

Pleyte, Beth (Treasury)

From: Kester K. So <KSo@dickinson-wright.com>
Sent: Thursday, January 28, 2016 9:37 AM
To: Saxton, Thomas (Treasury); Donner, Lee (ldonner@firstsw.com); Anne Burger Entrekin (Anne.BurgerEntrekin@firstsw.com)
Subject: RE: Use of SRF to replace lead service lines CONFIDENTIAL

I don't know why it wasn't dated. I believe there are communications between EPA and DEQ where EPA estimates the timeframe for the letter. I may be mistaken, but I think EPA provided the letter in response to an inquiry from DEQ. I'll check.

Kester K. So Member

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From: Saxton, Thomas (Treasury) [mailto:SaxtonT@michigan.gov]
Sent: Thursday, January 28, 2016 8:36 AM
To: Kester K. So; Donner, Lee (ldonner@firstsw.com); Anne Burger Entrekin (Anne.BurgerEntrekin@firstsw.com)
Subject: RE: Use of SRF to replace lead service lines CONFIDENTIAL

I may have asked before; is there a reason this would not have had a date ? Do we know for sure it was 2012-13?

From: Kester K. So [mailto:KSo@dickinson-wright.com]
Sent: Thursday, January 21, 2016 1:31 PM
To: Donner, Lee (ldonner@firstsw.com) <ldonner@firstsw.com>; Anne Burger Entrekin (Anne.BurgerEntrekin@firstsw.com) <Anne.BurgerEntrekin@firstsw.com>
Cc: Saxton, Thomas (Treasury) <SaxtonT@michigan.gov>
Subject: Use of SRF to replace lead service lines CONFIDENTIAL

Here is a copy of the EPA memo. It may have been issued in the 2012 to 2013 time frame.

Kester K. So Member

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

THE ADMINISTRATOR

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder

Thank you for your time today to talk about our shared concerns for the people of Flint. As we discussed, today I am issuing an Order, pursuant to Section 1431 of the Safe Drinking Water Act, directing the Michigan Department of Environmental Quality and the City of Flint to take immediate action to address serious and ongoing concerns with the safety of Flint's drinking water system. The U.S. Environmental Protection Agency is deeply concerned by continuing delays and lack of transparency and has determined that the actions required by the Order – the key elements of which are summarized below – are essential to ensuring the safe operation of Flint's drinking water system and the protection of public health. The Order, which has been transmitted separately, directs that the state notify the EPA in writing within one day of its intent to comply. Recognizing that you have made changes to the leadership at MDEQ, it is imperative that our respective teams set up a meeting no later than next week to begin the work that is before the state, the city and the EPA.

The EPA and other federal agencies are working closely with the state and city to address the public health emergency that is now unfolding as a result of the failure to properly operate Flint's system, leading to multiple health-based drinking water violations and unsafe lead levels in the city's drinking water. As part of these efforts, this past October the EPA established the Flint Safe Drinking Water Task Force (the "EPA Task Force"), composed of EPA scientists who are recognized experts in the field of corrosion control in drinking water systems. The EPA Task Force has provided written recommendations to the city and MDEQ, clearly addressing specific steps needed to re-optimize corrosion control, as well those needed to ensure that the system maintains optimal corrosion control throughout the transition of Flint's water supply from the Great Lakes Water Authority (Detroit) to the Karegnondi Water Authority (KWA) that the city is planning for the summer of 2016. These recommendations have been publicly posted at <http://www.epa.gov/mi/flint-drinking-water-documents>.

As you and I discussed, some progress has been made in addressing these recommendations; but there continues to be inadequate transparency and accountability with regard to provision of test results and actions taken and those are critical for the people of Flint. In addition, there is an increasing concern about capacity to carry out the recommended actions and to safely manage Flint's drinking water system – especially in the context of the intended transition to KWA water in summer 2016. The EPA Task Force, the city, and the state have had to devote substantial effort to issues related to the planned