



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2016

THE ADMINISTRATOR

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

Dear Governor Snyder:

Thank you for your time today to talk about our shared concerns for the people of Flint. As we discussed, today I am issuing an Order, pursuant to Section 1431 of the Safe Drinking Water Act, directing the Michigan Department of Environmental Quality and the City of Flint to take immediate action to address serious and ongoing concerns with the safety of Flint's drinking water system. The U.S. Environmental Protection Agency is deeply concerned by continuing delays and lack of transparency and has determined that the actions required by the Order – the key elements of which are summarized below – are essential to ensuring the safe operation of Flint's drinking water system and the protection of public health. The Order, which has been transmitted separately, directs that the state notify the EPA in writing within one day of its intent to comply. Recognizing that you have made changes to the leadership at MDEQ, it is imperative that our respective teams set up a meeting no later than next week to begin the work that is before the state, the city and the EPA.

The EPA and other federal agencies are working closely with the state and city to address the public health emergency that is now unfolding as a result of the failure to properly operate Flint's system, leading to multiple health-based drinking water violations and unsafe lead levels in the city's drinking water. As part of these efforts, this past October the EPA established the Flint Safe Drinking Water Task Force (the "EPA Task Force"), composed of EPA scientists who are recognized experts in the field of corrosion control in drinking water systems. The EPA Task Force has provided written recommendations to the city and MDEQ, clearly addressing specific steps needed to re-optimize corrosion control, as well those needed to ensure that the system maintains optimal corrosion control throughout the transition of Flint's water supply from the Great Lakes Water Authority (Detroit) to the Karegnondi Water Authority (KWA) that the city is planning for the summer of 2016. These recommendations have been publicly posted at <http://www.epa.gov/mi/flint-drinking-water-documents>.

As you and I discussed, some progress has been made in addressing these recommendations; but there continues to be inadequate transparency and accountability with regard to provision of test results and actions taken and those are critical for the people of Flint. In addition, there is an increasing concern about capacity to carry out the recommended actions and to safely manage Flint's drinking water system – especially in the context of the intended transition to KWA water in summer 2016. The EPA Task Force, the city, and the state have had to devote substantial effort to issues related to the planned

transition from treated water purchased from Detroit to untreated water from KWA. That transition presents complex technical and managerial challenges, above and beyond those related to the immediate need to reduce lead levels in Flint's drinking water, that have serious implications for drinking water safety and public health. Finally, it must be recognized that the EPA Task Force's expertise and technical advisory role are narrowly focused on corrosion control, and that there is a much broader set of issues that must be addressed to ensure the safety of drinking water provided by the Flint system.

For these reasons, the EPA's Order requires the state and the city to take a number of actions, summarized below, to ensure that Flint's drinking water system is re-optimized for corrosion control, that the city establishes the capacity to safely and effectively operate its drinking water system, and that there is public transparency and accountability with regard to these actions:

1. Promptly provide the EPA and the public with official, public and timely responses to the recommendations of the EPA Task Force, including status and plans with regard to implementation of recommended actions.
2. Fully implement the EPA Task Force's recommendations with regard to lead sampling; promptly and continuously share the results of all lead sampling and other relevant Flint drinking water data with the EPA and the public, with proper protections for personally identifiable information; and cooperate with the independent EPA sampling effort described below.
3. Ensure, including through the provision of state resources as necessary, that the city has the full complement of qualified professionals needed to safely operate Flint's drinking water system.
4. Obtain, through a publicly transparent process and with the support of state resources as necessary, advice from independent, nationally-recognized experts on drinking water treatment, sampling, and distribution system operation – in order to ensure safe and effective management of that system and to restore public confidence.
5. Prior to implementing any transition to KWA water, make an affirmative determination, with appropriate expert advice and an opportunity for public input, that the city has the technical, managerial, and financial capacity to safely and effectively operate its drinking water system, and that all necessary infrastructure upgrades, analysis, and testing have been completed, in order to ensure a safe transition to KWA.

To help ensure transparency and accountability, the EPA will work with the city in the near term to oversee and participate in the collection of Lead and Copper Rule drinking water samples by Flint residents, will have these samples analyzed in a certified laboratory, and will provide this data to the public, with appropriate protections for personally identifiable information. Further, the EPA will conduct additional, sequential sampling at locations throughout the distribution system, which will be used to further inform the treatment optimization process. The EPA underscores that the state and city ultimately will need to work with independent recognized experts to undertake a broader effort to fully assess and verify the safety of Flint's drinking water system-wide.

The steps outlined above are essential to fulfill our shared interest in the protection of public health against further harm from drinking water contamination, and to restoring public confidence that the ongoing drinking water crisis will be promptly and fully remedied. I expect to receive prompt written notice of the state's intention to promptly and fully comply with the requirements of the Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', written in a cursive style.

Gina McCarthy

cc: The Honorable Karen Weaver  
Mayor of Flint

