



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

August 16, 2019

VIA EMAIL

Mr. Robert Bincsik, Director of Public Works
City of Flint
1101 South Saginaw Street
Flint, Michigan 48502

WSSN: 02310
City of Flint

Dear Mr. Bincsik:

SUBJECT: VIOLATION NOTICE – Monitoring and Reporting for Lead and Copper

The records of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), show that the city of Flint (City) is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, R 325.10710a, *Lead and copper in tap water; monitoring requirements*; and R 325.10710d, *Reporting requirements for lead, copper, and corrosion control*, of the 1979 Administrative Code.

In accordance with the above rules, the City shall collect samples every six months, have them analyzed for lead and copper, and report the results to EGLE. The City's specific monitoring requirement was to collect samples from 60 confirmed Tier 1 sites during the monitoring period from January 1, 2019, through June 30, 2019.

EGLE's review of compliance monitoring reports indicates the City sampled from a total of 129 sites during the monitoring period. Of those, only 35 were confirmed to be from Tier 1 sampling locations. Additionally, 14 sites were addresses with a confirmed service line replacement but of unconfirmed service line material, 30 sites were invalid, and 50 sites have yet to be verified by the City.

Based on EGLE's review, the City was out of compliance on July 1, 2019. To return to compliance, the City must collect samples from 60 confirmed Tier 1 sites in the distribution system during the monitoring period of July 1, 2019, to December 31, 2019; have them analyzed for lead and copper; and submit the analysis reports to DWEHD.

Additionally, the City must confirm the service line material of the 50 sites lacking verification and the 14 sites from locations where the service line has been replaced but no service line material composition was provided by no later than **September 16, 2019**, and report that verification to DWEHD.

We highly recommend the use of hydro-excavation to confirm the service line material for the 50 samples. This method can quickly identify a lead service line thereby validating the location as a Tier 1 sample and identifying a lead service line that needs to be replaced. In the event the hydro-excavation reveals a copper line, the line can be

Mr. Robert Bincsik

Page 2

August 16, 2019

further excavated in the future under the City's current service line replacement contract.

In previous email correspondence, the DWEHD gave the City an additional 14 days to validate the unknown tiered samples, starting with the highest lead results, and provide that information to EGLE in order to meet the sampling requirement. To date, no additional information has been provided. This fact has required EGLE to calculate the 90th percentile based on the 35 valid, Tier 1 sites. Based on that calculation, the City's 90th percentile for lead is 3 parts per billion. Once the required service line material verifications have been provided, EGLE will review the data and recalculate the 90th percentiles for lead and copper.

Due to this violation, public notification will be required. We will determine the content and timing required for that public notification after we have received confirmation of the 64 sites no later than September 16, 2019.

The DWEHD has imposed an administrative fines policy for public water system monitoring and reporting violations. There is no fine for this violation; however, failure to conduct monitoring, as required during the second six-month round of 2019, will result in a fine of \$1,000 per day with a \$10,000 maximum. Additionally, failure to issue a public notice for this violation may result in a fine of at least \$1,000. Additional violations are subject to fines of increasing amounts. Please contact me if you would like more information on the DWEHD's administrative fines policy.

If you have any factual information you would like EGLE to consider regarding the violation identified in this Violation Notice, please provide it in a written response to this office by September 1, 2019.

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any question regarding this Violation Notice, please contact me.

Sincerely,



Eric J. Oswald, Director

Drinking Water and Environmental Health Division
517-284-6544

Mr. Robert Bincsik

Page 3

August 16, 2019

cc: The Honorable Karen Williams Weaver, Mayor, City of Flint
Ms. Angela Wheeler, City Attorney, City of Flint
Mr. Robert Jones, Contract Operator in Charge, F & V Operations
Mr. Tom Poy, Chief Advisor, United States Environmental Protection Agency
(USEPA), Region 5
Mr. Michael D. Harris, Acting Director, Enforcement and Compliance Assurance
Division, USEPA, Region 5
Ms. Nefertiti DiCosmo, Acting Chief, Ground Water Drinking Water Branch,
USEPA, Region 5
Mr. Richard Kuhl, Michigan Department of Attorney General
Ms. Liesl Eichler Clark, Director, EGLE
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE
Ms. Amy Epkey, Senior Deputy Director, EGLE
Mr. George L. Krisztian, EGLE
Ms. Kris Philip, EGLE