

From: [Shekter Smith, Liane \(DEQ\)](#)
To: [Sygo, Jim \(DEQ\)](#)
Subject: RE: Follow up on Phelps FOIA request
Date: Friday, October 23, 2015 2:36:00 PM

Jean Shekter would be able to easily answer that question and she's out starting today until November 2nd. I'll check with her supervisor, Kris Philip, but not sure whether she'll know how to track them down or not.

Might be easier to ask EPA. I'll look into it.

From: Sygo, Jim (DEQ)
Sent: Friday, October 23, 2015 2:33 PM
To: Shekter Smith, Liane (DEQ)
Subject: Fwd: Follow up on Phelps FOIA request

Are the primacy documents readily available?

Sent from my iPhone

Begin forwarded message:

From: Lindsey Smith <lmsmi@umich.edu>
Date: October 23, 2015 at 2:03:13 PM EDT
To: "Wurfel, Brad (DEQ)" <WurfelB@michigan.gov>
Cc: "Sygo, Jim (DEQ)" <SygoJ@michigan.gov>
Subject: Re: Follow up on Phelps FOIA request

Hi guys,

I found the DEQ administrative rules that go with PA 399. Wondering, how difficult it would be to get a hold of the documents that transfer primacy from EPA to DEQ? That's something you're looking at, right Jim? Just want to make sure I'm not missing something relevant. Let me know. BTW, thanks for your time yesterday, I appreciate it.

Best~

On Tue, Oct 20, 2015 at 5:04 PM, Lindsey Smith <lmsmi@umich.edu> wrote:
I'm traveling and won't be back until Wednesday afternoon. My cell is [8109235839](tel:8109235839) best

On Tuesday, October 20, 2015, Wurfel, Brad (DEQ) <WurfelB@michigan.gov> wrote:
Pulling in technical expertise. No need to FOIA, but this is out of my depth. Jim? Need your counsel here.

b

From: Lindsey Smith [<mailto:lmsmi@umich.edu>]
 Sent: Tuesday, October 20, 2015 12:23 PM
 To: Wurfel, Brad (DEQ)
 Subject: Follow up on Phelps FOIA request

Hi Brad, hope you're better than Sunday night.

I'm wondering if you can help me sort something out.

So, there's some people who are familiar with EPA regs telling me that the state was required to approve the Flint River switch. They [point to section 141.90 \(a\) \(3\)](#), which, in summary, says (on page 2 of this document):

"At a time specified by the State, or if no specific time is designated by the State, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control... shall submit written documentation to the State describing the change or addition. The State must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system."

And so I'm wondering can you show me where the state did this? If I have to FOIA, fine, but I'm not even sure what specifically I would put in the FOIA request. I'm trying to avoid the "these documents do not exist" response that Rep. Phelps got, know what I mean? I have his FOIA request and I'm pretty sure he was looking for the same thing, so I don't want to duplicate.

So I guess, my last question is, if these documents don't in fact exist, is it fair to assume that's because either the city never submitted written documentation to the state describing the change or addition or the state didn't review and approve the new source? It sounded from some MLive reports from back then that something like this was going on, I'm just not sure if it ever ended up happening, and if so, where's the documentation. Help?

All the best,

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