
From: Wurfel, Brad (DEQ)
Sent: Tuesday, October 13, 2015 3:51 PM
To: Wurfel, Sara (GOV) (Wurfels@michigan.gov); Murray, David (GOV)
Cc: Pallone, Maggie (DEQ)
Subject: Document1
Attachments: Document1.docx

Regarding Phelps FOIA and proposed lawsuit, here are some things to know (Maggie, please jump in if I've got any of this wrong):

1. He filed on Sept. 4, and included a \$50 personal check with a request focused on "waivers, permits or applications to use the Flint River as a drinking water source."
We didn't have anything recent that matches that description. The river has been the city's emergency backup for years, so they didn't need a new formal approval, just approval of construction permits for the plant to begin serving as the primary water production source. We had some 2007 guidance documents we sent the city, and we shared those, but ultimately, there wasn't much that matched his request. We responded piecemeal, on Sept. 22 and 25, with communications that we did not have records in Executive or Drinking Water division that matched his query. Our formal, final response came Sept. 30th, denying the FOIA for lack of matching records (bit of a goof as we'd already sent the 2007 guidance docs, but ...).
2. Maggie Datema called Phelps – to let him know he didn't need to FOIA us, he could just ask and we'd supply whatever he wanted; to inform him we'd cancelled his check and were sending it back; and that we'd be happy to help him get whatever information he was seeking, as well as a meeting to better understand the program. Phelps reportedly told Maggie he needed to consult his attorney and he'd get back to us. He never did.
3. Datema has called his office three times. No callback.
4. The enclosed DRAFT communication will be completed and sent from Maggie to the representative today.

Let me know what else you need. Thanks.

b.