



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 17 2016

REPLY TO THE ATTENTION OF:

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

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

Dear Governor Snyder and Mayor Weaver:

Today, I am issuing a First Amendment to the Emergency Order (Order) that was issued to the City of Flint (City), Michigan Department of Environmental Quality (MDEQ), and the State of Michigan, pursuant to Section 1431 of the Safe Drinking Water Act (SDWA), by EPA's Office of Enforcement and Compliance Assurance on January 21, 2016. During weekly technical meetings on the Order among EPA, City, and State staff, the City has asked EPA for clarification to prioritize its efforts to comply with the requirements of the January 21, 2016 Order. EPA is amending the Order to provide the requested clarification and allow the City to develop its own work plan, and set milestones that it can achieve.

Specifically, the First Amendment to the January 21, 2016 Order (First Amendment) has been developed to achieve the following:

1. Provide clarity for what is expected from the Respondents to effectuate a water source switch.
2. Provide flexibility to Respondents to establish their own plan, schedule, milestones that they can achieve, and a mechanism to adjust such plans within the First Amendment.
3. Help restore public confidence by making plans publicly accessible through Michigan's Order website.
4. Create State and City accountability to make the necessary upgrades to provide safe and reliable water by identifying the necessary plans that must be in place.

Given the harmful effects of the source water switch in April of 2014, it is critical that any future changes in source water for the City be properly planned. The City and State must thoroughly analyze and plan for all of the components needed to successfully accomplish a change in source water and keep all parties, including the public, well informed throughout the transition process.

With that in mind, this First Amendment requires the Respondents to complete the following:

1. A plan for completing the Karegnondi Water Authority pipeline connection to the Flint water treatment plant (WTP) that provides for pipeline completion and operation at least three months before the distribution of any drinking water.
2. A water treatment plant modification plan that will provide a preliminary evaluation of Flint's treatment of its new source water.
3. A new source treatment plan that ensures compliance with SDWA and National Primary Drinking Water Regulations, including requirements for optimal corrosion control treatment and water quality parameter monitoring. This plan requires Flint to execute a performance period to ensure safe drinking water prior to switching to its new source.
4. Monthly updates regarding schedules and milestones until all necessary requirements are met.


All other requirements of the January 2016 Order remain in effect.

In addition, the First Amendment changes the EPA point of contact from Mark Pollins of EPA's Office of Enforcement and Compliance Assurance in Washington, D.C., to Christopher Korleski, the Director of EPA Region 5's Water Division. Staff from both EPA Headquarters and Region 5 have arranged to meet with both City and State staff in Flint on Friday, November 18, at 8 a.m. EST to go over the contents of this First Amendment and discuss the path forward.

Current efforts to optimize the City's distribution system and the forthcoming efforts to evaluate treatment and facility upgrades for the water source switch will facilitate the City's ability to create a Master Plan to guide the long-term (*e.g.*, 20 years) operation and maintenance needs of the Flint WTP and distribution system, so that the City is able to provide reliable and safe drinking water to the citizens of Flint. I want to also reiterate the EPA Administrator's message that it is critical for the State and City to work closely together to develop the necessary expertise and financing options so that there can be a successful transition to a new water source.

We look forward to your continued progress on this matter. Please do not hesitate to contact me with any questions relating to this letter. In addition, your staff may always contact Christopher Korleski, Director of EPA Region 5's Water Division at korleski.christopher@epa.gov or (312) 353-8320.

Sincerely,



Robert A. Kaplan
Acting Regional Administrator

cc: Sylvester Jones, City Administrator, City of Flint
Keith Creagh, Director, Michigan Department of Natural Resources and the Environment

Enclosure