
From: Holton, Jennifer (MDARD)
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To: Wurfel, Brad (DEQ)
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Democrats saw "serious failings" of the system in an early report released Monday from the Office of the Auditor General on the state's ability to adequately address a drinking water crisis in the city of Flint earlier this year.

The report primarily consisted of answers to questions posed by Senate Minority Leader Jim Ananich (D-Flint) in a letter he sent to the auditor general in October during the height of the water crisis, but Mr. Ananich and Rep. Sheldon Neeley (D-Flint) said in a statement that some of those answers "confirmed that Michigan's Department of Environmental Quality failed to ensure proper corrosion control was used to treat Flint River water and that the state was responsible for the decision to use the river as the city of Flint's primary drinking water source."

Mr. Ananich also said the results suggest that legislative oversight of the situation was best and expected hearings on the situation to be "high on the agenda" when the Legislature returns.

"What's clear is that corrosion control should have been used and there are serious failings in our system that must be addressed," he said in the statement. "Between the FOIA emails released recently and these findings, it's obvious that legislative oversight is the best way to see how all of these pieces fit together."

But the administration saw the responses differently.

"The letter from the Office of the Auditor General includes some criticisms, but also reflects that state officials were following accepted protocols, or in one case, an interpretation of the corrosion control program that the EPA later clarified," Dave Murray, spokesperson for Governor Rick Snyder, said in a statement.

"But we need to do better in ensuring Flint residents have safe water and tracking children affected by elevated lead levels. We continue to work with the bipartisan task force that is reviewing all the actions at the state, local and federal level and is expected to offer recommendations in a month or so. Governor Snyder is committed to working with Flint Mayor Weaver and officials on these issues," Mr. Murray said.

And DEQ spokesperson Brad Wurfel said the department agreed with the findings in the AG's review.

"The findings align with our internal department review," he said. "We appreciate the auditor general's work to provide a fair and well considered look at some key issues."

One key finding was supporting the DEQ's decision to drop the two samples with the highest lead content in its second six-month sample. That decision has come under withering scrutiny, but the auditor general report set it was appropriate under federal rules.

The report answered questions on how the Office of Drinking Water and Municipal Assistance ensures the data it receives is accurate - to which the auditor general noted two potential improvements for the Flint water sampling process - and what accountability measures are in place for office staff who fail to follow data verification protocols.

"DEQ does not provide any direct oversight over the Flint Water Treatment Plant (Flint WTP) and, therefore, does not have any accountability measures over the Flint WTP's LTR (Lead Copper Rule) data verification protocols," the report indicated. "We did not identify any instances in which ODWMA staff failed to verify that submitted samples were certified by the Flint WTP."

On accountability measures in place for Drinking Water staff who lie or misrepresent information, the auditor general noted only one e-mail exchange between the DEQ and the Environmental Protection Agency that appeared to be a "significant contributor" to the concern that the DEQ misrepresented information to the EPA.

"The EPA requested clarification on February 26, 2015 regarding the type of optimized corrosion control **treatment** (their emphasis) the Flint WTP was using. DEQ responded on February 27, 2015 that the city had an optimized corrosion control **program** in place, but DEQ did not provide any program details," the report

outlined. "DEQ informed us that the Flint WTP corrosion control **program** included performing lead and copper monitoring for two consecutive six-month periods to determine whether corrosion control **treatment** would be necessary in the future.

"However, it appears the EPA interpreted corrosion control **program** to mean that corrosion control **treatment** was being performed," the audit stated.

Still, based on its review of numerous e-mails, the auditor said it had no specific reason to believe the DEQ willfully misrepresented the information to the EPA.

But Democrats pointed out other issues: In response to the question about whether corrosion control treatment should have been maintained when the switch for the water source was made to the Flint River, the AG letter concludes, "We believe that corrosion control treatment should have been maintained," Democrats noted.

And with regard to how the decision was made about using the Flint River as the primary drinking water source, the letter states, "Although the Flint City Council voted in March 2013 in support of moving to the KWA (Karegnondi Water Authority) pipeline, the vote was silent on the use of Flint River water as a temporary drinking water source," Democrats said.

"This is another example of how the state failed initially, and continues to fail by not treating this situation like the emergency it is," Mr. Neeley said in a statement. "We need answers, we need action, and we need them sooner rather than later."

The full report on the ODWMA within the DEQ is not expected until late February.

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Sent from my iPhone