Water Authority was discussed –or if there's any available documentation related to those calls or meetings?

Best,

Nancy

Nancy Kaffer
Columnist
Detroit Free Press
www.freep.com/abettermichigan
313-222-6585
[@nancykaffer](#), [@abettermi](#)

11.18.15 → cancelled

~~Randy, me, Fred, Natasha,~~
~~3 people~~

Eric.
Randy Pat Wendy
Councilman Nelson Natasha.
Mayor Fred
Weaver had an 8:00

Dec. 2 call

Natasha - water, work done in 1 wk.
DEQ/phosphate +/B added. Howard Ross resigned
Mike Glasgow is Public Works now. Transportation
person to hire Pub Wks director.

Pub Safety Fire + Police meet & exceeded expectations
Grant 1.1 to 1.3 million. Fires down 400+ to 299.
Police + Mott Foundation: Sheriff + Schools, to
keep kids in school = less crime. Charter Comm asked
4\$, but was denied. Charter Comm wants \$250K,
\$ in budget 4 them, but more needed.

Mayor Weaver joined.

Mayor did 100-day agenda online.
Talks to water, committees, town hall mtg,
univ's, = vision presentation. Nelson
rec'd very well, involve youth initiatives.
Water situation. Meeting with others
to understand what's going on in Flint.

Tom Adams email - Randy wants Mayor +
Natasha to meet.

Schafer, Suzanne K. (Treasury)

From: Byrne, Randall (Treasury)
Sent: Thursday, November 19, 2015 8:24 AM
To: Schafer, Suzanne K. (Treasury)
Subject: Weekly meeting topics
Attachments: Meeting with Suzanne November 19.docx

Suzanne:

I will see you at 9.

Randy



Randall Byrne | State Administrative Manager
Local Government Services - Fiscal Responsibility Section
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 335-2521 | (517) 373-0633 (fax) | ByrneR1@michigan.gov

Think Green! Don't print this e-mail unless you need to

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+++Weekly Critical Issues —November 19, 2015

- **Allen Park**—Status of bond tender, finally reaching a temporary conclusion!
- **Benton Harbor**— I will be scheduling a meeting with Wayne, Mayor- elect and Darwin in early December. Are we going to revise the RTAB evaluation for Benton Harbor?
- **Ecorse** – Status of their five year financial plan review. We should move forward on reducing scope of RTAB authorities. Wayne spoke again about the FDCVT grant applications.
- **Flint**—We had an interesting meeting in Flint with the Mayor Weaver and Natasha. Issues include communication, staffing, extension of DWSD water, water infrastructure, and legal representation internal and external. City still has not added additional phosphate at water plant hopefully by Thanksgiving. City has reinstituted their water shutoff program which help to increase revenues. Lead issue was known to City, DEQ, and EPA in April. I will be finalizing the FOIA information today.
- **Hamtramck**- the interim Police Chief will be appointed as the Police Chief. Phase 3 of the pension study can has begun. We will be having a meeting in Hamtramck to discuss progress on the pension study. Possible election irregularities may result in an investigation. Katrina wants to purchase DPW equipment for in-house snow removal.
- **Highland Park**-The parties are meeting today in Federal Court to discuss reaching a possible settlement in the DWSD lawsuit. Cathy has indicated that the City has over 500 aged payables including a DTE bill of \$200K for the water pumping station. The water pumping station needs repairs. I have a meeting at 8:00 a.m. in Highland Park tomorrow to discuss the condition of the pump house. The City has extremely low water pressure. The State may have to provide funding for engineering and/or repairs. The new water meters are being installed. There is a problem with the cell towers for the new meter read system.
- **Lincoln Park**-His exit will be December 18th. The draft EM Final Order has been sent to Brad, we will need to have it reviewed by the AG's office ASAP. E-Loan may be necessary? Brad said that he should have the FY15 numbers by the end of the week. MSHDA meeting on November 20th, Pat will be attending.
- **Inkster**- Mark indicated that some of the new council members may be difficult. A meeting with the new mayor and Mark will be held on December 1.
- **Pontiac**- the Mayor wants to hire an executive secretary. I will be in Pontiac to meet with the Mayor, Joe, Jane, and Nevrus tomorrow afternoon. The study of the Phoenix Center has been approved. Problem with the GERS Board financial advisor. Six million may be in jeopardy. Mr. Bernstein may be the new RTAB member.
- **River Rouge**—Drew's memo on the exit. Wayne wanted the bond issue and their 'A' rating mentioned in the document. I have advised Drew. General Fund Balance issue.
- **Royal Oak Township**- We may receive a proposal from Oak Park for police service. The draft budget review will be sent to Robert. Montgomery and Co. has submitted an invoice for \$17,000. The cash flow has been completed. Meeting with MSHDA on housing development is set for November 30, Pat will be attending. Potential judgement against Township for \$100,000. We need to consider a replacement for Robert soon.

- **Miscellaneous Items**— FOIA request is on hold until word from Carla. Problem with the Baird invoice for the HP High School project.

Workman, Wayne (TREASURY)

From: Dempkowski, Angela (Treasury)
Sent: Thursday, November 19, 2015 2:22 PM
To: Anderson, Madhu (DEQ)
Cc: Workman, Wayne (TREASURY); Kuhl, Richard (AG)
Subject: RE: Privileged Attorney-Client Communication - Outline of Flint Drinking Water Issues
Attachments: KWA & Water Quality Chronology Timeline 11-09-15.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Here is our timeline, per your request.

Angela Dempkowski
Senior Executive Management Assistant
Department of Treasury

From: Workman, Wayne (TREASURY)
Sent: Thursday, November 19, 2015 2:13 PM
To: Dempkowski, Angela (Treasury)
Subject: Fwd: Privileged Attorney-Client Communication - Outline of Flint Drinking Water Issues

Did you find our timetable?

Sent from my iPhone

Begin forwarded message:

From: "Anderson, Madhu (DEQ)" <AndersonM30@michigan.gov>
Date: November 19, 2015 at 1:20:51 PM EST
To: "Workman, Wayne (TREASURY)" <WorkmanW@michigan.gov>
Cc: "Kuhl, Richard (AG)" <KuhlR@michigan.gov>
Subject: FW: Privileged Attorney-Client Communication - Outline of Flint Drinking Water Issues

Wayne – I have attached the documents we pulled together for the Governor's Flint Water Task Force. There is a Q&A document as well as a timeline of events (we have documents associated with each of the events). If you have a timeline too, it would be good to see as well. Let me know if you have any questions. Thanks,



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

NICK A. KHOURI
STATE TREASURER

Flint Water Timeline (11-09-15)

1. **June 26, 2012** – Letter from Flint EM Mike Brown to DWSD for permission to begin blending Flint River water with treated water from DWSD. The letter indicates that the DEQ is supporting this option and its implementation would save the City between \$2M and \$3M annually.
2. **September 20, 2012** – Letter from Flint EM Ed Kurtz to DWSD requesting written permission to implement the blending option. Approval is requested by October 1, 2012.
3. **October 31, 2012** – Analysis by the Flint Finance Director suggests that the annual cost to purchase water from DWSD will steadily increase to \$23M per year by fiscal year 2020.
4. **November 2012** – Treasury retains Tucker, Young, Jackson and Tull (TYJT) to evaluate the KWA proposal to the City of Flint.
5. **November 6, 2012** – Letter from Flint Emergency Manager Ed Kurtz to State Treasurer Dillon that a proposal from DWSD is expected but that the initial assessment is that switching to KWA is in the best interest of the City of Flint.
6. **February 6, 2013** – TYJT issues a final report to Treasury on the comparison between Karegnondi Water Authority (KWA) and DWSD. Analysis suggests that the KWA option is the cheaper option for the City of Flint.
7. **March 2013** – DWSD contacts the City of Flint to begin direct negotiations on a contract extension. Multiple options are provided to the Flint Emergency Manager (EM) Ed Kurtz.
8. **March 25, 2013** – The Flint City Council endorses joining KWA.
9. **April 11, 2013** – State Treasurer Andy Dillon authorizes Flint EM Ed Kurtz, pursuant to Section 12(3) of P.A. 436 of 2012, to enter into a contract with KWA if a final offer from DWSD is either not received for rejected in good faith based upon specific objections.
10. **April 15, 2013** – DWSD provides a best and final offer to the City of Flint. Analyses by Flint EM Ed Kurtz, the Department of Environmental Quality and Treasury's Office of Fiscal Responsibility independently conclude that the KWA option is cheaper for the City of Flint.

11. **April 16, 2013** – Flint EM Ed Kurtz informs the State Treasurer that the City will join KWA. This decision was officially announced May 1, 2013.
12. **April 17, 2013** – DWSD transmits a letter to Flint EM Ed Kurtz terminating service to the City of Flint, effective April 17, 2014.
13. **June 26, 2013** – Groundbreaking for the Karegnondi Water Authority begins. Flint also requests full time use of the Flint Water Treatment Plant with Flint River water as a source.
14. **June 28, 2013** – Financing Contract between the City of Flint and KWA is approved. Effective August 1, 2013. This document was signed by EM Mike Brown.
15. **July 08, 2013** – The City retains Lockwood, Andrews & Newman engineering firm to get the City's water plant up and running while the KWA pipeline is built.
16. **February 19, 2014** – The KWA Board of Directors adopts Resolution 2014-01, authorizing KWA to bond for water line construction on-behalf of the City of Flint.
17. **April 17, 2014** – Water service from DWSD officially ends. The City of Flint also conducts two separate public forums regarding the use of Flint River water, upgrades to the City's water system and the overall cost of the switch to KWA.
18. **April 25, 2014** – City conducts public event marking the transition to the use of Flint River water. DEQ information shows that transition complete by May 2015.
19. **January 2, 2015** – The City issues a press release stating the City water system exceeds the TTHM maximum contaminant level.
20. **March 3, 2015** – Flint EM Jerry Ambrose provides a memorandum to Deputy State Treasurer Wayne Workman stating that a reconnection to DWSD will cost the City \$10.1M/year and that water purchases could be as high as \$1M/month.
21. **March 12, 2015** – Veolia issues the final operational evaluation of the City's water system.
22. **September 3, 2015** – MDEQ testing of the City's water shows TTHM levels are below the required action level.
23. **September 25, 2015** – Genesee County Health Department and the City of Flint issues a lead advisory for residents to be aware of lead levels in drinking water after hearing concerns from the medical community.
24. **October 16, 2015** – The City of Flint reconnects to Detroit Water.
25. **November 4, 2015** – The EPA issues its final report on high lead levels at three residences in the City.

Stanton, Terry A. (Treasury)

From: Stanton, Terry A. (Treasury)
Sent: Thursday, November 19, 2015 2:38 PM
To: Wurfel, Sara (GOV); Murray, David (GOV); Sampson, Jeremy (TREASURY)
Cc: Heaton, Anna (GOV); Kennedy, Jordan (GOV)
Subject: FW: Flint water
Attachments: 271Q3209 Flint Water Supply Assessment Final Report 2-6-13.pdf

Importance: High

All—

Please see below from Egan. This is essentially the same “?” Nancy Kaffer asked of Jeremy a couple weeks back. Intend to say something along the lines of the following...please advise.

The Tucker-Young report offered an initial perspective on the situation, but as additional information was received and considered by the city, city officials determined that KWA offered the best long-term solution for Flint. As has been noted previously, all involved, the mayor and city council, believed the move to KWA was appropriate and supported the move.

As we have discussed previously, consideration of the development of a Flint-area/Genesee County water system had been on-going since the early 2000's and the City of Flint had been in discussions about joining a new system for much of that time.

From: Egan, Paul [mailto:pegan@freepress.com]
Sent: Thursday, November 19, 2015 1:09 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>
Subject: Flint water

Terry attached is the City of Flint Water Supply Assessment, a February 2013 study commissioned by the state treasurer and carried out by Tucker, Young, Jackson, Tull Inc.
Why did the state and city opt to split with DWSD and go with KWA when this study found it would be more costly to do so?

(From p. 17) “Based on the analysis, it is prudent to assume the KWA water supply option costs would be somewhere between the KWA-1 and KWA-2 options. Therefore, the analysis indicates that the two DWSD options of supplying 8 MGD on a maximum day and up to 8 MGD on average are the least cost options for Flint. These options allow Flint to maximize the use of existing assets; the City of Flint’s (the Flint WTP) and DWSD’s (the existing 72-inch main).”

Thanks, Paul Egan
Detroit Free Press
517-372-8660

Stanton, Terry A. (Treasury)

From: Robert, Carla M. (Treasury)
Sent: Thursday, November 19, 2015 3:30 PM
To: Stanton, Terry A. (Treasury)
Subject: Progress Michigan

Here is the link I found through the Progress Michigan web site with article regarding DEQ and Flint River. At the end of the article there is a link to "Flint water emails"

http://www.mlive.com/news/flint/index.ssf/2015/10/emails_show_feds_told_state_of.html

Stanton, Terry A. (Treasury)

From: Stanton, Terry A. (Treasury)
Sent: Thursday, November 19, 2015 5:39 PM
To: Wurfel, Sara (GOV); Murray, David (GOV)
Subject: Fwd: Flint water

Feel free to call me on this tonight. Please see my earlier email.

Begin forwarded message:

From: "Muchmore, Dennis (GOV)" <muchmored@michigan.gov>
Date: November 19, 2015 at 5:15:21 PM EST
To: "Agen, Jarrod (GOV)" <AgenJ@michigan.gov>, "Wurfel, Sara (GOV)" <Wurfels@michigan.gov>, "Murray, David (GOV)" <MurrayD1@michigan.gov>, "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
Subject: FW: Flint water

Egan is grilling Dillon. Andy doesn't want to return his call without one of you on the phone.

From: Andy Dillon [<mailto:adillon@conwaymackenzie.com>]
Sent: Thursday, November 19, 2015 2:04 PM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>; Muchmore, Dennis (GOV) <muchmored@michigan.gov>; Baird, Richard (GOV) <bairdr@michigan.gov>
Subject: Fwd: Flint water

I am not anxious to respond to him but my experience of ignoring him hasn't been very productive.

He is focused in on a relevant question.

Andy Dillon
Conway MacKenzie Inc.
401 S. Old Woodward Avenue, Suite 340, Birmingham, MI 48009
248.952.8868 (office) | [517.420.6825](tel:517.420.6825) (cell) | 248.433.3143 (fax)
adillon@conwaymackenzie.com

----- Forwarded message -----

From: Egan, Paul <pegan@freepress.com>
Date: Thu, Nov 19, 2015 at 1:48 PM
Subject: Flint water
To: "ADillon@ConwayMacKenzie.com" <ADillon@conwaymackenzie.com>

Hi Andy: Why did the state and city opt to go with KWA for Flint water supply when the study you commissioned from Tucker, Young, Jackson, Tull found that going with KWA would be more costly than staying with DWSD? (Here is excerpt from p. 17):

“Based on the analysis, it is prudent to assume the KWA water supply option costs would be somewhere

between the KWA-1 and KWA-2 options. Therefore, the analysis indicates that the two DWSD options

of supplying 8 MGD on a maximum day and up to 8 MGD on average are the least cost options for Flint.

These options allow Flint to maximize the use of existing assets; the City of Flint’s (the Flint WTP) and

DWSD’s (the existing 72-inch main).”

How would you describe your role in the chain of decisions that led to Flint drawing its water supply from the Flint River?

The Flint City Council opted to go with the KWA on the evening of March 25, 2013. Your schedule shows you had a 5 p.m. phone conversation at 5 p.m. that day with Dennis Muchmore “regarding Flint Water Supply alternatives.”

The next day, March 26, 2013, your schedule shows a 9 a.m. meeting at Treasury “regarding Flint water, a 1:30 p.m. phone call with Dan Wyant “regarding Flint/KWA,” and a w p.m. meeting in Lansing with Flint Mayor Dayne Walling?

What do you recall about these conversations/meetings? Did Muchmore sign off on the switch to KWA on behalf of the governor?

Thanks, Paul Egan

Detroit Free Press

Cell 517-282-8780

Byrne, Randall (Treasury)

From: Workman, Wayne (TREASURY)
Sent: Friday, November 20, 2015 8:42 AM
To: Saxton, Thomas (Treasury); Stanton, Terry A. (Treasury); Byrne, Randall (Treasury)
Subject: FW: Privileged Attorney-Client Communication - Outline of Flint Drinking Water Issues
Attachments: DEQ's Outline of Flint Drinking Water Issues for Flint Water Task Force - Attorney Client Privilege Work Product -11-16-2015.pdf; Draft Flint Drinking Water Events Timeline 11-6-15.docx

FYI

From: Anderson, Madhu (DEQ)
Sent: Thursday, November 19, 2015 1:21 PM
To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>
Cc: Kuhl, Richard (AG) <KuhlR@michigan.gov>
Subject: FW: Privileged Attorney-Client Communication - Outline of Flint Drinking Water Issues

Wayne – I have attached the documents we pulled together for the Governor's Flint Water Task Force. There is a Q&A document as well as a timeline of events (we have documents associated with each of the events). If you have a timeline too, it would be good to see as well. Let me know if you have any questions. Thanks,



Madhu R. Anderson
Deputy Director, Economic & Strategic Initiatives

☎ 517 284 6702 | 517 290 9653

✉ andersonm30@michigan.gov

DEQ

FLINT DRINKING WATER EVENTS TIMELINE

ATTORNEY CLIENT PRIVILEGE – DRAFT 11/6/2015

Date	Event	Attachment
Pre-1967	Flint Water Treatment Plant in operation using Flint River for drinking water	1
Post-1967	Flint switched to DWSD for drinking water	None
Jan 2006	Discussions regarding Karegnondi Water Authority, <i>Preliminary Long-Term Water Supply for Genesee County</i>	2
June/Sept 2009	<i>Lake Huron Water Supply Study Karegnondi Water Authority Executive Summary and Preliminary Engineering Report</i>	3
March 2013	<i>Analysis of the Flint River as a Permanent Water Supply for the City of Flint; Prepared for: City of Flint dated July 2011</i>	4
April 2013	Flint notifies DWSD of contract discontinuation and joins the Karegnondi Water Authority	5
April 2013	DWSD sets termination of Flint water service contract to April 17, 2014	6
June 2013	Flint notifies DEQ of intent to operate Flint Water Treatment Plant full time using Flint River for drinking water	7
April 2014	DEQ issues Flint WTP construction permits for full time operation enhancements W141025 and W141026	9
May 2014	Flint stops purchasing DWSD water. Starts using the City of Flint WTP and Flint River for drinking water	10
Aug 2014	Flint E.Coli Bacteria violation, Localized System Boil Water Advisory	11
Sept 2014	Disinfection Byproducts (TTHM), DEQ requests preemptive Operational Evaluation	12
Sept 2014	Flint Total Coliform Bacteria violation, Localized System Boil Water Advisory	13
Oct 2014	General Motors announces decision to stop using Flint River as source for production water	14

FLINT DRINKING WATER EVENTS TIMELINE

ATTORNEY CLIENT PRIVILEGE – DRAFT 11/6/2015

Date	Event	Attachment
Dec 2014	Disinfection Byproducts quarterly violation begins	15
Dec 31, 2015	1st 6-month round of lead and copper monitoring ends, 100 samples 90th percentile lead level, 6 parts per billion. Results due from Flint to DEQ on January 10, 2015	16
Jan 21, 2015	City of Flint Public Meeting regarding disinfection byproducts and bacteria	17
Feb 26, 2015	E-mail from EPA to DEQ regarding elevated lead sample	18
Feb 27, 2015	E-mail from EPA to DEQ inquiring about Optimized Corrosion Control Treatment	19
Feb 27, 2015	DEQ response to EPA email with statement regarding optimized corrosion control program	20
March 5, 2015	2nd Disinfection Byproducts quarterly violation notice	21
April 3, 2015	LT2 Surface Water Treatment Rule Letter	22
April 6, 2015	Flint proposes installation of Granular Activated Carbon Filter media to reduce disinfection byproducts	23
April 23, 2015	EPA e-mail to DEQ regarding corrosion control treatment	24
April 24 and May 1, 2015	DEQ responds to EPA regarding corrosion control treatment	25
April 27, 2015	EPA provided bottles to 212 Browning for lead/copper analyses	26
May 6, 2015	Lead service line replaced at 212 Browning. EPA on-site	27
May 28, 2015	Internal EPA e-mail regarding results at 212 Browning	29
June 9, 2015	3rd Disinfection Byproducts quarterly violation notice	30
June 10, 2015	Semi-Annual Conference call with EPA	31
June 30, 2015	E-mail from EPA scheduling conference call on July 21, 2015 regarding elevated lead result and concerns regarding corrosion control	32

FLINT DRINKING WATER EVENTS TIMELINE

ATTORNEY CLIENT PRIVILEGE – DRAFT 11/6/2015

Date	Event	Attachment
June 30, 2015	2nd 6-month round of lead and copper monitoring ends. Results due from Flint to DEQ on July10, 2015	None
July 9, 2015	DEQ informed that EPA draft internal memo is on ACLU website	33
July 14, 2015	DEQ issues construction permit to Flint for Granular Activated Carbon filter media W151055	34
July 21, 2015	Conference call with EPA (LCR implementation and Flint) during which it informs DEQ its interpretation of LCR	35
July 24, 2015	DEQ e-mail and draft letter 90th percentile lead determination = 11 parts per billion and City of Flint requirement to add corrosion control treatment	36
July 28, 2015	DEQ received blood lead level information from DHHS indicating that results since the switch to the Flint River are consistent with past years seasonal variations	37
Aug 4, 2015	Meeting with city representatives at Governor's office	38
Aug 17, 2015	DEQ notifies Flint of lead/copper monitoring results and requires City to install corrosion control treatment	39
Aug 23, 2015	DEQ notified by an external party that a water quality study was about to begin in Flint	40
Sept 2, 2015	Disinfection Byproducts return to compliance	43
Sept 11, 2015	EPA e-mail confirming that DEQ was never sent the draft June 24, 2015 memo	44
Sept 21, 2015	Meeting with Congressional representatives, legislators, EPA and DEQ to discuss issues with water quality in Flint	45
Sept 22, 2015	Meeting/Conference call with DHHS, GCHD, and DEQ to discuss lead education/outreach	46
Sept 24, 2015	Hurley Children's Hospital data reveals elevated blood lead levels in Flint children	47

FLINT DRINKING WATER EVENTS TIMELINE

ATTORNEY CLIENT PRIVILEGE – DRAFT 11/6/2015

Date	Event	Attachment
Sept 24, 2015	DHHS response affirms State blood lead level data is more comprehensive than Hurley Hospital data	None
Sept 25, 2015	Flint issues Lead Advisory regarding drinking water	48
Oct 1, 2015	State Chief Medical Officer confirms Hurley blood lead level data	None
Oct 1, 2015	GCHD issues "Do Not Drink" Advisory	49
Oct 2, 2015	DEQ and DHHS press conference. Governor's Flint Action Plan announced.	50
Oct 2, 2015	GCHD school screening water samples collected for lead analysis	51
Oct 8, 2015	Governor Press Conference: Flint to reconnect to Great Lakes Water Authority/Detroit Water and Sewerage Department	52
Oct 15, 2015	State Legislature authorizes a \$9 million to assist the City of Flint to pay for the return to the Detroit water system and to fund staff at schools to gauge lead exposure	None
Oct 16, 2015	First weekly coordination meeting held between the City of Flint and state agencies	None
Oct 16, 2015	DEQ meets with Flint Schools Superintendent and Genesee County Health Department	None
Oct 16, 2015	Flint switches back to DWSD for water	53
Oct 21, 2015	Governor Snyder announces formation of Flint Water Task Force to complete an After-Action Review	None
Oct 28, 2015	DEQ issues construction permit for additional corrosion control treatment W151104	54
Oct 30, 2015	DEQ letter to Flint regarding corrosion control treatment operation	55
Mid-Late 2016	Planned connection to Karegnondi Water Authority (Lake Huron water to Flint WTP)	None

**City of Flint Drinking Water
Outline prepared by the
Michigan Department of Environmental Quality for the
Flint Water Task Force**

I. INTRODUCTION

This document is intended to provide an overview of Michigan's implementation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), with respect to events in the city of Flint (City), Michigan.

II. BACKGROUND

1. How has Flint historically obtained its drinking water?

The water system in the City was organized and built under private ownership in 1883 as the Flint Water Works Company to pump raw water from the Flint River to their consumers. In 1903, the system was converted to a municipally-owned corporation which supplied drinking water to the City. In 1967, the City became a customer of the Detroit Water and Sewerage Department (DWSD) system.

After the switch to DWSD, the City operated its water treatment plant as a standby plant for purposes of reliability in the event of an emergency, such as an interruption in service of the single pipeline from DWSD. In the last ten years, the water treatment plant was used as an emergency backup during two weeks in 2009: June 18 through June 20 and September 10 through September 13.

As a backup emergency water treatment plant, the City was required to operate the water treatment plant quarterly to demonstrate the capability to produce drinking water in accordance with Act 399 and to keep mechanical equipment (such as valves, rubber seals, etc.) in good working order. Each quarter, the water treatment plant was test run and samples were taken of both raw water and finished water (post-filters). Since the water treatment plant was upgraded in the early 2000s, monitoring showed that the water treatment plant was performing as designed.

Contractual obligations with DWSD did not allow treated water to be put into the City's distribution system during these test runs. Treated water was discharged to the Flint River in accordance with a National Pollutant Discharge Elimination System (NPDES) Permit. The test runs were for demonstration purposes, to keep the water treatment plant operational, and staff familiar with operation in the event it was needed in an emergency.

2. What State and Federal laws or rules exist to ensure safe drinking water is provided to City residents?

The federal Safe Drinking Water Act (federal SDWA) is the primary law that ensures the quality of Americans' drinking water. Under the federal SDWA, the United States Environmental Protection Agency (USEPA) sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

The federal SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (The federal SDWA does not regulate private wells which serve fewer than 25 individuals.)

Originally, the federal SDWA focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap.

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to the USEPA for "primacy," - the authority to implement the federal SDWA within their jurisdictions - if they will adopt standards at least as stringent as the USEPA's and enforce those standards. Michigan adopted the Safe Drinking Water Act in 1976 through Act 399 and has maintained primacy for the program since that time.

3. What is the USEPA's role as a regulatory agency in implementing the SDWA?

Federal and state governments share responsibility for administering drinking water programs. Under the federal SDWA, the USEPA is given the responsibility for developing national standards and regulations that apply to the nation's public drinking water systems and enforcing those standards, by working with states.

Michigan's drinking water program is evaluated annually by the USEPA for compliance with the federal SDWA. Based upon these evaluations, the USEPA continues to find Michigan's drinking water program to be compliant with the federal SDWA.

4. What is the Michigan Department of Environmental Quality's (DEQ) role as a regulatory agency in implementing the SDWA?

The federal SDWA permits states to accept oversight of the drinking water program under an agreement with the USEPA giving states primary enforcement responsibilities (or primacy). In addition to this delegation of federal authority to the states, states also have the power to create additional regulations and programs governing drinking water suppliers through their own legislative and regulatory processes. Michigan has had regulatory authority of public water supplies since 1913 (Waterworks and Sewerage Systems, 1913 PA 98).

The DEQ has been granted primary enforcement authority in Michigan for the federal SDWA under the authority of Act 399. As such, the DEQ, Office of Drinking Water and Municipal Assistance, has regulatory oversight for all public water supplies, including approximately 1,400 community water supplies and 10,000 noncommunity water supplies. A community water supply provides year-round service to 15 or more living units (homes, apartments, dorm rooms, etc.) or 25 or more residents. A noncommunity water supply has 15 or more service connections or serves 25 or more individuals on an average daily basis for not less than 60 days per year.

The DEQ engages in a variety of activities to help water systems remain in, or return to, compliance. These activities include: conducting surveillance visits (inspections) at water systems and reviewing facilities, equipment, and operations; requiring the submission of plans and specifications for waterworks system improvements and issuing construction permits; providing for the training, examination, certification and regulation of persons operating water supplies; helping systems incorporate preventive measures; and since 1996, providing financial assistance for system improvements.

5. What is the City's role in implementing the federal SDWA and Act 399?

State and federal programs develop regulations and perform oversight and compliance activities, but do not treat or deliver water to customers. At the local level, public and private water utilities collect, treat, and deliver drinking water to consumers in compliance with state and federal regulations.

The federal SDWA and Act 399 set up multiple barriers against contamination. These barriers include: source water protection, multiple treatment components, distribution system integrity, proper operations oversight, and public information. As the owner of a public water system, the City is responsible for knowing and following all requirements under Act 399, such as ensuring proper design, construction, operations and maintenance, so that contaminants in tap water do not exceed the standards established by law. The City treats the water, and must test its water routinely for specified contaminants and report the results to the DEQ. If a water system is not meeting these standards, it is the water supplier's responsibility to notify its customers.

The federal SDWA and Act 399 recognize that customers have the right to know what is in their drinking water and where it comes from. The City, like all water suppliers, must notify consumers when there is a problem with water quality.

The City submits samples of its water for laboratory testing (monitoring) to verify the water it provides to residents meets all federal and state standards. How often and where samples are taken varies from system to system and from contaminant to contaminant. The DEQ provides an annual monitoring schedule to the City setting forth these requirements.

In addition, the City is required to employ properly certified water operators that are trained and experienced to operate the treatment and distribution systems associated with the City's water system.

6. What approvals were needed from the DEQ in order for the City to begin using its water treatment plant full time?

The City had long ago been issued construction permits for raw water pumps to withdraw water from the Flint River and the City was grandfathered under the water withdrawal program (Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended), as were all existing community public water systems at that time. There were no additional DEQ

permissions or authorizations required under Act 399 because the City already had approval to use the water treatment plant.

Under Act 399, there are no licenses or permits required to operate public water systems. The City did apply for and obtained two construction permits prior to the water treatment plant changing from an emergency backup plant to full-time operation. These permits were for new chemical feed equipment, changes to the electrical service, etc.

III. THE FLINT RIVER – IS IT A SAFE SOURCE OF DRINKING WATER?

Seventy-five percent of Michigan's population served by a public water supply receive their drinking water from surface water sources, the majority of which is withdrawn from the Great Lakes. However, several public water supplies in Michigan utilize water from inland rivers. All surface water sources require significant treatment in order to be safe for consumption.

While all surface water sources must receive a high level of treatment, inland river sources present a greater challenge than water withdrawn from one of the Great Lakes because of rapidly changing water quality conditions. Under most circumstances, rivers are prone to greater fluctuations in temperature, have higher amounts of organic material, greater turbidity (suspended solids), and are more vulnerable to microbiological and viral contamination than Lakes Huron, Erie, Michigan or Superior. While the water chemistry in the Flint River differs from that in Lake Huron, it can still be treated in accordance with the federal SDWA and Act 399. The waterworks industry has the technology to treat wide ranging source waters to provide potable and palatable drinking water, including direct reuse of treated wastewater. Regardless of source water quality, all public water systems must comply with the same drinking water standards in the finished water

It is not the source water that reacts with the homeowners plumbing in the distribution system, but rather the finished water quality that is important. Treated water leaving the City's water treatment plant does not contain lead. In addition, the treatment process employed by the City includes lime softening to reduce the hardness in the river water. The City includes lime softening and pH adjustment primarily to improve aesthetic water quality associated with hardness. Lime softening is not a process that water supply professionals would expect to increase corrosivity of water. The City, however, does practice recarbonation to readjust pH at the end of the softening process.

pH levels of finished water leaving the City's water treatment plant averaged 7.7. Expanded water monitoring conducted quarterly at 25 sample sites located throughout the distribution system showed the following:

July – September 2014	average pH = 7.71	range: 7.56 – 7.86
October – December 2014	average pH = 7.88	range: 7.62 – 8.10
January – March 2015	average pH = 7.81	range: 7.60 – 7.99
April – June 2015	average pH = 7.63	range: 7.48 – 7.80

The data below was obtained at ten of the sampling locations throughout the City's distribution system, while they were still purchasing water from DWSD before the City switched to the Flint River as a source:

January – March 2014 (DWSD)	average pH = 7.47	range: 7.40 – 7.54
April 2014 (DWSD)	average pH = 7.49	range: 7.42 – 7.59

Note that the pH of the treated water produced while the City was using the Flint River did not differ significantly from pH values seen in the distribution system during the time the City purchased water from DWSD. Thus, pH monitoring provided no indication of a change in water corrosivity.

IV. E. COLI AND TOTAL COLIFORM BACTERIA VIOLATIONS

1. What caused the *E. coli* and total coliform bacteria violations experienced by the City in August and September 2014?

A number of factors, primarily related to distribution system operation and maintenance, likely contributed to the Boil Water Advisories in the City during August and September 2014 triggered by exceedances of bacteria standards in limited areas of the distribution system. In addition, the coliform detections were confined to less than 20 percent of the water system. Had the detections been the result of a failure in treatment, detections would have been expected throughout the City rather than in such a limited geographic area.

Instead, the violations seem to have been caused by other factors such as aging infrastructure. The City's water distribution system has suffered from a lack of infrastructure investment and asset management. Most of the City's over 550 miles of water mains are now over 75 years old, and constructed of unlined cast iron piping. This cast iron pipe is subject to tuberculation, which thins and weakens the pipe walls in some areas and causes a buildup of sediment and debris on the pipe walls in other areas. Tuberculation can lead to water quality issues as well as reduced flows and pressures. Tuberculation also encourages the development of biofilms. Biofilm growth may occur more frequently in areas where little or no disinfectant is maintained.

The City has also experienced decades of a declining customer base and water use, with vacant homes, commercial businesses, and industrial property. Declining water use leads to excess residence time (water age) within the City's distribution pipes and water storage facilities, accelerating tuberculation, biofilm growth, and reductions of disinfectant concentration in the distribution system. While the City has recently seen an infusion of funding for blight removal, contractors using fire hydrants to complete this work have been known to cause hydraulic disturbances that dislodge and suspend settled debris, which may contribute to the bacterial contamination. These hydraulic disturbances were also believed to be a source of the aesthetic water quality complaints both the City and the DEQ were receiving.

The winter of 2013-2014 was also one of the coldest experienced by the water system. The City, which historically has unaccounted water losses of over 30 percent, saw even greater losses since February 2014 due to an increase in cold weather-related water main breaks and leaks (City personnel reported 400 water

main breaks in calendar year 2014, with greater than 50 percent in the winter quarter). The City has also been lacking a formal maintenance program for its more than 7,250 valves, which are critical in limiting the areas impacted during water main repairs. As an example, two valves on the transmission line used to supply the area of the 2014 Boil Water Advisories were found to be closed during the City's investigation of possible sources, causing much longer residence times, reduced disinfectant concentrations, and reduced pressures – all potential avenues for contamination to enter a distribution system.

The Boil Water Advisories also occurred during the warmest and relatively wet periods of August and September 2014. Warm weather conditions are not only more conducive to bacterial growth but also degrade disinfectant concentrations more quickly. As already explained, longer residence times, biofilms, and tuberculation contribute to lowered disinfectant concentrations. Warm, wet weather conditions also allow water contaminated with bacteria to accumulate or pond around piping that leaks and breaks.

During the summer of 2014, the City was actively repairing the distribution system (City personnel reported 29 water main breaks in June through August 2014). After the switch to the Flint River, it was discovered that there were many broken or closed valves in the distribution system (City personnel reported 120 broken valves and 239 valves in an improper position). As the City began correcting these problems, they did detect the presence of coliform organisms in the distribution system in testing conducted as a result of the repairs. This sporadic detection is not an unusual occurrence. Many communities have experienced similar issues when significant repairs are made in the system and/or they suffer water main breaks and localized pressure losses.

2. How were the violations detected? What was the DEQ's response?

Federal SDWA regulations regarding monitoring and standards for bacteria in water distribution systems are incorporated into Act 399. There are a variety of bacteria, parasites, and viruses which can potentially cause health problems if humans ingest them in drinking water. Testing water for each of these potential pathogens would be difficult and expensive. Instead, community water systems are required to test monthly for total coliform and *E. coli*. Total coliform bacteria, while not pathogenic, often originate from the same sources as many pathogens. Therefore, the presence of total coliform in drinking water indicates there may be a pathway for pathogens or other contaminants to enter the system. The absence of total coliforms in the distribution system indicates a minimal likelihood that pathogens are present. *E. coli* is itself a pathogen and its detection is considered direct evidence of a health risk.

The Boil Water Advisories which occurred in the City were associated with bacteria monitoring detections and violations of bacteria standards. These advisories were issued by the City after consultation with the DEQ.

Upon receiving information indicating total coliform and *E. coli* bacteria had been detected, the DEQ advised the City to issue a Boil Water Advisory from August 15 through 20, 2014, for the affected portion of the City. Another Boil Water Advisory was issued from September 5 through 9, 2014, due to localized detections of total

coliform bacteria in the same and adjacent portions of the City. The advisories covered an area of less than 20 percent of the water department's service area.

Once a Boil Water Advisory has been issued, time is needed to investigate potential causes and implement corrective measures. The larger the water system, the more time this may take. Once corrective measures have been taken, samples must be collected and analyzed to confirm that bacteria are no longer present. Under approved analytical methods used by the City, samples must be incubated for 24 hours before results can be obtained. In situations where the bacterial contamination has been confirmed, two consecutive rounds of safe samples collected at least 24 hours apart are normally obtained before canceling a Boil Water Advisory. Adding each of these steps together, a normal response period to rescind a Boil Water Advisory under these circumstances would be expected to take 3 to 4 days.

V. TOTAL TRIHALOMETHANES (TTHM) VIOLATIONS

1. What caused the TTHM violations experienced by the City beginning in late summer 2014?

Disinfectants are an essential element of drinking water treatment because of the barrier they provide against waterborne disease-causing microorganisms. However, disinfection byproducts form when disinfectants used to treat drinking water react with naturally occurring organic materials in the water (e.g., decomposing plant material). The formation of disinfection byproducts continues to occur as water travels throughout water distribution systems.

A major challenge for water suppliers is how to provide protection from pathogens while simultaneously minimizing health risks to the population from disinfection byproducts. Total Trihalomethanes (TTHM – chloroform, bromoform, bromodichloromethane, and dibromochloromethane) and halogenated acetic acids (HAA5 – monochloro-, dichloro-, trichloro-, monobromo-, dibromo-) are widely occurring classes of disinfection byproducts. The amount of TTHM and HAA5 in drinking water can change depending on the season, water temperature, amount of chlorine added, the amount of plant material in the water, and a variety of other factors. All community water systems that chemically disinfect or purchase water that has been chemically disinfected are required to monitor for disinfection byproducts.

The Flint River has higher levels of organic material than water in the Great Lakes and as a result, the water produced by the City developed higher disinfection byproducts than the water purchased from DWSD. Because the water treatment plant was previously operating intermittently, it was not possible to predict disinfection byproduct levels at distribution system compliance points until the City began relying on its water treatment plant continuously.

As mentioned previously, the City became aware that there were numerous broken valves and closed valves that should have been open in the distribution system. At that time, the City also began a mapping effort to identify "water age" in the distribution system. The longer the residence time or "water age" the greater the opportunity for the formation of disinfection byproducts.

2. How were the violations detected? What was the DEQ's response?

Disinfection byproducts are monitored at eight sites throughout the distribution system. A locational running annual average is calculated for each individual site. Because TTHM and HAA5 maximum contaminant levels are calculated based on a running annual average at specific distribution system locations, the actual violation of the standard did not occur until the fall of 2014. However, because it was apparent in the summer of 2014 that the standard would eventually be exceeded; the DEQ asked the City to proactively implement measures to address the problem before the violation required them to do so.

As a result of maintenance efforts undertaken by the City to repair valves and correct improperly closed valves, the City was able to improve water flow in the distribution system and thereby reduce residence time or "water age" in the system. Operational changes made to reduce the amount of storage in the system also helped reduce residence time which contributed to a reduction in disinfection byproduct formation.

In addition to operational changes to minimize residence time in the distribution system, the City added granular activated carbon to its filters in July 2015. Levels of TTHMs and HAA5s were reduced and the City returned to compliance on September 1, 2015.

VI. THE TASTE, ODOR, AND COLOR COMPLAINTS RECEIVED BY FLINT**1. What caused the taste, odor, and color complaints received by the City from residents?**

Taste, odor, and color issues are very personalized. While water leaving the water treatment plant did not have any unusual taste, odor or color; during the summer after the switch to the Flint River, customer complaints increased. Construction in the distribution system, hydrant flushing, and changes in flow characteristics are all known causes of disturbances within the distribution system that can cause an increase in taste, odor, and color complaints. Aesthetics, such as taste, odor, and color, while a concern, by themselves are not a threat to public health.

2. What was the DEQ's response?

The DEQ consulted with the City regarding these complaints. The City indicated that they were offering to investigate such complaints for anyone that had issues; but City personnel informed the DEQ that they were not able to recreate these situations in the field. In addition, as a result of the repair work that was underway and the increased flushing to reduce water age in the system to help control TTHMs, it was anticipated that there would be short-term disturbances in the system that would cause color and odor complaints. All water supplies are advised to provide notice to residents prior to undertaking a flushing program because flushing (even routine flushing) often causes temporary problems as described. Based on information from City personnel, it appeared that the complaints were related to such operational activities occurring in the distribution system.

VII. LEAD ISSUES IN THE FLINT DRINKING WATER

1. What causes lead in drinking water?

Lead is rarely found in source water. Lead enters tap water through corrosion of plumbing materials. Homes built before 1986 are more likely to have lead fixtures and solder. Older homes built prior to World War II are more likely to contain lead pipes. The most common problem with newer construction is with brass or chrome-plated brass faucets and fixtures which can leach significant amounts of lead into the water, especially hot water. The amount of lead in tap water also depends on the types and amounts of minerals in the water, how long the water stays in the pipes, the amount of wear in the pipes, the pH of the water, and its temperature.

2. What is the Lead and Copper Rule?

On June 7, 1991, the USEPA published a regulation to control lead and copper in drinking water. This regulation is known as the Lead and Copper Rule (also referred to as the LCR). The treatment technique for the rule requires systems to monitor drinking water at customer taps. If the 90th percentile for lead exceeds an action level of 15 parts per billion (ppb) or the 90th percentile for copper exceeds an action level of 1.3 parts per million (ppm), the system must undertake a number of additional actions to control corrosion. If the action level for lead is exceeded, the water supply must also inform the public about steps they should take to protect their health and the water supply may have to replace lead service lines under their control.

3. What is the lead action level?

For most contaminants, the USEPA sets an enforceable regulation called a maximum contaminant level based on the maximum contaminant level goal. Maximum contaminant levels are set as close to the maximum contaminant level goals as possible, considering cost, benefits, and the ability of public water systems to detect and remove contaminants at the water treatment plant using suitable treatment technologies. Because lead contamination of drinking water often results from corrosion of the plumbing materials belonging to water system customers, the USEPA established a treatment technique rather than a maximum contaminant level for lead. A treatment technique is an enforceable procedure or level of technological performance which water systems must follow to control a contaminant. Although the maximum contaminant level goal for lead is zero, based upon the above factors, the USEPA has established the action level for lead at 15 ppb.

The treatment technique regulation for lead requires water systems that produce drinking water to control the corrosivity of the water. The regulation also requires systems to collect customer tap samples from sites served by the system that are more likely to have plumbing materials containing lead. If the 90th percentile action level for lead is exceeded, then water systems are required to take additional actions including:

- Optimizing corrosion control treatment (for water systems serving greater than 50,000 people that have not fully optimized corrosion control).

- Educating the public about lead in drinking water and actions consumers can take to reduce their exposure to lead.
- Replacing the portions of lead service lines (lines that connect distribution mains to customers) under the water system's control.

4. Did DWSD have optimized corrosion control treatment?

After the LCR passed in 1991, DWSD and all of its consecutive customer systems conducted two rounds of monitoring for lead and copper. Copper levels were well below action level limits, but lead levels exceeded the action level of 15 ppb for DWSD and many of its customer communities. As a result, DWSD installed corrosion control treatment. DWSD performed a corrosion control study and concluded that they could reduce the corrosivity of the water by the addition of an orthophosphate, a corrosion inhibitor.

5. Did the DEQ require the City to have corrosion control in place when it switched to the Flint River as its source of drinking water?

No. There are two ways under the LCR to deem a water supply as providing "optimal corrosion control" – either by sampling and determining through a calculation that the supply is "optimal" or by installing treatment if it is needed. The DEQ requested that the City perform two 6-month rounds of monitoring to demonstrate if the City was practicing optimal corrosion control treatment. According to state regulations [R325.10604f(2)(b)(iii)], a system can demonstrate optimized corrosion controls by sampling in two, consecutive 6-month monitoring periods and comparing the results of this monitoring to the lead level in the source. Optimal corrosion control under this scenario would be defined as having the 90th percentile in each of these monitoring periods lower than the sum of the lead in the source and the practical quantification limit for lead of 5 ppb. Since the source water has 0 ppb lead, the City would have been deemed optimal if its 90th percentile of lead was 5 ppb or less in these two consecutive periods. However, once a system has installed treatment, it would also be considered optimized regardless of the 90th percentile level achieved, as long as it does not exceed the action level of 15 ppb.

In this case, the City had been purchasing water from DWSD that was treated for corrosion control. It was the DWSD water system that was considered as having optimized corrosion control at that point. Since the City water system had not been the supplier of water before, the DEQ did not require the City to maintain corrosion control for which it was not responsible [R325.10604f(2)(b)]. It could not "maintain" operations undertaken elsewhere by a different entity for a different source of water. The DEQ's instructions to the City were consistent with past practices afforded to all other large water systems. At the beginning of the LCR, all large systems were initially granted the option to demonstrate optimal corrosion control treatment through full-scale monitoring under the applicable rules. For these reasons, two 6-month rounds of monitoring, as required by the LCR, were the required means to determine whether or not optimal corrosion control was being achieved.

6. How does the DEQ calculate the 90th percentile?

To determine the 90th percentile of a list of lead or copper results, the procedure below is followed:

- Step 1: Place lead or copper results in ascending order
 Step 2: Assign each sample a number, 1 for lowest value
 Step 3: Multiply the total number of samples by 0.9 – this yields the 90th percentile sample. For example: 20 samples x 0.9 = 18th sample. This is the 90th percentile level.

Calculating the 90th percentile is easiest when a supply collects 10 samples (or a multiple of 10). Note that the 90th percentile must be interpolated if the number of samples is not a multiple of 10.

7. What was the result of the first round of monitoring conducted by the City?

The first 6-month round of lead and copper monitoring conducted by the City ended on December 31, 2014. One hundred samples were submitted and the 90th percentile lead level was calculated to be 6 ppb. The next step required by the DEQ was for the City to collect a second round of monitoring.

8. What was the result of the second round of monitoring conducted by the City?

The second 6-month round of lead and copper monitoring conducted by the City ended on June 30, 2015. Sixty-nine samples that complied with the site selection criteria were submitted and the 90th percentile lead level was calculated to be 11 ppb. The conclusion from these results was that the City, while in compliance with the action level, exceeded the level required to be deemed as having optimized corrosion control.

9. Why was the City required to collect 100 compliance samples for lead and copper in the first 6-month monitoring period of July through December of 2014 and then only 60 compliance samples in the second 6-month period of January through June of 2015?

The number of compliance samples required for lead and copper is based upon the population served by the water system as identified in the table below, taken from Rule 325.10710a of Act 399.

Supply Size (Number of People Served)	Number of Sites (Standard Monitoring)	Number of Sites (Reduced Monitoring)
More than 100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
Fewer than 101	5	5

The number of samples the City was required to collect in the first round of monitoring after they began relying on the Flint River was based on the 2010 census, which listed the City's population as more than 100,000 residents. In March of 2015, the City provided updated information that indicated the City's population had decreased to less than 100,000. Therefore, they were only required to collect 60 samples. There is no rule prohibiting the collection of additional compliance samples – only establishing a minimum number necessary.

10. What actions did the DEQ order the City to undertake after the second round of monitoring?

While the City's LCR compliance monitoring continued to meet action level requirements, the City exceeded the level required to be deemed as having optimized corrosion control. Following receipt of the City's compliance monitoring results, the DEQ sent a letter on August 17, 2015, requiring the City to install corrosion control treatment.

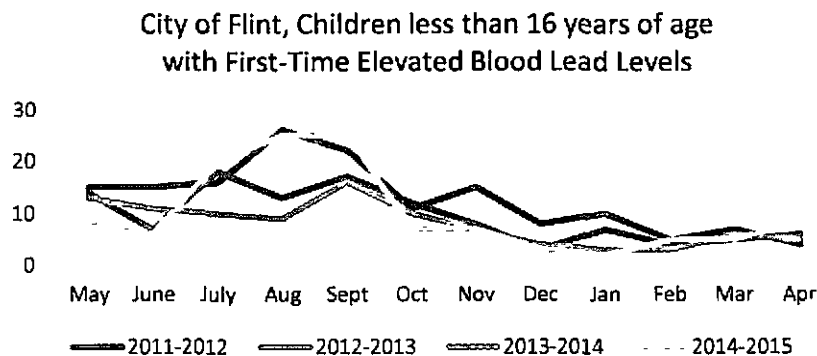
Under the LCR, the City has 6 months to let the DEQ know whether it intends to conduct a study, then 18 months to perform the study and make its recommendation, and 24 months to complete installation of the selected corrosion control. The DEQ requested the City accelerate this schedule. The City submitted plans and specifications to install corrosion control treatment and a construction permit was issued by the DEQ on October 28, 2015. The City is in the process of installing the necessary equipment and procuring the appropriate chemicals. Treatment is expected to be on-line by the end of November 2015. As of October 16, 2015, the City resumed purchasing water from DWSD that is already optimized and provides a corrosion inhibitor. The additional treatment by the City will further enhance the amount of inhibitor in the system.

11. What had Michigan Department of Health and Human Services (DHHS) advised the DEQ regarding blood lead levels prior to the DEQ ordering the City to implement optimized corrosion control?

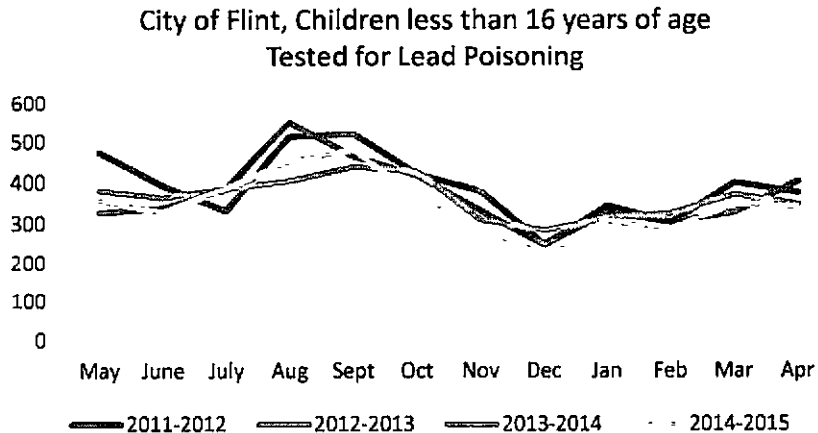
In an e-mail dated July 28, 2015, regarding blood lead testing, the Michigan DHHS indicated that they:

"...compared lead testing rates and lead testing results to the same time frame for the previous 3 years, to see if there were any patterns that suggested that there were increased rates of lead poisoning after the water supply was switched. Per the attached charts –

- Lead testing rates remained about the same from year-to-year...



- There was a spike in elevated blood lead tests from July-September 2014...



- However, that pattern was not terribly different from what we saw in the previous three years; especially in 2011-2012 (we are working with our Epidemiologist to statistically verify any significant differences).
- We commonly see a 'seasonal effect' with lead, related to people opening and closing windows more often in the summer, which disturbs old deteriorating paint on the windows, sills and sashes. Window fans frequently blow and spread the lead dust from the deteriorating paint to other parts of the room/house. We suspected that the summer data spike may be related to this effect.
- If the home water supply lines and/or river water were contributing to elevated blood lead tests, we expected that the increased rates would extend beyond the summer, but they drop quite a bit from September to October, stayed low over the winter, and are just starting to tail up again in the spring of 2015."

This e-mail from DHHS in concert with the completion of two 6-month rounds of lead compliance sampling data indicating that the City had not exceeded an action level for lead provided the basis for the DEQ to maintain that the water in the City continued to be in compliance with the federal SDWA and Act 399.

12. When did the DEQ first become aware of allegations of elevated blood levels being detected in certain children?

The DEQ was notified on August 23, 2015, by a professor from Virginia Tech that "over the next few months we will be studying Flint water quality issues..." Results indicating elevated lead levels in homes were reported as part of this study in late August. In September 2015, information was reported in news articles that

pediatricians in the City had data suggesting an increase in children's blood lead levels in two zip codes in the Flint area.

Prior to these dates, the City had already completed the required two 6-month rounds of monitoring and the DEQ had made a determination that the City must install corrosion control treatment as documented in correspondence dated August 17, 2015.

VIII. QUESTIONS RAISED REGARDING THE DEQ'S ACTIONS

- 1. What was the DEQ's response to the USEPA's inquiry in February 2015 regarding the optimized corrosion control treatment being implemented by the City under the LCR?**

The DEQ indicated that the City was complying with the LCR, the lead 90th percentile level was below the action level of 15 ppb, and the City was already conducting the second round of monitoring which would provide for a determination of whether additional treatment needed to be installed. It should be noted that once treatment is designated as optimal, there is no requirement in the LCR that lead results be lower than they were before treatment was installed. The 90th percentile only needs to be lower than the action level in the LCR.

- 2. Did the DEQ attempt to mislead the USEPA in a February 27, 2015, e-mail responding to the USEPA's inquiry regarding Optimal Corrosion Control Treatment?**

No. There was no attempt by the DEQ to mislead the USEPA. There is an e-mail from Steve Busch, Jackson and Lansing District Supervisor, Office of Drinking Water and Municipal Assistance, indicating that the City was practicing a corrosion control program. What was meant was that the City was performing the required monitoring to determine whether or not they were practicing optimized corrosion control. The DEQ subsequently clarified its position in follow-up e-mails and telephone conversations with the USEPA.

- 3. When General Motors announced its intent to terminate water service from the City and purchase water from Genesee County, should this have been a sign that there were concerns with the quality of the water after the switch to the Flint River?**

No. General Motors made a decision regarding the quality of water for its manufacturing processes. At the time, the company indicated that the chloride levels were above limits acceptable as part of the manufacturing facility's limit for production purposes. The level of chlorides in the water treated by the City was not a human health or aesthetic concern.

Chloride does have a secondary maximum contaminant level established by the USEPA, not for health-related concerns but rather for taste and aesthetic concerns. Concentrations greater than the secondary maximum contaminant level of 250 milligrams per liter (mg/l) become objectionable due to taste. According to the City's records, the chloride concentration in the Flint River water is generally about 45 mg/l and the treated water chloride concentration leaving the water treatment

plant ranges between 55 and 65 mg/l. It should be noted that the City uses ferric chloride as its primary coagulant, although this does not add a significant amount of chloride to the finished water.

4. Has the USEPA subsequently admitted that the LCR is subject to differing interpretations such as that presented by the DEQ?

Yes. On November 3, 2015, the USEPA issued a memorandum regarding the "Lead and Copper Rule Requirements for Optimal Corrosion Control Treatment for Large Drinking Water Systems". This memorandum addresses concerns raised about the application of the LCR, specifically the requirements pertaining to maintenance of optimal corrosion control treatment, in situations in which a large water system ceases to purchase treated water and switches to a new drinking water source. The USEPA states that this type of situation rarely arises, that the language of the LCR does not specifically discuss such circumstances, and that there are differing possible interpretations of the LCR with respect to how the rule's optimal corrosion control treatment procedures apply to this situation. The memorandum is intended to clarify, on a prospective basis, steps agencies should take or apply in the future. USEPA's new guidance provides acknowledgement that the LCR is subject to differing interpretations. The DEQ's interpretation and application of the LCR in this situation was in compliance with the federal SDWA and Act 399.

5. Did the DEQ reject any of the samples submitted by the City?

Yes, samples at two locations were excluded from the compliance calculation in conformance with rules issued by the USEPA.

According to the LCR, compliance samples must be a first draw, 1-liter sample collected from a cold water, kitchen or bathroom tap after the tap has stood unused for not less than 6 hours. Federal and state rules require community public water systems to identify a pool of targeted high-risk sampling sites, called Tier 1 sampling sites. For a municipality such as the City, the Tier 1 sampling pool must consist of single family structures that are:

- served by a lead service line,
- contain lead pipes, or
- contain copper pipes soldered with lead installed after 1982 but before Michigan enacted the ban on solder containing high concentrations of lead (June, 1988).

As long as a community has Tier 1 sites that contain lead service lines, they are required to collect at least 50 percent of their compliance samples from these lead service line sites. Finally, federal and state rules specify that "Sampling sites may not include faucets that have point of use or point of entry treatment devices designed to remove inorganic contaminants." Such treatment devices include home softeners, iron filters, etc. Samples collected from multiple family residences, commercial buildings, institutional facilities, or single family structures with point-of-use or point-of-entry treatment can only be used if the community has insufficient Tier 1 sites available.

One of the samples submitted by the City was excluded from the 90th percentile compliance calculation in the latest monitoring period because it was taken from a tap at a non-residential site (non-Tier 1). The other sample result that was excluded was collected from a single family home that has a whole house treatment system. Both of these sites are, therefore, excluded from the compliance consideration based upon federal and state rules

6. Did the DEQ review the information submitted by the City to ensure all samples were from Tier 1 sites?

Yes. The DEQ examined the information submitted and certified by the City that its LCR compliance monitoring sites consisted entirely of Tier 1 criteria sites, which met the requirements of this rule to maximize sampling of high-risk targeted sites.

During the initial implementation of the LCR approximately 25 years ago, water supplies were required to complete a materials evaluation of their distribution system to identify a pool of targeted, high-risk sampling sites. These sites were to be categorized into one of three Tiers (1, 2, or 3) based on risk. The DEQ created an LCR reporting template for water systems to identify each compliance sampling site by Tier, service line material, and building plumbing material.

If a water system has sufficient Tier 1 sites, they are required to sample them before using any lower Tier sites. Furthermore, if they have sufficient sampling sites with lead service lines, they are required to use them to make up at least 50 percent of their sampling pool each monitoring period. Water supplies are also required to use the same sampling sites each time or explain on their LCR reporting form why they were unable to do so. Finally, the water system is required to certify all of the information they provide on the LCR reporting form is factual.

The DEQ must rely upon the public water system to identify appropriate sampling sites for LCR monitoring. The DEQ public water supply program has no control or authority over service lines or domestic plumbing. As a result, we have no records on construction standards or materials used by customers for these components. If these records exist, they are kept by plumbing code enforcement officials.

In 2015, City employees again certified that the information submitted on their LCR monitoring reports for the two 6-month rounds of monitoring conducted after they began treating the Flint River were accurate, and DEQ staff review of that information indicated it was in compliance with the monitoring requirements. The DEQ had no reason to question the validity of the City's reports until the DEQ heard City employees revealing to the media that the City did not know for certain if its compliance monitoring was collected from homes with lead service lines. As a result, the DEQ began to investigate the City's monitoring sites. As the City began to transfer its customer information to electronic records, the DEQ determined from the information available that a significant number of these sites that had been listed as having lead service lines either did not have them or the information was unavailable. On November 9, 2015, the DEQ notified the City in writing that it would be necessary to conduct a complete assessment of its sampling pool and report back its findings by December 30, 2015. The DEQ is now awaiting the City's response.

7. Did the DEQ believe the levels of lead found at 212 Browning in April 2015 were indicative of a system-wide problem?

High levels of lead were collected in samples taken from this residence. It was determined to be coming from an unusually long lead service line. For some reason, this home was not connected to the water main that ran in front of the house, but rather to a main located on a street several houses away. The City replaced the lead service line May 6, 2015. Since the internal plumbing of the house is plastic, it was believed that replacement of the lead service line would resolve the problem, and subsequent sampling taken at this address showed that replacement of the service line did mitigate the problem. There was, therefore, no reason to believe that this was indicative of a system-wide problem.

8. Do the DEQ's sampling instructions comply with the LCR?

The DEQ continues to seek official clarification from the USEPA regarding the sampling protocols. The DEQ's sampling recommendations were developed to ensure compliance with the USEPA's guidance provided in the preamble to their lead and copper regulations that said that household use should be "typical" for a residential customer on the day before sample collection for lead and copper. Early in the implementation of the LCR, the DEQ had encountered too many situations where compliance samples had been collected from kitchen and bathroom taps that had not been used in days and in some cases, even weeks, resulting in excessively stagnated water and correspondingly high lead levels that did not represent typical exposure expected after overnight stagnation. To incorporate these results into further regulatory decision making could have led to actions that were not indicative of a true public health threat. Further complicating this issue was the USEPA's direct implementation of the LCR in Washington, D.C., where it was learned that some "valid" lead results were not always being included in compliance calculations. Subsequently, the USEPA made invalidation of samples for any reason much more difficult. In order to ensure samples were taken at customer taps representative of typical use, the DEQ devised the current recommendations for ensuring appropriate but not excessive stagnation for LCR monitoring.

The DEQ continues to believe it is appropriate to ensure that taps being sampled are representative of typical household use and are sampled during the recommended stagnation period of 6-18 hours. The LCR does not say the result should represent the "absolute worst case" condition – it talks about sampling the highest risk locations (lead plumbing, lead service lines, high lead content solder piping, etc.) after overnight stagnation and then collecting a first draw sample so as not to flush elevated lead from that tap at that point in time. There are a number of other states that share the DEQ's interpretation of the rule and the DEQ encourages the USEPA to provide official clarification directed at all states with primacy.

9. Does the DEQ require the use of small-neck bottles to obtain samples?

No. The DEQ does not mandate the use of small-neck bottles; it is the sampling method that is specified in both the federal SDWA and Act 399. Each certified drinking water laboratory provides bottles to their customers upon request for any particular analysis in accordance with the specifications in the SDWA. The bottles provided by the DEQ Drinking Water Laboratory for a lead and copper corrosion control sample meet these requirements.

Dempkowski, Angela (Treasury)

From: Workman, Wayne (TREASURY)
Sent: Wednesday, November 25, 2015 10:52 AM
To: Natasha Henderson; Michael Glasgow; Brent Wright
Cc: Chris Kolb; Saxton, Thomas (Treasury)
Subject: RE: Request from the Flint Water Advisory Task Force

Thank you

From: Natasha Henderson [mailto:nhenderson@cityofflint.com]
Sent: Wednesday, November 25, 2015 10:35 AM
To: Michael Glasgow <mglasgow@cityofflint.com>; Brent Wright <bwright@cityofflint.com>
Cc: Chris Kolb <chris@environmentalcouncil.org>; Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Fwd: Request from the Flint Water Advisory Task Force

Hello Mike,

Please schedule a meeting with yourself and Brent to speak with the Advisory Task Force. I will not be present for the meetings, and the meetings will be one on one. The Task Force is evaluating the water situation so this will not be very formal.

Hope you have a Happy Thanksgiving!

Thanks,

Natasha L. Henderson, City Administrator
1101 S. Saginaw St.
Flint, MI
Email: nhenderson@cityofflint.com
Phone: (810) 237-2057
www.cityofflint.com

----- Forwarded message -----

From: "Chris Kolb" <chris@environmentalcouncil.org>
Date: Nov 19, 2015 11:18 AM
Subject: Request from the Flint Water Advisory Task Force
To: "Natasha Henderson" <nhenderson@cityofflint.com>
Cc:

Natasha,

Attached is a letter we sent to your and the Mayor's attention last Friday. I wondered if you had had a chance to help with our request. We have several members who are available next Monday and Tuesday to meet with the requested individuals in Flint.

Thank you for your assistance in this matter.

Sincerely,

Chris Kolb, President & CEO
Michigan Environmental Council
602 W. Ionia
Lansing, MI 48933

517.487.9539 (office)

517.487.9541 (fax)

734.277.1536 (cell)

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Flint Water Advisory Task Force

November 12, 2015

Ms. Karen Weaver, Mayor
Ms. Natasha Henderson, City Administrator
City Hall
1101 S. Saginaw St.
Flint, MI 48502

Dear Mayor Weaver and Administrator Henderson:

As you are aware, Governor Snyder has appointed a Flint Water Advisory Task Force to review what led to the problem of high lead levels in drinking water, review the related regulatory framework, and make appropriate recommendations to prevent reoccurrence in Flint or elsewhere in Michigan. Members of the Task Force are Dr. Lawrence Reynolds, Dr. Matthew Davis, Eric Rothstein, Chris Kolb, and Ken Sikkema.

As part of our review, we would like to talk with appropriate individuals who are or were responsible for Flint Water Treatment Plant operations and capital planning during the past few years. We think these discussions are important for us to understand how the source water conversion was planned and implemented, how challenges in treating water from the Flint River were managed, and how water quality in the distribution system was monitored and addressed.

Individuals we would like to meet with include (1) Howard Croft, (2) DPW Staff – Daugherty Johnson, Brent Wright, Mike Glasgow and (3) Warren Green with the LAN engineering firm. We are requesting your assistance in securing the availability of these individuals in the afternoon of Monday, November 23 or anytime on Tuesday, November 24. If preferable, we can contact these individuals directly for scheduling purposes and would request your assistance in ensuring this scheduling is appropriately prioritized.

Please feel free to contact us through email or by telephone. Thank you for your assistance and cooperation in this important matter.

Sincerely,



Chris Kolb
chris@environmentalcouncil.org
517-487-9539



Ken Sikkema
ksikkema@pscinc.com
517-484-4954

Cc: Dr. Lawrence Reynolds
Dr. Matthew Davis
Eric Rothstein

Workman, Wayne (TREASURY)

From: Saxton, Thomas (Treasury)
Sent: Wednesday, November 25, 2015 1:05 PM
To: Ken Sikkema
Cc: Baird, Richard (GOV); Workman, Wayne (TREASURY)
Subject: RE: Flint Water Advisory Task Force Interviews in Flint
Attachments: Fwd: Request from the Flint Water Advisory Task Force

Ken,
Wayne and I spoke to Natasha this morning. She is on vacation. We delivered the message quite clearly and she should understand now that the Task Force is to have open access to key City individuals. Further, we indicated she does not need to be nor should she be present during those conversations. (See attached.) I did not have your list at the time of the conversation with her; my understanding is one of the individuals may no longer be engaged with the City. The bottom line is, if you still are having trouble reaching or talking to people, just let us know and we will follow up.

From: Ken Sikkema [mailto:ksikkema@pscinc.com]
Sent: Wednesday, November 25, 2015 10:30 AM
To: Saxton, Thomas (Treasury)
Cc: Baird, Richard (GOV)
Subject: Flint Water Advisory Task Force Interviews in Flint

Tom:

Just got off the phone with Rich Baird regarding our desire to interview individuals in Flint who had/have responsibility for various aspects of managing the Flint Treatment Plant or responsibility in the Department of Public Works. The attached letter lists the initial list prepared by Eric Rothstein, It is essential that we have unfettered and unrestricted access to these individuals.

Thank you for your assistance.

Ken

--

Ken Sikkema
Senior Policy Fellow
Public Sector Consultants
PH: 517-484-4954
ksikkema@pscinc.com

Pleyte, Beth (Treasury)

From: Chris Kolb <chris@environmentalcouncil.org>
Sent: Wednesday, November 25, 2015 3:25 PM
To: Michael Glasgow
Cc: Natasha Henderson; Brent Wright; Workman, Wayne (TREASURY); Saxton, Thomas (Treasury)
Subject: Re: Request from the Flint Water Advisory Task Force

Mike,

Thanks for getting back to me. Are you and Brent available on Wednesday?

Thanks,
Chris Kolb

Sent from my iPhone

On Nov 25, 2015, at 1:04 PM, Michael Glasgow <mglasgow@cityofflint.com> wrote:

Chris,

I can make myself available Monday afternoon or later Tuesday afternoon to meet. I believe Brent will be available at these times as well. If these times are not convenient for you, let me know what works best for you and we will try to adjust our schedules accordingly.

Sincerely,

On Wed, Nov 25, 2015 at 10:35 AM, Natasha Henderson <nhenderson@cityofflint.com> wrote:

Hello Mike,

Please schedule a meeting with yourself and Brent to speak with the Advisory Task Force. I will not be present for the meetings, and the meetings will be one on one. The Task Force is evaluating the water situation so this will not be very formal.

Hope you have a Happy Thanksgiving!

Thanks,

Natasha L. Henderson, City Administrator
1101 S. Saginaw St.
Flint, MI
Email: nhenderson@cityofflint.com
Phone: (810) 237-2057
www.cityofflint.com

----- Forwarded message -----

From: "Chris Kolb" <chris@environmentalcouncil.org>

Date: Nov 19, 2015 11:18 AM

Subject: Request from the Flint Water Advisory Task Force

To: "Natasha Henderson" <nhenderson@cityofflint.com>

Cc:

Natasha,

Attached is a letter we sent to your and the Mayor's attention last Friday. I wondered if you had had a chance to help with our request. We have several members who are available next Monday and Tuesday to meet with the requested individuals in Flint.

Thank you for your assistance in this matter.

Sincerely,

Chris Kolb, President & CEO
Michigan Environmental Council
602 W. Ionia
Lansing, MI 48933

517.487.9539 (office)

517.487.9541 (fax)

734.277.1536 (cell)

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www.twitter.com/michenvcouncil

--

Mike Glasgow
Utilities Administrator
City of Flint
1101 S. Saginaw St.
Flint, MI 48502
(810)766-7135 ext. 2602

\$79,500,000
KAREGNONDI WATER AUTHORITY
STATE OF MICHIGAN
WATER SUPPLY SYSTEM BONDS, SERIES 2015B
(LIMITED TAX GENERAL OBLIGATION)

Bond Production Report - Retail

Sale Date: 11/18/15 First Call Date: 11/1/25
Dated Date: 11/25/15 First Call Premium: 100.00%
Delivery Date: 11/25/15
First Coupon Date: 5/1/16

Principal Due	Principal	Bond Type	Cumulative Bond Years	Coupon	Yield	Price	Gross Production
11/1/16	\$0.00	Serial	0.00	5.000%	5.000%	100.000	\$0.00
11/1/17	1,205,000.00	Serial	2,329.67	5.000%	0.870%	107.900	1,300,195.00
11/1/18	1,280,000.00	Serial	6,025.67	5.000%	1.260%	110.736	1,395,273.80
11/1/19	1,325,000.00	Serial	11,237.33	5.000%	1.510%	113.277	1,500,920.25
11/1/20	1,395,000.00	Serial	18,119.33	5.000%	1.740%	115.348	1,609,076.70
11/1/21	1,460,000.00	Serial	26,782.00	5.000%	1.970%	116.887	1,708,550.20
11/1/22	1,530,000.00	Serial	37,390.00	5.000%	2.180%	118.053	1,808,210.90
11/1/23	1,610,000.00	Serial	50,162.67	5.000%	2.380%	118.837	1,913,275.70
11/1/24	1,685,000.00	Serial	65,215.33	5.000%	2.580%	119.198	2,008,452.80
11/1/25	1,770,000.00	Serial	82,797.33	5.000%	2.750%	119.439	2,114,070.30
11/1/26	1,865,000.00	Serial	103,188.00	5.000%	3.030%	116.787 **	2,178,077.55
11/1/27	1,980,000.00	Serial	128,577.33	5.000%	3.150%	115.872 **	2,267,171.20
11/1/28	2,055,000.00	Serial	153,155.33	5.000%	3.220%	115.027 **	2,363,804.85
11/1/29	2,155,000.00	Serial	183,181.67	5.000%	3.280%	114.681 **	2,470,944.55
11/1/30	2,265,000.00	Serial	217,005.67	5.000%	3.310%	114.205 **	2,588,743.25
11/1/31	2,380,000.00	Serial	254,927.00	5.000%	3.380%	113.570 **	2,702,966.00
11/1/32	2,495,000.00	Serial	297,175.67	5.000%	3.500%	112.492 **	2,808,675.40
11/1/33	2,625,000.00	Serial	344,280.67	5.000%	3.650%	112.048 **	2,941,207.50
11/1/34	2,750,000.00	Serial	396,317.33	5.000%	3.800%	111.602 **	3,069,055.00
11/1/35	2,880,000.00	Serial	453,924.67	5.000%	3.850%	111.161 **	3,212,552.90
11/1/36	3,035,000.00	Serial	517,457.33	5.000%	3.700%	110.721 **	3,380,382.36
11/1/37	3,185,000.00	Serial	587,315.00	5.000%	3.750%	110.284 **	3,512,546.40
11/1/38	3,345,000.00	Term	664,027.00	5.000%	4.347%	109.415 **	3,659,931.75
11/1/39	3,515,000.00	Term	748,152.67	5.000%	4.362%	109.415 **	3,845,937.25
11/1/40	3,690,000.00	Term	840,158.67	5.000%	4.375%	109.415 **	4,037,413.50
11/1/41	3,875,000.00	Term	940,648.33	5.000%	3.850%	109.415 **	4,239,831.25
11/1/42	4,065,000.00	Term	1,050,132.33	5.000%	4.425%	108.984 **	4,430,199.60
11/1/43	4,270,000.00	Term	1,169,407.67	5.000%	4.435%	108.984 **	4,653,616.80
11/1/44	4,755,000.00	Term	1,364,852.33	5.000%	4.444%	108.984 **	7,381,889.20
11/1/45	7,085,000.00	Term	1,576,930.00	5.000%	3.900%	108.984 **	7,721,516.40
	<u>\$79,500,000.00</u>						<u>\$88,776,466.95</u>

Par Amount: \$79,500,000.00

Production (Discount)/Premium: 9,276,466.95

Gross Production: \$88,776,466.95

(Bond Insurance): 0.00

Underwriter's (Discount): (341,210.00)

Bld: \$88,435,256.95

Accrued: 0.00

Net to Issuer: \$88,435,256.95

Gross Interest Cost: \$78,848,500.00

+ Net Discount/(Premium): (8,935,256.95)

Net Interest Cost: \$69,911,243.05

Bond Years: 1,576,930.00

Average Coupon: 5.00000% @

Average Life: 19.836

Net Interest Rate: 4.43338% @

True Interest Cost: 4.12362% @

Arbitrage Yield: 3.51390% @

Run Date: 10/2/16 15:55

** Callable Premium Bonds Priced to 11/1/25 Call Date @ 100.00% Significant for Arbitrage Purposes

Original Issue Premium	\$9,276,466.95
Original Issue Discount	0.00
Net OI Premium	<u>\$9,276,466.95</u>

Public Financial Management, Inc.
3989 Research Park Drive
Ann Arbor, Michigan 48108
Telephone: (734) 688-8688 Fax: (734) 688-6723

PRS

Cousineau, Sara (Treasury)

From: Connors, Paul (Treasury)
Sent: Monday, November 30, 2015 10:20 AM
To: Cousineau, Sara (Treasury)
Subject: FW: City of Flint Lawsuit

Can you set up a conference call with him, me, Fred Headen and Ann. Thanks

From: Dave N Sheeran [mailto:Dave.Sheeran@Meadowbrook.com]
Sent: Monday, November 30, 2015 10:11 AM
To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>
Cc: Steven Smith <Steven.Smith@Meadowbrook.com>
Subject: RE: City of Flint Lawsuit

Paul,

Can we set up a call to talk about this coverage?

David N. Sheeran, CPA | Executive Vice President
[o] 248. 204.8544 [c] 248.361.0084 [f] 248.869.6045
26255 American Drive, Southfield MI 48034

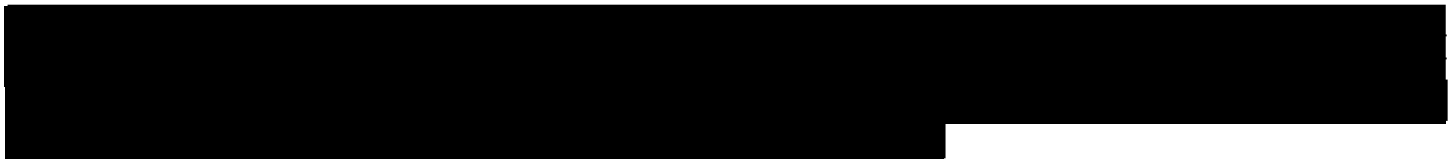


From: Connors, Paul (Treasury) [mailto:ConnorsP@michigan.gov]
Sent: Tuesday, November 24, 2015 9:13 AM
To: Dave N Sheeran
Cc: Storberg, Ann Marie (TREASURY)
Subject: FW: City of Flint Lawsuit

Dave

Here is our legal counsel's views. I believe that as an EM the SOM will purchase liability coverage. How much is coverage for the EMs. Do cost vary upon locale?

From: Headen, Frederick (Treasury)
Sent: Friday, November 20, 2015 3:35 PM
To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>
Subject: RE: City of Flint Lawsuit



From: Connors, Paul (Treasury)
Sent: Friday, November 20, 2015 11:40 AM
To: Headen, Frederick (Treasury) <HeadenF@michigan.gov>
Subject: FW: City of Flint Lawsuit

Thoughts?

From: Dave N Sheeran [<mailto:Dave.Sheeran@Meadowbrook.com>]
Sent: Thursday, November 19, 2015 12:51 PM
To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>
Cc: Steven Smith <Steven.Smith@Meadowbrook.com>
Subject: FW: City of Flint Lawsuit

Dear Paul,

Thanks for your time yesterday. Meanwhile today we received notice of a lawsuit recently filed in regards to the City of Flint water system. As you will note, Darnell Earley is a named defendant.

We have notified the carrier and will follow up with the carrier. Meanwhile, we want to circle back on the State of Michigan defending emergency managers particularly when they are no longer the EM at the public entity. If the SOM agrees to defend a former EM's actions, then the professional liability coverage for a current EM will be more attractive to the markets and cost less. In this case Mr Earley is named in a lawsuit for his actions while at the City of Flint and there is a policy in place. We are working on the renewal for his professional liability coverage while the EM at DPS.

Does the SOM want each EM to purchase individual professional liability and charge the premium to the public entity? What public entity and how would we allocate this premium?

Sorry to bring this up, just looking for clarification.

Please call me to discuss any questions.

David N. Sheeran, CPA | Executive Vice President
[o] 248. 204.8544 [c] 248.361.0084 [f] 248.869.6045
26255 American Drive, Southfield MI 48034



From: John Clark [<mailto:jclark@gmhlaw.com>]
Sent: Thursday, November 19, 2015 12:00 PM
To: Dave N Sheeran; Steven Smith
Cc: Darnell Earley
Subject: RE: City of Flint Lawsuit

Dave/Steve – Attached is a lawsuit recently filed in regards to the City of Flint water system. As you will note, Darnell Earley is a named defendant. Please take all necessary steps to ensure that the appropriate insurance carrier is notified of this claim.

Please advise.

John

John Clark

Giarmarco, Mullins & Horton, P.C.
Tenth Floor Columbia Center
101 West Big Beaver Road
Troy, Michigan 48064-5280
Phone: (248) 457-7023
Fax: (248) 404-6323
Email: jclark@gmhlaw.com
www.gmhlaw.com

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Schafer, Suzanne K. (Treasury)

From: Byrne, Randall (Treasury)
Sent: Monday, November 30, 2015 11:04 AM
To: Workman, Wayne (TREASURY); Schafer, Suzanne K. (Treasury)
Subject: Karegnondi water system update

Wayne and Suzanne:

FYI, Mayor Weaver nominated herself to be Chairman of the Karegnondi Water Authority Board. The Authority selected Drain Commissioner, Greg Alexander from Sanilac County as the new Chairman. Councilman Eric Mays and Laura Sullivan were also sworn in as new members on the Board. Please let me know if you have any questions.

Thanks,
Randy



Randall Byrne | State Administrative Manager
Local Government Services - Fiscal Responsibility Section
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 335-2521 | (517) 373-0633 (fax) | ByrneR1@michigan.gov

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Byrne, Randall (Treasury)

From: Byrne, Randall (Treasury)
Sent: Monday, November 30, 2015 2:55 PM
To: Workman, Wayne (TREASURY)
Subject: Meeting with the Genesee County Drain Office and Mayor Weaver

Wayne:

Drain Commissioner, Jeff Wright has a meeting scheduled with Mayor Weaver at 11:00 a.m. on December 2nd. at Flint City Hall. Please discuss with me.

Thanks,
Randy



Randall Byrne | State Administrative Manager
Local Government Services - Fiscal Responsibility Section
State of Michigan | 430 W. Allegan Street, 3rd Floor | Lansing, MI 48922
(517) 335-2521 | (517) 373-0633 (fax) | ByrneR1@michigan.gov

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Workman, Wayne (TREASURY)

From: Saxton, Thomas (Treasury)
Sent: Monday, November 30, 2015 4:35 PM
To: Stanton, Terry A. (Treasury); Workman, Wayne (TREASURY)
Cc: Sampson, Jeremy (TREASURY)
Subject: RE: Tracking the appropriations on certain bills

Unless I am missing something I am 'good' with Brian's response below

From: Stanton, Terry A. (Treasury)
Sent: Monday, November 30, 2015 1:18 PM
To: Workman, Wayne (TREASURY)
Cc: Saxton, Thomas (Treasury) ; Sampson, Jeremy (TREASURY)
Subject: Re: Tracking the appropriations on certain bills

Yes probably. Can get that from BC.

On Nov 30, 2015, at 1:09 PM, Workman, Wayne (TREASURY) <WorkmanW@michigan.gov> wrote:

Will his next question be how much was spent on Detroit?

Sent from my iPhone

On Nov 30, 2015, at 1:06 PM, Stanton, Terry A. (Treasury) <StantonT@michigan.gov> wrote:

All-

See Brian's suggested response in bold below. I think this works fine but wanted your collective ok...

Please advise.

-- On the \$780K spent on the EMs, was that just for FY 2013 or did that carry forward into other fiscal years?

In Fiscal Year 2013 \$696,583 was spent on Emergency Managers. We had additional carryover funds and on going funding to cover emergency manager costs for Fiscal Year 2014 and 2015.

-- Of the \$2.9M spent to "cover the costs of financial consultants, legal services, operations management and other professional services," was that specifically on Detroit or did other municipalities/local governments get a cut?

The \$2,900,000 in consultant, legal and operational costs were across all municipalities and school districts that fell under P.A 436.

Begin forwarded message:

From: "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>
Date: November 30, 2015 at 11:55:05 AM EST
To: "Carpenter, Brian (TREASURY)"
<CarpenterB@michigan.gov>
Cc: "Sampson, Jeremy (TREASURY)"
<SampsonJ@michigan.gov>
Subject: Fwd: Tracking the appropriations on certain bills

Brian...

See below which you should've received as a fwd a few minutes ago.

Was any of the \$780 spent in fy'14? I assume there was some carryover...

And on question 2, it wasn't just Detroit correct?

Thanks...TS

Begin forwarded message:

From: Jacob Kanclerz <jacob@mirsnews.com>
Date: November 30, 2015 at 11:38:37 AM EST
To: "Saxton, Thomas (Treasury)"
<SaxtonT@michigan.gov>
Cc: "Workman, Wayne (TREASURY)"
<WorkmanW@michigan.gov>, "Stanton, Terry A. (Treasury)" <StantonT@michigan.gov>, "Pleyte, Beth (Treasury)" <PleyteB@michigan.gov>
Subject: Re: FW: Tracking the appropriations on certain bills

Quick couple follow-ups on this info as I look to finish this up today:

-- On the \$780K spent on the EMs, was that just for FY 2013 or did that carry forward into other fiscal years?

-- Of the \$2.9M spent to "cover the costs of financial consultants, legal services, operations management and other professional services," was that specifically on Detroit or did other municipalities/local governments get a cut?

On Wed, Nov 25, 2015 at 2:28 PM, Jacob Kanclerz <jacob@mirsnews.com> wrote:

Tom! Good to hear from you again. Sorry to hear about Terry. I'll follow up with you guys a bit more

next week if need be, I had to push this story back for another matter that just came up, but I appreciate the response.

On Wed, Nov 25, 2015 at 2:09 PM, Saxton, Thomas (Treasury) <SaxtonT@michigan.gov> wrote:

Jacob – Terry has been out on some family issues... so I am trying to cover for him. See the highlighted response below in terms of your email re expenditures/appropriations on some of the distress communities. Hopefully this answers your question(s). I am going to be out this afternoon but I am around next week to track down info if you have follow up questions.

From: Carpenter, Brian (TREASURY)
Sent: Wednesday, November 25, 2015 10:33 AM
To: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Cc: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>
Subject: RE: Tracking the appropriations on certain bills

Tom, please see below. Let me know if you want more detail.

According to the bill language, the \$780K is for Treasury "to administer the provisions of this act and to pay the salaries of emergency managers."

The entire \$780,000 was spent to cover the salaries of emergency managers for the following cities / school districts:

Allen Park

Benton Harbor

Detroit

Detroit Public Schools

Ecorse

Flint

Hamtramck

Highland Park Schools

Muskegon Heights Schools

And on the \$5.78 M is "to administer the provisions of this act, to secure the services of financial consultants, lawyers, work-out experts, and other professionals to assist in the implementation of this act, and to assist local governments in proceeding under chapter 9."

Of the \$5,000,000 appropriated \$2,948,532 has been spent to cover the costs of financial consultants, legal services, operations management and other professional services. The remaining balance as of 9/30/2015 is \$2,051,457. The remaining funds will continue to be used to support local distressed communities and schools.

Note:

\$10,000,000 was appropriated in 2012 to cover the costs of consulting services for local units. The funds appropriated in 2012 were used until June of 2014, therefore the 2013 appropriation would not have been used until all remaining 2012 funds were expended.

From: Saxton, Thomas (Treasury)
Sent: Wednesday, November 25, 2015 5:44 AM
To: Carpenter, Brian (TREASURY)
<CarpenterB@michigan.gov>
Cc: Workman, Wayne (TREASURY)
<WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>; Pleyte, Beth (Treasury) <PleyteB@michigan.gov>
Subject: Re: Tracking the appropriations on certain bills

following our conversation yesterday afternoon... where are you at in terms of the response we talked about ? He is under a deadline.

From: Jacob Kanclerz [<mailto:jacob@mirsnews.com>]
Sent: Wednesday, November 18, 2015 1:58 PM
To: Stanton, Terry A. (Treasury)
<StantonT@michigan.gov>
Subject: Tracking the appropriations on certain bills

Terry,

I'm doing some digging on some appropriations that have been tacked onto certain bills in the past

few years, and I have a few I wanted to check on that pertain to Treasury.

First, on SB 865 from 2012, I wanted to see how both the \$5.78M and \$780K were spent.

According to the bill language, the \$780K is for Treasury "to administer the provisions of this act and to pay the salaries of emergency managers."

And on the \$5.78M is "to administer the provisions of this act, to secure the services of financial consultants, lawyers, work-out experts, and other professionals to assist in the implementation of this act, and to assist local governments in proceeding under chapter 9."

I'm particularly curious about the last one, given the specific of chapter 9 bankruptcy. This bill was signed into law about half a year before the city of Detroit entered into its Chapter 9 case.

Both appropriations were made for FY 2013, but both were made work project appropriations, so I'd love to know if there were any left over funds as it pertains to this bill.

Next, I have HB 4361 from 2011. This bill had \$1M appropriated to Treasury (I believe) to begin implementing the requirements of the bill. I'd like to know how it was specifically spent. Also, this also had work project account status, so if there are leftover funds, let me know.

My deadline for this is next Wednesday, 11/25, at the latest. Thank you!

Nov 2015



REALITY

Flint 9AM

Josh
FREEMAN

NASTASIA, MAYOR WALLING,
WENDY LAMPHIER (for FRED)
RANDY ERIC

Watermain break

- Flint is not pressing right now
- Not pressing - COZ of the cost
- Will issue a RFP



LEAD Problem

is true that odd the heat reduces leaching

Plant working with DEQ to do that.

additive
phosphorus

Not started that -
Planning that out RFP out

- in compliance w SAFE WATER DRINKING ACT so it pertains to Lead.

→ Flint will do a press conference.

→ 2 related issues

1. Virtech. Come in 2 yrs ago on Detroit system - test hitting water - would have found lead in samples as well.

(2)

underlying problem too much lead
in system
WATER sitting in lead pipes
will show

FOCVT grant

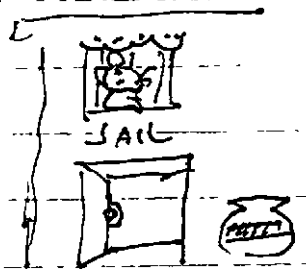
- NAT →
- App. is complete -
 - reviewed it yest.
 - going to submit it to

WATER lawsuits update

- No new developments
- hopeful for a story

WORKING w Charter Comm. Now

- focusing on getting charter
to the voters
Mott Foundation to help
fund their efforts



①

FLINT CALL

NATASHA

• WENDY

MAYOR
NATASHA

• Priorities

• Received order yesterday

• working on a plan
to cut:

1. Hiring freeze

2. Spending freeze

- People not paying water bills

3. Looking at lay off

• No one making payments

— After this week — look to

— immediate impact for US

— Not collecting

— Plan to decrease capital
projects

— Police only positions ~~to~~ to
determined to be hired

②

* The GACO is definitely working

= When KWA is completed and Flint can connect? can you pay for the water?

NAT maybe not - because no one is paying

(PAYING on Bond
KWA Systems)

* INKSTER lost class action suit - They ~~is~~ credited all the accounts

II

More immediately

Police hiring

— Will They have to go through academy

- 5 ~~are~~ are ready to go, been through academy
- 5 need to go through academy



(FLINT)



Council President

Great participation & teamwork -
merphers, citers, illinois, OHW, Texas

- day to day functions
- fire stations - lines are tremendous
- Homebound / no train

MTA has partnered w/ Flint

- Takes people to water to homebound
- goes right to front door -
drop off - Number they can call
for water delivery

Overall - its working - people are
getting water, filters, testing on
bottled water

Volunteers is going well -
momentum is real high

NATASHA

• work locally w/ State + county

• seen a strain in the city

using pol + fine

- get a grasp we need to be
re-imbursed

• waste management contract



(2)

- Water testing
 - ~~switch~~
 - switch from River to DWSD
 - corrosion control
- DEQ, EPA - working with
- Delvilette - Volunteered to help w crises manage
- KATRINA
 - becoming a really big strain with the state - A lot of this done locally
 - PIO } Very busy
 - PR }
 - Finance director

EXAMPLE
first get a call - Pol to ~~direct~~ direct
traffic

- E.O.C where is the EOC setup
operations
- station on ~~operations~~ // FINANCIAL
- overtime costs w fire / police

(3)

WATER BILLING

CASH end last
FRI Dec 2016

- Flint - no shut off notices sent
- Flint can it they want
- CAN CHARGE ~~RATE~~ previous -
- But not doing that ...

OPERATIONS WATER

WORKING w DEQ to tie in
to KWA

ASST. to tie w KWA -

\$6.4M shared cost w COUNTY

MARK EDWARDS - Flint...

APPLYING for DRINKING WATER LOAN
FUND

APP to be submitted

extended \$15M to \$25M

would address public + private
SIDE

Syr Plan equals to \$125M

Flint
WANTS
to be
eligible



Flint does know worse areas
of lead contamination

they know where water sits

600 miles

of main infrastructure

could have an additional 100 miles
more of infrastructure

Public Safety

FIRE / Police

FIRE - cont to be distribution
centers



EVENING

Pub works Comm.

Planning & Development

meeting
format

Shavers v City of Flint update

\$15.7M Council did unanimously
approve that

55" PIPE

FLINT 9 AM

N HENDERSON, MAYOR WALKING,
J. FREEMAN, (F. HEDDEN), R. BRANE, E. CLARK
P. WIDIGAN P. DOSTINE } WENDY

Good morning, maybe you can
bring us up-to-date with developments

- Bring us up to date
- what's are the city's mission

Approved \$2M to take
fund balance
revenue + DUSD

- Come to RTAB
- contract w. General 10
+ DUSD permission

negotiation period

- No hiccup in the county
- how long to reconnect?

Rates DUSD offered ^{us} ~~the~~ lower
than giving the county.

(2)

Converse Co. balked at Low
rate to city.

MAYOR Wallin making progress
on Co. negotiations

— Budget resolution

• letter from Adair.

• \$2M from ~~the~~ Fund balance water Fund

— testing is happening on 8 mile line

— Flint cost \$8 / water

— County \$14 for water

— A few days to re-connect

— State legislative aspect

• who state's role

• will ask w. workman a Govt?

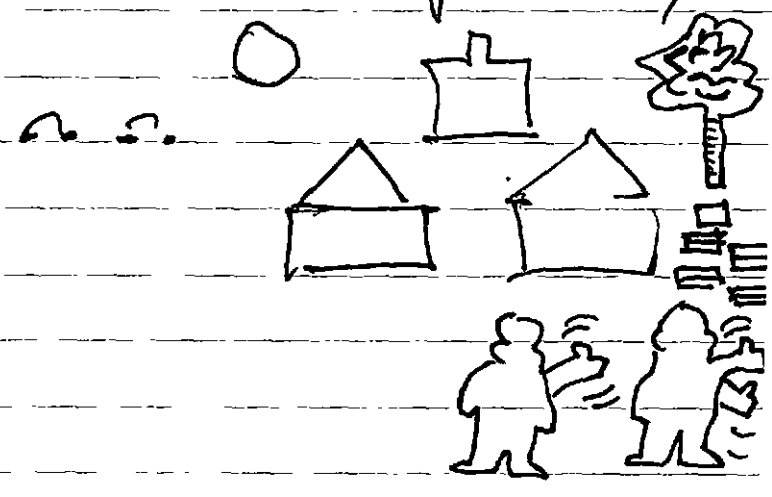
• should Flint move ahead before State
legislature finishes.

•

— once test come back, cleared by DCA

III Still need answer about the legal fees,
Legal rates

IV Press releases



Public Safety

x fires are down — ~~prohibits~~ disabilities
Flint from getting grants

x down in tier 1 crimes
44 · Homicides
· WAP
· armed robbery } down overall

x Chief of POL - participation
- Viol Redden Network
Fed. Dept. of Jus - initiative
provide coordinated support
to commanders / high violent
crime rate - higher than them not.
Avg.

(4)

Michigan only

- State Pol. involved in Detroit
- tech. assistance
- site liaison - assigned to
Chief Tolbert

2 separate

1st Quarter Budget Amendments
not going to be ~~an~~ NOV.

- it does significantly decrease the
fund balance.
- another amendment that keeps
the fund balance down.

2 Resolutions

- o ~~\$~~2M to ~~an~~ change
- o NATASHA provision to execute
- 2 agreements / DUSD / Genesee Co.

9:30 AM FLINT

Priorities

1. Proposing and quickly
Tues. presentation to the County
for Emergency Declaration
→ next step. Mayor sets Gov tomorrow -
Emergency Declaration

Henderson

- E.O.C. NATASHA met w them
yesterday -

G.I.S. Mapping
• Mapping homes that have
lead lines
• Condemned homes will
be noted too
• Also collecting info on the
system.

• More of an account manager
of lines that ~~have~~^{have} been affected.

- Recruitment for DPW

- met 2 recruiters

- like Ms Parker from NML to
search a DPW director

(2)

TJA 1st recruiter



Received letter from Treasurer
75% cost of legal fees
would be paid by Treasury
for the Kinross lawsuit

DPW topic

Timeline using MML

- o 120 days
- o DPW Port Huron recruited -
got 25 applicants
- o Flint believes Parker + MMC

Will be successful cuz she
has done recruitment recently



Seydten + Common control Program

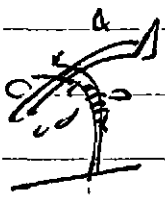
- o going quite well
- o collecting ~~raw~~ samples and testing
- o positive to reports

Still discuss w EPA & DEQ

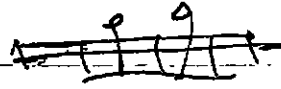
- o tying into DWSA
- o Temporary water line -



3.



WATER



TEMP. WATER LINE

see previous page

KWA - Jan 20 moved Feb 20th

- Board mtg. moved.
- Mayor doesn't know why it was changed.
- Flint's been meeting w/ Board

— Flint meets w/ DEQ every FRIDAY



Water & Sewer Rates

- Audit was filed
- Has to be completed by Audit
- Increase rates
- All of that done by Month of April
- Publishing of rates
- This will be before budget and started Jul. 2016

(4)

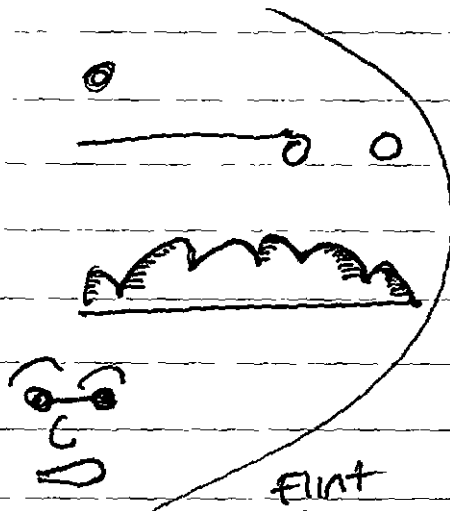
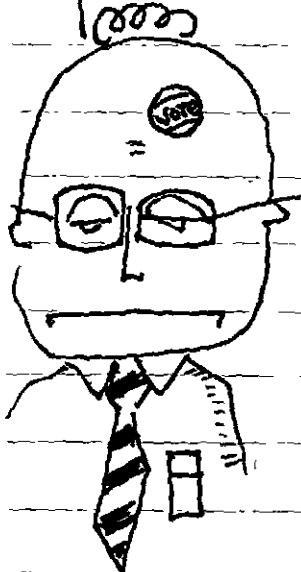


RTA's mtg

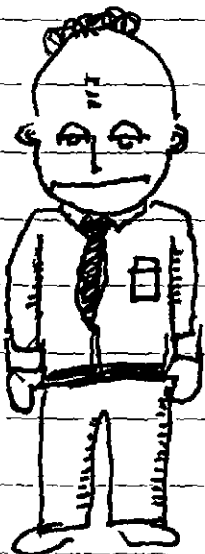
- Council did not meet Dec. 28
- Mtg happened Dec. 21st

T.

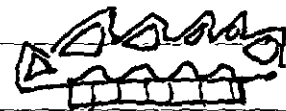
• Special Mtg Dec 30



• Will not have to re-imburse
the water + sewer fund.



Council Pres:



been getting numerous calls

PA436

cuz of Eric Mays - can PA436
have him removed?

• Fred said "that's the council
decision"

Joe Heffernan 2/18 [REDACTED]

Accts Rec PPT Review from LCSEA

non debt part but new

debt part ~ week or two ago

GASB 33 eligibility & audit

Full Annual at same time

12/31 cut thru - important 3/4 prepared

RIGHT Accounting

How much of Accts.

- Concurrent KWA & GLWA payments
- Debt service payments starting in 2017 (November)
- Additional Debt levies
- What is the \$7 million Debt payment in October? Net Debt Service?

Deb Cherry-Co Treas

@ 2014 Item 4,000 accounts

County will not collect on Water (Pottery)

But back from county? state pays 65%

city stock at 35% since Treas

2014 full 2014 back in

will not pursue

But not all (35%) will

Not be reimb. by state

All appeared as fully paid in Dirty Debt

because county made them whole

For closure?

@ Refunds those that have already paid 2014 Item

(5) late fees waived? + 65% Reimb?

^{some} commercial is multi use residential

Deloitte model based on actual data.

late fees built in? 28 M ^{water + sewer not} _{bill + cost}

22.5 M late fee reb. of? ^{est. model}

~~28.5~~ 28.5 + 2.5 + (6) 3.4 M ^{Revenue} _{estimate}

DASHBOARD: Rec

ARK Dech recap Almar's conference

Print all LAF bonds in date range in database

Scan FOTA Paper files to have Revoy

Search ADMIN for Database → FOTA