



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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The Honorable Sheldon Neeley, Mayor
City of Flint
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Michigan 48502
saneeley@cityofflint.com

Mr. Eric Oswald, Director
Drinking Water and Municipal Assistance
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909
OswaldE1@michigan.gov

Subject: Response to request from the City of Flint regarding implementation of a "performance period" as required under Paragraph 60 of EPA's 1431 Emergency Order, as amended

Dear Mayor Neeley and Director Oswald:

This letter follows up on the U.S. Environmental Protection Agency's (EPA) on-going discussions with Respondents City of Flint (City) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) regarding the "performance period" set out in Paragraph 60(b)(iii)(D) of EPA's Safe Drinking Water Act 1431 Emergency Order, as amended on November 17, 2016 (Amended Order). Specifically, the City has asked if its actions and plans as set out in its Secondary Water Supply Project, which includes Control Station #2 renovations, meet the requirements of Paragraph 60(b)(iii)(D) of the Amended Order.

Among other requirements, Paragraph 60 of the Amended Order requires the implementation of a "performance period" to allow for the demonstration of the adequacy of treatment of a new water source to meet all National Primary Drinking Water Regulations (NPDWRs) before it can be distributed to residents.

Specifically, Paragraph 60(b)(iii)(D) states:

“Developing and implementing a “performance period,” which shall begin after the completion of the KWA pipeline connection to the Flint WTP, addressed in Paragraph 60(b)(i), and after the completion and implementation of all applicable requirements in Paragraph 60(b)(ii) and (iii). The performance period shall last as long as necessary, but no less than three months, to allow for the demonstration of the adequacy of treatment of

the new water source to meet all SDWA and NPDWRs before it can be distributed to consumers.”

As it is the City’s responsibility to choose an appropriate source of drinking water, the City planned to switch to Karegnondi Water Authority (KWA) water as the City’s new source of drinking water at the time of the Amended Order. The City would have needed to treat this raw water before distribution to consumers, and this requirement was set out in the Amended Order. The City, however, subsequently signed a master agreement with the Great Lakes Water Authority (GLWA) to supply treated GLWA water to its citizens. Because of this change, the requirement for a performance period to allow for the demonstration of the adequacy of treatment of the new water source before distribution to consumers, which was to begin after the completion of the KWA pipeline connection to the Flint WTP, is no longer directly applicable. The City selected a blend of approximately 95 percent GLWA water and approximately 5 percent treated Genesee County Drainage Commission (GCDC) water as its permanent water source. The blend is necessary because the City has chosen GCDC as its emergency backup source water, and flow is required to be constant in the pipeline connecting GCDC to Flint.

Although circumstances have changed and the performance period set out in the Amended Order is no longer directly applicable, the intent underlying the performance period requirement remains - to ensure that the public water supply in Flint is properly treated and safely distributed to its citizens. EPA believes that the intent of the performance period requirement set out in the Amended Order can be met if Respondents meet the following two requirements. First, regarding the quality of the treated water, in the February 19, 2019 letter to Respondents, [EPA concurred with the conclusion](#) in the City’s September 4, 2018 report titled, [Blended GLWA and GCDC Water Quality Assessment and Impacts to Corrosion Control Treatment Study](#). The report concluded that a 95 percent GLWA/5 percent GCDC blended flow has similar water chemistry when compared to the 100 percent GLWA supply that the City’s residents have been receiving for years. Nonetheless, additional verification and confirmation of the similarity of the 95 percent GLWA/5 percent GCDC water to 100 percent GLWA water is warranted after the Secondary Water Supply Project is completed. EPA is therefore requiring a comparison of water quality parameters that were evaluated in the September 4, 2018 report. Second, standard procedures must be developed and implemented for operation and maintenance of the new pipeline, its associated flow metering system, and the new chemical feed system and facilities when they are completed.

These aforementioned requirements will effectively replace the three-month performance period requirement as previously outlined in the Amended Order. EPA will work with the City of Flint, Michigan EGLE and the State of Michigan to further define what is required to ensure implementation and that the public water supply in Flint is properly treated and safely distributed to its citizens.

I appreciate your attention to this matter. Please do not hesitate to contact me at (312) 886-0760 or harris.michael@epa.gov with any questions or concerns regarding this letter.

Sincerely,

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.06.09
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Michael D. Harris, Director
Enforcement and Compliance Assurance Division

cc: Ms. Cheryl Newton, Acting Regional Administrator, EPA Region 5
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