



## CITY OF FLINT, MICHIGAN

Dr. Karen W. Weaver  
Mayor

October 25, 2018

Ms. C. Heidi Grether  
Director  
Michigan Department of Environmental Quality  
525 West Allegan Street  
P.O. Box 30473  
Lansing, MI 48909-7973

Re: City of Flint's Response MDEQ's October 22, 2018 Order Under MCL 325.1015(2) of Michigan's Safe Drinking Water Act

Dear Ms. Grether:

The City is in receipt of your October 22, 2018 letter issuing an order under MCL 325.1015(2) of Michigan's Safe Drinking Water Act ("SDWA"). It is extremely unfortunate that the MDEQ has wielded its enforcement authority in this manner. As the Director of the MDEQ, you acknowledged in that letter that the City's water quality is high, that the water system itself is stable and, regarding the City's compliance with lead and copper control requirements, the quality of the City's water matches or exceeds that of comparable water systems in Michigan. However, MDEQ's recognition of the City's water quality improvements, along with the stabilization of City's water system, stands in stark contrast to the MDEQ's insistence upon entry of the Order. The order was not necessary or required. Specifically, with respect to the necessity of an order, the MSDWA states:

The department shall inspect a waterworks system or part of a waterworks system, and the manner of operation of the system or part. If upon inspection the department determines the waterworks system to be inadequate or so operated as to not adequately protect the public health, the department may order the supplier of water to make alterations in the waterworks system or its method of operation as may be required or considered advisable by the department to assure the public water supply is adequate, healthful, and in conformance with state drinking water standards. If the supplier does not request a public hearing within 30 days

after receipt of the order, the order shall be final and binding on the supplier of water. If the department receives a request for a public hearing within the specified 30 days, the public hearing shall be immediately arranged. A supplier of water shall comply with a final order of the department.

MCL 325.1015(2) (emphasis added).

In contrast with this statutory standard, which permits action regarding water systems not operated adequately to protect public health, your letter deliberately affirmed the high quality of the City's water quality multiple times. It deemed the City's water system to be stable, operationally adequate and healthful. Despite MDEQ's praise, confusingly, the MDEQ's order raises concerns about the City's purported reliance upon State and Federal government for technical support.

Through much hard work, the City has taken major steps over the past few years toward self-reliance. We have emerged from emergency management, secured a full-time Director of Public Works and a full-time Department of Public Works ("DPW") Administrator, and negotiated a long term contract with F&V, specifically based on the recommendations, review and approval of that contract by the MDEQ. Furthermore, my DPW Director has coordinated with the MDEQ to secure training through State funding for the pertinent DPW staff to be trained to the adopted standard operating procedures. In addition, the DPW Director continues to develop staff to rebuild the knowledge base and capability of public water supply and its personnel, and pursue the Department's continued recovery from the water crisis that drove nearly every qualified operator away from the City of Flint. Not only are we using state funding for operator training on standard operating procedures ("SOPs") but we have developed significant additional employee training not funded by the state.

With regard to Standard Operating Procedures, the City cannot adopt SOPs until after it has received the appropriate funding to implement them. Frankly, this is common sense. If any other course of action were taken, and SOPs were implemented prior to the receipt of funding to enable the City to properly implement them, the City would set itself up for failure and immediately fall behind its own schedule. The SOPs are important to the City, as is each issue that affects the Flint water system. However, the City's plan regarding implementation of the SOPs did not justify MDEQ's entry of this order, because the City's compliance with SOPs depends upon available funding.

Moreover, in Paragraph 3 of your correspondence, you state that "[t]he MDEQ shares the City's goal that the City achieve long-term self-reliance. The purpose of the enclosed Order is to establish firm deadlines that chart the path toward achieving that goal." Deadlines to achieve the City's goal of self-reliance could as easily have been reduced to a negotiated letter, such as the MDEQ previously did in its March 21, 2018 letter from the MDEQ's Surface Water Treatment Engineer, Bob London. Mr. London's letter had scheduled some of the very same dates the MDEQ now commands through its

unfortunate order. The MDEQ's arbitrary re-scheduling of deadlines does not trigger a Safe Drinking Water Violation justifying the action it has taken under MCL 325.1015(2).

As it has in the fourteen (14) months since the August 7, 2017 Sanitary Survey, and as confirmed by the March 21, 2018 letter, the City continues to work informally with the MDEQ to bring about the successes acknowledged by your letter. That said, MDEQ should also be prepared to acknowledge that the City's successes achieving compliance are not limited to those your letter identifies. In light of the City's continued progress, and the utter lack of documentation to demonstrate any inadequacy in the operation of the City's water system, it would now be more prudent to terminate the order, and enter into a Memorandum of Understanding with a schedule memorializing deadlines upon which we may all agree.

Lastly, as Mayor of the City of Flint, I must do what is right for City and the residents. Therefore, while we share the goal of quality water for the City of Flint, I stand prepared to continue to fight for the residents and their common interests, using all available options if necessary.

Sincerely,

A handwritten signature in blue ink that reads "Karen W. Weaver". The signature is written in a cursive, flowing style.

Dr. Karen W. Weaver  
Mayor