



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



KEITH CREAGH
DIRECTOR

April 19, 2016

VIA E-MAIL

Mr. Mark Pollins, Director
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW (2243A)
Washington, DC 20460

Dear Mr. Pollins:

Thank you for your letter dated March 29, 2016. We continue to coordinate and communicate weekly with Mr. Mike Glasgow, city of Flint (City), and representatives from the United States Environmental Protection Agency (EPA). We appreciate the commitment to these ongoing and regular meetings in order to continue to comply with the Emergency Order (Order) that was issued on January 21, 2016. The Michigan Department of Environmental Quality's (MDEQ) continued primary focus is to ensure a reliable and safe drinking water system for the people of Flint.

In your letters of March 29, 2016, and February 19, 2016, you referenced two issues that require continued attention. The first issue is the development of a comprehensive plan to ensure the optimization of corrosion control for the public water system for the current source water, the Great Lakes Water Authority (GLWA), as well as for the planned transition to the Karegnondi Water Authority (KWA). As you are aware, there was a collaborative effort among EPA, City, and MDEQ staff, as well as members of the American Water Works Association (AWWA), and a request for proposal (RFP) was issued on March 23, 2016, which is currently advertised on both the City and State of Michigan's procurement Web sites. As of April 18, 2016, the full RFP will also be available on the www.michigan.gov/flintwater Web site. In order to allow more time for professional consulting firms to prepare their proposals, the due date for submissions was extended to May 5, 2016, a decision that was agreed upon by EPA, City, and MDEQ staff. A joint evaluation committee consisting of representation from the EPA, City, and MDEQ will be assembled to review proposals and make a recommendation for awarding a contract the week of May 9, 2016, which will need final approval by the City Council.

In addition, there has been active engagement between the City and MDEQ staff with the EPA's Area-Wide Optimization Program (AWOP) out of Cincinnati, Ohio. Those EPA individuals have provided both technical assistance, such as calibrating the City's hydraulic model, as well as being active participants on several of the subcommittees of

Mr. Mark Pollins

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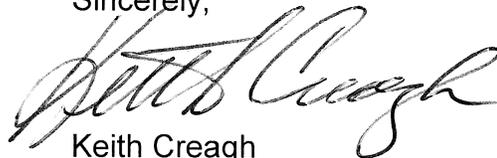
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the Flint Water Interagency Coordinating Committee. The MDEQ also continues to explore additional areas of support for the City, such as the opportunity for the City to participate in the AWWA's "Partnership for Safe Water," which has programs that are focused on the treatment plant and distribution system optimization. We feel confident that the pending contract through the RFP and continued partnership and outreach efforts will support these aspects of the Order.

The second issue that you raised in your letters of March 29, 2016, and February 19, 2016, that required continued response was the overall staffing of qualified personnel to ensure that the City's public water system complies with the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulations (NPDWRs), including the Lead and Copper Rule. While the MDEQ has no direct role in the hiring or structuring of the City's public water system staffing, based upon conversations during our weekly meetings, it is our understanding that the City is actively pursuing filling a range of positions. Several examples include: an F-1 certified Water Plant Supervisor who began work on March 28, 2016; interviews were conducted on April 12, 2016, for the vacant Public Works Director; and up to 16 additional positions associated with water plant, lab analysis, and distribution system support are pending interview and hiring processes.

Please refer to the enclosed Attachment A that outlines MDEQ's response and current status of compliance for the 10 items that were identified in the Attachment of your March 29, 2016, letter. We believe, based upon the most recent meeting that took place on April 13, 2016, among EPA, City, and MDEQ staff, that there has been progress in nearly each of the identified items; and we continue to post materials directly to the "DEQ Reports to EPA" tab of the www.michigan.gov/flintwater Web site. We support continuing these face-to-face conversations on a weekly basis as a productive way for all sides to understand the wide range of actions being taken to support Flint, as well as the conditions and expectations of the Order.

Sincerely,



Keith Creagh

Director

517-284-6700

Enclosure

cc/enc: Mayor Karen Weaver, City of Flint

Mr. Anthony Chubb, City of Flint

Mr. Mike Glasgow, City of Flint

Mr. Robert Kaplan, Acting Regional Administrator, USEPA, Region 5

Mr. Jim Sygo, Chief Deputy Director, MDEQ

Ms. Melanie Brown, Communications Director, MDEQ

Mr. George Krisztian, MDEQ

Mr. Bryce Feighner, MDEQ

Attachment A
Michigan Department of Environmental Quality
Responses
April 19, 2016

1. *Respondents have not provided a written response to all of the EPA Flint Task Force (Task Force) requests and recommendations pursuant to Paragraph 52 of the January 21, 2016 Emergency Order (Order).*

Additional and current information from both the City and the MDEQ has been provided to the Task Force spreadsheet and was posted to the www.michigan.gov/flintwater Web site on April 6, 2016.

2. *Respondents have not provided all lead in water testing results for the City since January 2013 (Paragraph 53(b)).*

Seven additional samples that had not originally been included as part of the action level calculations based upon qualifying aspects were uploaded to the secure FTP site for the EPA to access on April 8, 2016.

3. *The existing inventory of homes with lead service lines (LSLs) submission is not adequate (Paragraph 54(a)) of the Order.*

Correspondence from MDEQ Director Keith Creagh to EPA Director of Water Enforcement Division Mark Pollins dated April 5, 2016, which outlines efforts and activities to date for providing an existing inventory for LSLs, was posted to the www.michigan.gov/flintwater Web site on April 15, 2016.

4. *Respondents have not adequately demonstrated (e.g., using daily sampling information) that they are maintaining chlorine residual in the distribution system (Paragraph 57) or continuing to add corrosion inhibitors at levels sufficient to optimize corrosion control in the distribution system (Paragraph 58).*

The response and current status for any planned adjustments to the current sampling sites, as well as ensuring that all sampling is being performed in accordance with 40 CFR Part 136 as well as 40 CFR Part 141, Subpart 1, is the primary responsibility of the City. Once additional information is received from the City, the MDEQ will post materials to the www.michigan.gov/flintwater Web site.

5. *Respondents have not provided plans and schedules to ensure the treatment plant is consistently and reliably meeting plant performance criteria (Paragraph 59(a)).*

In collaboration with the City, the EPA, and additional technical experts, the MDEQ is drafting an RFP that would serve as a master plan focusing on the treatment plant for the future raw water source from the Karegnondi Water Authority (KWA) and backup water. While existing or pending consulting services are in place for the distribution system and the delivery of KWA, these new services would focus

on the assessment and evaluation of the existing infrastructure and systems within the plant as well as current standard operating procedures in order to make recommendations for any critical or future treatment or monitoring upgrades necessary to maximize water quality and overall plant operations. While a current schedule for finalizing the scope of work language, advertising, and awarding a contract is pending, those processes will be informed by an independent analysis of the plant scheduled for April 25, 2016, that the EPA has arranged to assist in expediting this pending RFP.

6. *Respondents have not submitted a plan for daily monitoring of water quality parameters in the distribution system with results compiled in a weekly report in an approved format (Paragraph 59(b)).*

Based upon an additional request from the EPA, beginning April 15, 2016, the weekly reports are being posted to the www.michigan.gov/flintwater Web site in Excel.

7. *Respondents have submitted an inadequate operations plan for the corrosion control equipment and daily monitoring of finished water corrosion control parameters (Paragraph 59(c)).*

Based upon an additional request from the EPA, beginning April 15, 2016, the weekly reports are being posted to the www.michigan.gov/flintwater Web site in Excel.

8. *Respondents submitted a list of staff, but have not adequately demonstrated the City has the necessary, capable and qualified personnel required to perform the duties and obligations required to ensure the public water system complies with the SDWA and the National Primary Drinking Water Regulations (Paragraph 61). (Primary responsibility: City)*

As the City continues to make staffing decisions that augment their organizational structure, the MDEQ will post materials to the www.michigan.gov/flintwater Web site once they are received from the City. The last information that was provided was posted on February 12, 2016.

9. *Respondents have not yet provided a list of the "Independent Advisory Panel" (IAP) membership (Paragraphs 63-64).*

Additional information in the form of a hyperlink titled "Flint Water Interagency Coordinating Committee" was posted to the www.michigan.gov/flintwater Web site on April 14, 2016. This hyperlink goes directly to the official Flint Water Interagency Coordinating Committee Web site where all recent presentations, all resolutions, and the members can be found.

10. *Respondents must identify the 25 sites within the distribution system for which water quality parameter measurements are taken (Paragraph 53(a)).*

Information titled "Routine Distribution System Quarterly Sampling Site Locations - PPI redacted" was posted to the www.michigan.gov/flintwater Web site on February 12, 2016. If there are concerns and the need for future discussions pertaining to the appropriateness, the MDEQ welcomes that agenda topic at any of the future weekly meetings that are held with the City and the EPA.