

Stanton, Terry A. (Treasury)

From: Stanton, Terry A. (Treasury)
Sent: Thursday, October 01, 2015 3:43 PM
To: Wurfel, Sara (GOV); Wurfel, Brad (DEQ)
Cc: Murray, David (GOV); Heaton, Anna (GOV); Kennedy, Jordan (GOV); Robert, Carla M. (Treasury); Feuerstein, Heather (DEQ)
Subject: FW: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis
Attachments: phelpsdnl092915.pdf; phelpsext091515.pdf
Importance: High

All-

Just received this from Dave Eggert...

I am going to tell David that **Treasury did send a timely response to the Representative**. It was due (following a statutory extension) on Tuesday, September 29, 2015. Our response (attachment 1) went in the mail on Tuesday. As you will see, it was a "denial," as Treasury does not have any records regarding "waivers, permits or applications to use the Flint River..."

Apparently, the response has not arrived in his (Flushing, MI) mailbox...or is arriving today.

I have also attached the extension letter (attachment 2), which was timely-mailed as well.

Let me know if you have any questions...

From: Eggert, David [mailto:DEggert@ap.org]
Sent: Thursday, October 01, 2015 2:47 PM
To: Stanton, Terry A. (Treasury) <StantonT@michigan.gov>
Subject: Fwd: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

Can you respond?

Sent from my iPhone

Begin forwarded message:

From: Rosemary Jones <RJones@house.mi.gov>
Date: October 1, 2015 at 2:42:16 PM EDT
To: Rosemary Jones <RJones@house.mi.gov>
Subject: Statement from Rep. Phelps on his denied FOIA requests pertaining to the City of Flint water crisis

FOR IMMEDIATE RELEASE:
Thursday, Oct. 1, 2015

Contact: Rep. Phil Phelps
Phone: (517) 373-7515

Statement from state Rep. Phil Phelps (D-Flushing) on his FOIA requests pertaining to the City of Flint water crisis being denied:

“Residents of the City of Flint face a substantial health risk due to contaminants found in their drinking water. In an effort to not politicize this situation, I have been working directly with state and local officials in seeking important information and attempting to correct the City’s water crisis. Unfortunately, I have been faced with continual road blocks in my requests for information. It has been nearly a month since I submitted Freedom of Information Act (FOIA) requests to the State and the City of Flint requesting to see documents related to the City’s switch to using water from the Flint River. I requested the applications and permits required by law to change a city’s source of water. So far, the State Treasury has violated FOIA by not providing any information or even a denial. The Department of Environmental Quality (DEQ) and City of Flint have denied my request saying that the documents I requested do not exist. However, state law requires Michigan cities to apply for a permit from the DEQ to switch their source of water. Violation of this law is punishable by a fine of \$5,000 per day and possible incarceration. I find it hard to believe that the DEQ and the City of Flint ignored such a critical step, not to mention one that the cost in fines alone would already be roughly \$2.5 million and cause those responsible to be subject to criminal prosecution.

“My request for these documents was meant to be a fact-finding mission to ascertain the degree to which the State knew about or took any action to determine the potential hazards of making this switch prior to being officially ordered by the State-appointed Emergency Manager. Since the State has decided not to disclose this information to me, it is unclear the extent to which the State is culpable. I believe the bottom line here is that the decision to switch the source of Flint’s water to the Flint River was made by the Emergency Manager appointed by Governor Snyder and the burden is on his shoulders to make this right.

“The use of the river water has caused a great amount of destruction to the City’s water infrastructure, and it has put the residents who use the water in harm’s way. To help continue this fight for information, I have retained attorney Keith D. Flynn of the law firm Miller Cohen P.L.C. to further evaluate my legal options. My position and recommendation to the Governor on this issue is that the State should immediately switch Flint’s water source back to the Detroit Water System at no additional cost to Flint residents and supply water filters to every household in Flint.

“Furthermore, the State should begin to estimate costs for the total damage done to the City’s public works infrastructure and for the treatment of potential adverse health outcomes we could see in Flint residents in the future and allocate expenditures to correct this problem.”

Rosie Jones
Deputy Press Secretary
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