

Busch, Stephen (DEQ)

From: Poy, Thomas <poy.thomas@epa.gov>
Sent: Monday, September 21, 2015 12:19 PM
To: Shekter Smith, Liane (DEQ); Benzie, Richard (DEQ); Busch, Stephen (DEQ)
Subject: FW: Flint MI: LCR Enforcement Issues
Attachments: Flint LCR for FOIA 6429-15 (5).pdf; FOIA 15-585 Part 2 55pgs (12).pdf

Liane/Richard/Steve: Marc Edwards sent the email below to a number of EPA addressees. You probably want to forward this to Dan Wyant too.

Tom

Tom Poy
 Chief, Ground Water and Drinking Water Branch
 USEPA - Region 5
 (312) 886-5991

From: Shoven, Heather
Sent: Monday, September 21, 2015 7:33 AM
To: Bair, Rita; Damato, Nicholas; Poy, Thomas
Cc: Deltoral, Miguel
Subject: FW: Flint MI: LCR Enforcement Issues

Hi Tom, Nick, and Rita --

I will set up a meeting to discuss this email. Let me know if you would like me to include HQ. Thanks!

Best wishes,
 Heather

Heather A. Shoven | Enforcement Team Leader | U.S. Environmental Protection Agency, Region 5
 Ground Water and Drinking Water Branch | 77 W. Jackson Blvd (WG-15J) | Chicago, IL 60604 | 312-886-0153

From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Sunday, September 20, 2015 9:30 PM
To: Schock, Michael; Lytle, Darren; kempic.jeffrey@epa.gov; Burneson, Eric; demarco.carol@epa.gov; Murphy, Thomas; Shoven, Heather; Deltoral, Miguel
Subject: Flint MI: LCR Enforcement Issues

Mike, Darren, Jeff, Eric, Carol and Miguel and R5 MI/Enforcement personnel (as listed on the R5 webpage).

In this e-mail, I am making you aware of what we know regarding the Flint lead situation.

1) They do not have an approved lead sampling pool. Only 13 of the lowest lead sampled homes from 2014, were resampled in 2015.

The homes sampling high in 2014, were not asked to be resampled.

At best, their program is sending out sampling bottles at random across the city.

2) This message exemplifies the type of site selection, that they are doing to satisfy their high risk LCR monitoring pool site.

That is, none. They are not even hiding it.

<http://www.flintneighborhoodsunitied.org/drinking-water-testing/>.

3) Furthermore, in a video now on the ACLU website, at the end of the interview, Mike Glasgow (Flint LCR program) notes what is perfectly obvious from looking at the MDEQ FOIA materials.

"we threw out bottles everywhere just to collect as many as we can, just to hit our number, and we just turn in every result we get in."

Moreover, they do not have the records to show the homes have lead pipe. *"we are still looking for the records"*

See video here. Start at 4 minutes and 13 seconds to see the admission. <https://vimeo.com/139882021> *lead service line?*

4) On top of that, according to my count, MDEQ covered up no fewer than 5 violations in the 2015 sample round. These include:

a) Technical violation in that what they now stamp as the "draft" report (attached) is late (the signed date is 7/28/2015). It was due 7/10/2015. The final "revised" report is dated 8/20/2015 (also attached), which is 40 days late.

b) Although 87 sites from 2014 were not resampled, no written justification for the site changes was provided in the FOIA materials, and this is required by law.

The statement given today by Flint, that residents were not resampled because they did not want to participate, is contradicted by my conversations with residents.

c) In the original 71 samples Flint submitted late, the lead 90%ile action level was exceeded. MDEQ took the initiative to invalidate 2 samples, dropping Flint below the Action Level.

Flint never requested in writing that any of the samples be invalidated (see the comments written in the box of page 1, FOIA 15-585).

Mike Glasgow says that the 2 high samples were deleted based on the conference call. Only the high samples were scrutinized for meeting the sample pool criteria.

No low samples were investigated. I have the e-mails.

4) The "Draft 7/28/2015" and "revised 8/20/2015" LCR reports, on page 1, check boxes that note Tier 1 sites are not used. MDEQ asks no questions about that. In video Mike admits he has no knowledge of what sites actually have lead pipe or not.

5) Flint did not achieve the minimum number of samples as determined before the sampling round. In his e-mail Mike Glasgow (see below, and see FLINT LCR FOR FOIA...pdf) acknowledges this will be a technical violation. The draft LCR clearly indicates that the minimum was not achieved. MDEQ responds "we are discussing options" to handle this technical violation. In the August 20th revised final report, even this technical violation magically disappears (see comments box on page 1....).