



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

September 27, 2019

**VIA E-MAIL**

The Honorable Karen Williams Weaver  
Mayor of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502

WSSN: 02310  
City of Flint

Dear Mayor Weaver:

SUBJECT: UPDATED Lead and Copper Monitoring of Drinking Water Taps  
UPDATED Status of Violation Notice Monitoring and Reporting for Lead  
and Copper

Due to the Violation Notice sent August 16, 2019, regarding Monitoring and Reporting for Lead and Copper, the lead 90<sup>th</sup> percentile value for the city of Flint's (City) monitoring period of January 1, 2019, to June 30, 2019, was preliminarily calculated at 3 parts per billion (ppb). When the Michigan Department of Environment, Great Lakes, and Energy (EGLE) received additional requested documentation on September 16, 2019, the values were recalculated, and the **updated value is 6 ppb**.

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.

After review of the documentation that has been submitted, the City is below the Action Levels (AL) for lead and copper during the most recent round of lead and copper monitoring of drinking water taps from January 1, 2019, to June 30, 2019, as summarized below:

Contaminant	AL	MCLG*	90 <sup>th</sup> Percentile Value	Number of Sites Above AL	Range of Individual Results	Typical Source of Contaminant
Lead	15 ppb	0	6 ppb	3	0-41 ppb	Corrosion of household plumbing systems; service lines that may contain lead; Erosion of natural deposits
Copper	1,300 ppb	1,300	89 ppb	0	0-130 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 forms on July 10, 2019; July 24, 2019; and a final updated version on September 16, 2019. Included with the form were sampling results from all 129 sites collected during the January 1, 2019, to June 30, 2019 monitoring period. There was one other site that had samples submitted to the lab, but they were rejected because the volume of water in the bottles was insufficient to perform the analysis. After the exclusion of sample results from 33 sites due to invalidation under the Lead and Copper Rule (LCR), and not receiving the service line material identification documentation for another 35 sites, the remaining sample results from 61 verified Tier 1 sites were used to calculate the 90<sup>th</sup> percentile values.

### **Status of Activities Outlined in the Violation Notice**

While the City met the requirement of obtaining samples from at least 60 Tier 1 sites, not all documentation was submitted to EGLE by the July 10, 2019 reporting deadline. The City returned to compliance with the minimum reporting requirements with submittal of additional documentation on September 16, 2019. It should be noted that the City still has not confirmed, through any service line identification method, the material composition from 35 sites sampled as part of their compliance monitoring. We strongly encourage the City to confirm the service line material from these 35 sites and notify the homeowner of the composition. In the interest of full transparency, we concur with the City's statement from the letter dated August 21, 2019, from Mr. Bincsik, that "the public has the right to know the status of its water sampling." Therefore, we have included a public notification announcement outlining the reporting deficiencies the City shall provide its customers within 30 days of the date of this letter and also provide written verification to EGLE once it is completed.

### **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 July 1, 2019, and December 31, 2019**. 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 (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 July and August 2019. 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 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.**

### **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 website 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.

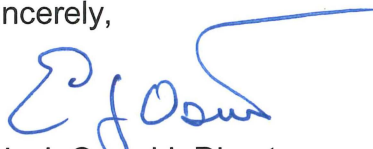
For additional information on CCR requirements, visit EGLE's Web site at [www.Michigan.gov/drinkingwater](http://www.Michigan.gov/drinkingwater). Click on the Community Water Supply Home Page and then the Consumer Confidence Report Rule link under Laws and Rules.

### Summary of Upcoming Requirements

Complete By	Requirement	Comments
October 24, 2019	Provide Public Notice Announcement to water customers within 30 days.	Post a copy of the announcement on your Web site. Insert a message on your water bills to inform your customers where a copy can be viewed on the Web site.
Ongoing	Collect WQP samples.	Continue to collect required WQP samples.
Between July 1 and December 31, 2019	Collect samples from 60 Tier 1 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 July and August 2019.	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 January 10, 2020.</b>
January 10, 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.

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

The Honorable Karen Williams Weaver

Page 5

September 27, 2019

cc: Mr. Steve Branch, City Administrator, City of Flint  
Mr. Robert Bincsik, Director, Department of Public Works, City of Flint  
Mr. Blair Selover, Manager, F&V Operations, Contractor for City of Flint  
Ms. Sarah Tallman, Natural Resources Defense Council  
Ms. Nefertiti DiCosmo, Acting Chief, Groundwater Drinking Water Branch,  
United States Environmental Protection Agency, Region 5  
Mr. Richard Kuhl, Michigan Department of Attorney General  
Ms. Liesl Eichler Clark, Director, EGLE  
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE  
Mr. George L. Krisztian, EGLE