



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

March 3, 2020

**VIA E-MAIL**

The Honorable Sheldon A. Neeley  
Mayor of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502

WSSN: 02310  
City of Flint

Dear Mayor Neeley:

SUBJECT: Lead and Copper Monitoring of Drinking Water Taps

After review by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) of the documentation that has been submitted by the city of Flint (City) for the most recent round of lead and copper monitoring of drinking water taps from July 1, 2019, to December 31, 2019, it has been determined the City is below the Action Levels (AL) as summarized below:

Contaminant	AL	MCLG*	90 <sup>th</sup> Percentile Value	Number of Samples Above AL	Range of Individual Results	Typical Source of Contaminant
Lead	15 parts per billion (ppb)	0	4 ppb	2	0-23 ppb	Corrosion of household plumbing systems; service lines that may contain lead; Erosion of natural deposits
Copper	1,300 ppb	1,300	60 ppb	0	0-370 ppb	Corrosion of household plumbing systems; Erosion of natural deposit

\*MCLG: Maximum contaminant level goal means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

### **Sample Reporting and 90<sup>th</sup> Percentile Calculation**

EGLE received your Lead and Copper Report form on February 14, 2020, and minor updates on February 20, 2020. Included with the form were the results of the samples collected from 123 sites during the July 1, 2019, to December 31, 2019, monitoring period. After the exclusion of some sample results due to invalidation under the Lead and Copper Rule (LCR), the remaining 49 verified Tier 1 sites were used to calculate the 90<sup>th</sup> percentile value of 4 ppb for lead. To compare this to previous monitoring periods where only a 1<sup>st</sup> draw sample was used to calculate compliance, the 90<sup>th</sup> percentile value would have been 3 ppb.

While this number of Tier 1 sites falls short of the required 60 needed for compliance, we recognize the City put forth a tremendous effort in trying to achieve its obligation. Information about this monitoring violation are detailed under separate cover.

### **Continue Corrosion Control Treatment**

The City must continue corrosion control treatment and continue to maintain water quality parameter levels to reduce the amount of lead and copper leaching into the drinking water. The City must also continue monitoring its corrosion control treatment on a daily basis to ensure proper operation is maintained. In addition, the City must continue monitoring water quality throughout the distribution system to demonstrate the effectiveness of the City's corrosion control treatment. Finally, the City has a contract to develop a Distribution System Optimization Plan. When the Plan is complete, additional, long-term measures may be required to provide optimal corrosion control treatment.

### **Continue Lead Service Line Replacement**

To remain in compliance with the terms of the Concerned Pastors for Social Action Settlement Agreement (Settlement Agreement), we continue to support the City's intentions of continuing to locate and replace lead service lines throughout the City.

### **Conduct Water Quality Parameter (WQP) Monitoring**

Continue to conduct WQP monitoring and meet the WQP levels for pH and orthophosphate residuals as required by the October 30, 2015; December 13, 2017; and June 6, 2019 correspondence from this department. Also, continue to submit to EGLE the Weekly Enhanced Water Quality Parameters.

### **Lead and Copper Tap Monitoring**

Your next round of lead and copper tap monitoring must be conducted **between January 1, 2020, and June 30, 2020**. In reference to the letter dated June 29, 2018, from Mr. Bincsik, we acknowledge that F&V Operations had begun overseeing this responsibility on behalf of the City as of July 1, 2018. You are required to collect a minimum of two (2) (a 1<sup>st</sup> and 5<sup>th</sup> liter) tap samples per site, from 60 Tier 1 sites (120 total samples). In accordance with Paragraph 49 of the Settlement Agreement, half of the minimum number of samples (60), or 30 individual sites, must be sampled during the months of May and June 2020. Select the same sites used in previous monitoring

periods unless sites no longer meet Tier 1 criteria. If a site no longer meets Tier 1 criteria, it must be replaced by another confirmed Tier 1 site, or a Tier 2 site if Tier 1 sites are not available, to maintain the required number of sites. Written documentation explaining the reason for any changes in sampling sites, including the service line material composition, must be provided to EGLE. An updated version of your sampling plan should be submitted to EGLE during each six-month monitoring period.

### **New Michigan Lead and Copper Rule Revisions**

As of June 14, 2018, the State of Michigan enacted changes to the Administrative Rules promulgated under the Michigan Safe Drinking Water Act, 1979 PA 399, as amended (Act 399). The revised rules can be found on EGLE's Web site at [www.Michigan.gov/DrinkingWater](http://www.Michigan.gov/DrinkingWater). Click on Community Water Supply and then the Safe Drinking Water Rules link under Laws and Rules.

### **Consumer Confidence Report (CCR)**

Results of 2019 compliance monitoring must be included in your CCR, which is due to our office, your customers, and the local health department by **July 1, 2020**. However, we encourage the City to provide this CCR to residents as soon as practical. You may use the table format from page 1 of this letter.

For additional information on CCR requirements, visit EGLE's Web site at [www.Michigan.gov/DrinkingWater](http://www.Michigan.gov/DrinkingWater). Click on Community Water Supply and then the Consumer Confidence Report Rule link under Laws and Rules.

### **Summary of Upcoming Requirements**

<b>Complete By</b>	<b>Requirement</b>	<b>Comments</b>
Ongoing	Collect WQP samples.	Continue to collect required WQP samples.
Between January 1 and June 30, 2020	Collect samples from 60 properly tiered sites (1 <sup>st</sup> /5 <sup>th</sup> liters, 120 total samples) within the distribution system and have them analyzed for lead and copper. At least 30 sites (60 samples) must be collected during May and June 2020.	Report the results to EGLE and deliver the customer notice of individual results using the downloadable <i>Lead and Copper Report and Consumer Notice of Lead Result Certificate</i> . <b>Report due by July 10, 2020.</b>
March 30, 2020	For the July 1-December 31, 2019 monitoring period, send EGLE a signed copy of the <i>Consumer Notice of Lead and Copper Results Certificate</i> .	Download <i>Consumer Notice of Lead and Copper Results Certificate</i> in word or PDF format from <a href="http://www.Michigan.gov/LCR">www.Michigan.gov/LCR</a> .
July 1, 2020	Report 2019 90 <sup>th</sup> percentile values in the CCR.	Specific lead health effects language must be included.


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Thank you for your prompt attention to this matter. We will continue to offer assistance in implementing these regulations. If you have questions, please contact me at 517-284-6544; [OswaldE1@Michigan.gov](mailto:OswaldE1@Michigan.gov); or EGLE, Drinking Water and Environmental Health Division, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely,



Eric J. Oswald, Director  
Drinking Water and Environmental Health Division

cc: Ms. Angela Wheeler, City Attorney, City of Flint  
Mr. Clyde Edwards, City Administrator, City of Flint  
Mr. Robert Bincsik, Director, Department of Public Works, City of Flint  
Mr. Robert Jones, Contract Operator in Charge, F & V Operations  
Ms. Sarah Tallman, Natural Resources Defense Council  
Mr. Michael D. Harris, Acting Director, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (USEPA), Region 5  
Ms. Nefertiti DiCosmo, Acting Chief, Ground Water Drinking Water Branch, USEPA, Region 5  
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