

From: "Korleski, Christopher" <korleski.christopher@epa.gov>
Date: November 28, 2016 at 6:30:48 PM EST
To: Sylvester Jones <sjones@cityofflint.com>
Cc: "Shoven, Heather" <shoven.heather@epa.gov>, "feighnerb@michigan.gov" <feighnerb@michigan.gov>, "Nelson, Leverett" <nelson.leverett@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "rbincsik@cityofflint.com" <rbincsik@cityofflint.com>, "Durno, Mark" <durno.mark@epa.gov>, "jmcdays@cityofflint.com" <jmcdays@cityofflint.com>, "Ross, Anthony" <ross.anthony@epa.gov>, "Glowacki, Joanna" <glowacki.joanna@epa.gov>, "Henry, Timothy" <henry.timothy@epa.gov>, "Kaplan, Robert" <kaplan.robert@epa.gov>, "madas@cityofflint.com" <madas@cityofflint.com>, "Thompson, Robert" <thompson.robertl@epa.gov>, "Poy, Thomas" <poy.thomas@epa.gov>, "BENZIER@michigan.gov" <BENZIER@michigan.gov>, "j.young109@comcast.net" <j.young109@comcast.net>, "Bendik, Kaitlyn" <bendik.kaitlyn@epa.gov>, "krisztiang@michigan.gov" <krisztiang@michigan.gov>, "Speth, Thomas" <Speth.Thomas@epa.gov>, "VERONAL@michigan.gov" <VERONAL@michigan.gov>, "Korleski, Christopher" <korleski.christopher@epa.gov>
Subject: RE: Request for Extension

Hello Sylvester:

I wanted to respond to your November 22nd e-mail requesting a 14-day extension of the date on which the City shall "confirm in writing to EPA its intended new water source and emergency back-up water source". I am the EPA contact for the emergency order, so you were correct in contacting me directly with your request.

During the November 18th meeting in Flint, EPA emphasized that each deliverable under paragraph 60 is critical for the City's successful transition to a new source of water. It is important that the City and the State meet the deadlines that EPA has set forth in the Amended Order. It is also critical that the City and the State provide transparency to the public; therefore, any extension requests made by the City and/or State must be posted on the publicly available website per paragraph 51 of the 1/21/2016 Emergency Order.

EPA understands that the first deliverable, i.e., the City's written confirmation of the City's intended new water source and emergency back-up water source, was due on November 22 and therefore presented the City with a tight deadline. However, the City did share its decision on primary and emergency back-up water sources in early September and EPA's Amended Order merely requires the City's written confirmation of this decision. In addition, under paragraph 60.a. of the Amended Order, the City reserves the right to designate a different new water source, i.e., it can designate a primary and emergency back-up water source that is different from the originally identified source. (In such circumstances, the only requirement is that the City notify EPA in writing of the change within five days of the identification of the newly designated water source.)

Taking all these issues into consideration, as well as the fact that the Thanksgiving Holiday prevented us from providing you with an immediate response, **EPA grants the City an extension of the deadline for confirming in writing its intended new water source and emergency back-up water source to Thursday, December 1.**

While EPA is willing to extend the due date for the City's written confirmation of its intended new water source and emergency back-up water source, I ask that any future extension requests be submitted to EPA prior to the due date.

In addition to the new December 1 deadline, I note that the Pipeline Plan is due from the City and State on December 8. We have also scheduled a conference call among EPA/MDEQ/City of Flint from 12-2 p.m. EST on Wednesday, December 7.

Please feel free to contact me with any further questions.

Sincerely,

Chris

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From: Sylvester Jones [<mailto:sjones@cityofflint.com>]

Sent: Tuesday, November 22, 2016 5:52 PM

To: Korleski, Christopher <korleski.christopher@epa.gov>

Cc: Shoven, Heather <shoven.heather@epa.gov>; feighnerb@michigan.gov; Nelson, Leverett <nelson.leverett@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; rbincsik@cityofflint.com; Durno, Mark <durno.mark@epa.gov>; jmcdays@cityofflint.com; Ross, Anthony <ross.anthony@epa.gov>; Glowacki, Joanna <glowacki.joanna@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; madass@cityofflint.com; Thompson, Robert <thompson.robertl@epa.gov>; Poy, Thomas <poy.thomas@epa.gov>; BENZIER@michigan.gov; j.young109@comcast.net; Bendik, Kaitlyn <bendik.kaitlyn@epa.gov>; krisztiang@michigan.gov; Speth, Thomas <Speth.Thomas@epa.gov>; VERONAL@michigan.gov

Subject: Re: Further Clarification Requested by John Young and Bryce Feighner on EPA's 11/17/2016 Amended Order

Hello, Christopher,

I requested a 14-Day Extension on the response that was due on today, November 22nd. Are you authorized to consider this request?

While we did provide documentation stating that the City of Flint's Primary Water Source will be KWA and our Backup Water Source will be a City of Flint on-site Storage, based on the information shared by John Young on Thursday, November 17th, additional time will be needed for construction of the Water Storage Building. John Young and the Flint Team are developing a comprehensive construction plan that will be shared with other stakeholders in December. I would like that construction plan to precede the response to EPA that outlines our backup water source. This plan will prevent the need for changes or amendments at a later time.

Please let me know if you have questions and/or need additional information on this request. I await your response to this request for an extension.

Thanks,

Sylvester Jones, Jr.
City Administrator

On Nov 22, 2016 6:40 PM, "Korleski, Christopher" <korleski.christopher@epa.gov> wrote:

Hello John and Bryce:

I am following up on a discussion that Tom Speth had with John Young on Monday, November 21. Tom reported out to me that both of you requested further clarification from him on EPA's 11/17/2016 Amended Order. The information below puts into writing EPA's responses to the issues that you discussed on Monday. Please feel free to contact me with any further questions as I am the main point of contact for EPA on the Amended Order.

- **Issue 1: What comes first, the completing the Corrosion Control Study or the New Source Treatment Plan?**

Under 60.b.iii of the amended order, it says that the respondents "shall develop a corrosion control study" by February 1, 2017 (in green). In this context, "develop" refers to developing the approach or plan of the corrosion control study by February 1. It does not include further issues like the schedule with completion dates. The paragraph also discusses the New Source Treatment Plan (NSTP) (in yellow) which is due March 1, 2017. The corrosion control study is part of the NSTP which also includes aspects such as SOPs, infrastructure upgrades, and developing and implementing a performance period. The NSTP plan (due March 1) shall contain the schedule and completion dates for the corrosion control study for which the approach was developed on February 1 (in green) and reviewed by EPA before the NSTP is released.

It does not say the corrosion control study will be “completed” by February 1st. It says developed by February 1st. In fact, the order does not say the corrosion control study will be “completed” by March 1st either.

60.b.iii - New Source Treatment Plan (“NSTP”)

Respondents shall submit to MDEQ for its review and approval, to EPA for its review, and post to the public website under Paragraph 51, as soon as available and no later than the dates set forth below, a written plan to treat the new source water. The NSTP shall address the City’s technical, managerial, and financial capacity to operate its PWS in compliance with the SDWA and NPDWRs, including requirements for optimal corrosion control treatment and water quality parameter monitoring. The NSTP shall be developed in consultation with appropriate experts and the public through adequate advanced notice and opportunity for comment. Prior to submittal of the NSTP, Respondents shall develop a corrosion control study for the new source water and submit the study to MDEQ for its review and approval, and to EPA for its review, by February 1, 2017. The NSTP shall be submitted by March 1, 2017, and shall specify a schedule with completion dates for major milestones, including, at a minimum, the following:

- A. Finalizing necessary standard operating procedures (“SOPs”) for each aspect of the water treatment process for the Flint WTP;
- B. Implementing infrastructure upgrades that were identified under the WTPMP;
- C. Conducting a corrosion control study for the new source water, including the analysis and testing of the impacts on corrosion control treatment under various circumstances to ensure a safe transition; and

- **Issue 2: Why is the WTPMP requirements listed under b.ii, and then listed again under b.iii when the NSTP is discussed?**

The WTPMP is required February 1, 2017 and the NSTP is required March 1, 2017. The WTPMP is a component of the NSTP (see b.iii.B). The NSTP also covers other issues such as the SOPs (b.iii.A), schedule for the corrosion control study(s), and the performance period(s).

Follow-up Question on Issue 2 - The WTPMP may change slightly between February 1 and March 1. Can the WTPMP be the Executive Summary of the CDM Smith report and then the full report for the NSTP?

It depends on what is in the Executive Summary. If it contains everything under b.ii., then it is fine. However, more detail may be needed such as the options being investigated. The WTPMP does not have to have the final determination of what the final modifications to the plant will be completed. It should, however, contain a plan for evaluating multiple options for a particular issue. If that is resolved before the NSTP is due, then EPA would expect that it would be reflected in the NSTP. Therefore, the updated WTPMP is a component of the NSTP. Ultimately, each plan needs to outline the roadmap moving forward, as known at the time of each submission.

- **Issue 3: Why isn't there a discussion of County-treated Interim Water source that needs to be negotiated between the City and County (because the plant won't be ready next October)?**

The requirement for changing source waters discussed in the Order apply to both the County treating KWA water and the City treating KWA water. The Order discusses "Source Water" but even though the raw water is coming from the same KWA source, each treatment plant modifies the water differently, and therefore each scenario is a new water under this Order. Therefore, if the City switches to County-treated water on an interim basis, they will need to comply with the order requirements including a separate Corrosion Control Study, etc. for County-treated water. They will then need to fulfill all the order requirements again before switching to City-treated water. Also, the current thought that the county will bleed in a small amount of finished water into the Flint distribution system to maintain an Emergency Water Source needs to be addressed in the final corrosion control study. A corrosion control study on the emergency water supply unto itself is not part of the order due to the short term aspect of such type of event.

- **Issue 4: Given that the plant upgrades will be completed before the raw water impoundment, does the city have to wait until the impoundment is completed before the performance testing is completed or the plant starts producing water for the city?**

The Order asks for a plan for how the performance study will be completed. It could be envisioned that the corrosion control study could be completed without the impoundment. Also, much of the unit operations testing, monitoring, SOP development, training, etc. could be completed without the impoundment. However, a great deal of confidence on many issues would have to be garnered before it would be acceptable to start treating the raw KWA water at the Flint plant with the intent to distribute to the public without the entire treatment train, which includes the raw water impoundment. The EPA will review the plan on this matter when submitted.

Again, please feel free to contact me with any further questions. EPA will convene another technical meeting on the amended order deliverables via teleconference on December 7 and in person on December 14.

Thanks.

Chris

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