



## CITY OF FLINT, MICHIGAN

Dr. Karen W. Weaver  
Mayor

June 14, 2018

Ms. Linda Holst, Acting Director  
Water Division, Region 5  
United States Environmental Protection Agency  
Ralph Metcalfe Federal Building  
77 West Jackson Boulevard (W-15J)  
Chicago, Illinois 60604-3590

**Sent via Email**

Dear Ms. Holst:

On June 11, 2018, the Michigan Department of Environment Quality (MDEQ) submitted its weekly summary of MDEQ Actions in response to the USEPA Emergency Administrative Order, posting it on the State's Taking Action on Flint Water website (See Attachment 1). The MDEQ reported in its response to Paragraph 60, 61 and 62 of the January 21, 2016 order the following:

**Paragraphs 60, 61 and 62: New source, necessary/capable staff, system optimization**

- On September 8, 2017, the City sent the MDEQ a letter regarding deficiencies found during the water system sanitary survey. This letter was posted online on 6/5/2018.
- On May 31, 2018, the MDEQ sent the City a letter stating that the City had not resolved the problems identified in the sanitary survey the MDEQ conducted in 2017 and proposed an Administrative Consent Order (ACO). This letter was posted online on 6/1/2018
- On June 4, 2018, the City sent the MDEQ a letter in response to the MDEQ's May 31, 2018, letter seeking clarification. This letter was posted online on 6/6/2018.
- June 4, 2018, the MDEQ sent the City a letter with a proposed ACO attached, along with the sanitary survey results, and the previous correspondence. This letter and all related correspondence was posted online on 6/4/2018.

The MDEQs' weekly response to the EPA omits significant information pertaining to the MDEQs' communication with the City, prior to May 31, 2018. The MDEQs' March 21, 2018 letter from Robert London, MDEQ Surface Water Engineer, demonstrates the cooperation and collaboration that the City has received with its enforcement agency (See Attachment 2). The MDEQ, through Mr. London, was able to develop plans and timeframes with the City, prior to the issuance of the MDEQs' May 31<sup>st</sup> and June 4<sup>th</sup> 2018 letter, seeking entry of an unwarranted ACO. Mr. London described in his March 21, 2018 correspondence that he was in agreement with the City's plans and provided the City with multiple deadlines based on the sanitary sewer survey that have not yet expired. A more detailed explanation of each item listed in the proposed ACO and the City's position based on the March 21, 2018 MDEQ letter was outlined in the City's June 11, 2018 response that you were copied. Moreover from September of 2017 to present, the City has continued to work on a monthly basis with the MDEQ through the EPA Teleconference Meetings to proactively meet deadlines to remain in compliance with the SDWA, not to mention the countless communications and meetings the DPW Director Robert Bincsik has participated in with the MDEQ staff.

As a result, I am attaching a copy of the MDEQ March 21, 2018 letter to correct the record.

Sincerely,



Dr. Karen W. Weaver  
Mayor

Cc: Mr. Mark Adas, City Engineer, City of Flint  
Mr. Robert Bincsik, Director of Public Works, City of Flint  
Mr. Hughey Newsome, Chief Financial Officer, City of Flint  
Mr. Herbert Winfrey, City Council President, City of Flint  
Ms. Linda Holst, Acting Director, Water Division, Region 5, USEPA  
Mr. Tom Poy, USEPA  
Mr. Anthony Ross, Deputy Project Manager, Region 5, USEPA  
Mr. Richard S. Kuhl, Michigan Department of Attorney General  
Ms. C. Heidi Grether, Director, MDEQ  
Ms. Amy Epkey, Administration Deputy Director, MDEQ  
Mr. Aaron Keatley, Chief Deputy Director, MDEQ  
Mr. Michael McClellan, Environmental Deputy Director, MDEQ  
Mr. Gary Peters, U.S. Senator  
Ms. Debbie Stabenow, U.S. Senator  
Mr. Dan Kildee, U.S. Congressman  
Mr. Jim Ananich, State Senator  
Mr. Phil Phelps, State Representative  
Mr. Sheldon Neeley, State Representative

# **ATTACHMENT 1**

**Summary of  
Michigan Department of Environmental Quality Actions  
In Response to the  
United States Environmental Protection Agency  
Emergency Administrative Order  
Updated: 6/11/2018**

**EXECUTIVE SUMMARY:**

The United States Environmental Protection Agency (EPA) Emergency Administrative Order contains 15 overall items to be addressed by the Michigan Department of Environmental Quality (MDEQ). This update includes status only on items for which progress was made in the last week. It is anticipated that the next update to this summary will be provided on Monday, June 18, 2018.

**DETAILED INFORMATION:**

**Paragraph 54: Lead service line removal**

- On May 31, 2018, the MDEQ sent the city of Flint (City) a letter expressing concerns about how the service line replacement work that started in Spring 2018 was prioritized. This letter was posted online on 6/1/2018.

**Paragraph 61: Necessary, capable and qualified personnel**

- On September 7, 2017, the City sent the EPA a letter regarding concerns about sufficient management and operational staff at the public water supply. This letter was posted online on 6/5/2018.

**Paragraphs 60, 61 and 62: New source, necessary/capable staff, system optimization**

- On September 8, 2017, the City sent the MDEQ a letter regarding deficiencies found during the water system sanitary survey. This letter was posted online on 6/5/2018.
- On May 31, 2018, the MDEQ sent the City a letter stating that the City had not resolved the problems identified in the sanitary survey the MDEQ conducted in 2017 and proposed an Administrative Consent Order (ACO). This letter was posted online on 6/1/2018.
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- On June 4, 2018, the MDEQ sent the City a letter with a proposed ACO attached, along with the sanitary survey results, and the previous correspondence. This letter and all related correspondence was posted online on 6/4/2018.

**Other Documents:**

- On May 24, 2018, the City sent the MDEQ a letter to discuss program management costs for development of the Intended Use Plan (IUP) for Water Infrastructure for Improvements to the Nation (WIIN) funding. This letter was posted online on 6/11/2018.
- On June 5, 2018, the MDEQ sent the City a letter in response to the above letter regarding costs related to the IUP for WIIN funding. This letter was posted online on 6/6/2018.

# **ATTACHMENT 2**



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



C. HEIDI GREYER  
DIRECTOR

March 21, 2018

The Honorable Karen W. Weaver, Mayor  
City of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502

Dear Mayor Weaver:

SUBJECT: Water System Sanitary Survey, WSSN: 2310

The Department of Environmental Quality (DEQ) has reviewed the city of Flint's (City) efforts to resolve the Significant Deficiencies and Deficiencies identified in our 2017 sanitary survey of the City water system. The City, the DEQ, and the U.S. Environmental Protection Agency (EPA) have been working closely to address these issues.

The Significant Deficiencies, Deficiencies, and Recommendations listed below were identified in our sanitary survey, and the City provided a response in your September 8, 2017 letter. Based on your response, and several discussions with City staff and contractors, we have the following comments.

**Significant Deficiencies**

**1. Source – The City has failed to select a long-term water supply source.**

This issue is resolved. The City executed a 30-year water supply agreement with the Great Lakes Water Authority (GLWA), with an effective date of December 1, 2017. Selection of a long-term water source allows the City to move forward with addressing other water system issues.

**2. Distribution System – The City's cross connection control program is not being implemented in a satisfactory manner.**

This issue is unresolved. The City has stated its intent to fill the vacant cross connection manager position and resume cross connection control activities but has been unable to hire a permanent employee for the manager position. It is our understanding that the City is negotiating for temporary, contractual assistance to oversee its cross connection control program. The use of contractual services to implement the program is acceptable to DEQ. A permanent or contractual cross connection manager must be in place, and routine cross connection control program activities must resume, by June 20, 2018. Implementation of the cross connection program will be evaluated under item 4 (System Management and Operation) below.

**3. Distribution System – the City has not provided details about maintenance and replacement programs and/or Standard Operating Procedures (SOPs) for hydrants, valves, meters, and galvanized service lines.**

This issue is unresolved. Several SOPs were prepared for the City by the Arcadis Group as part of the City's Distribution System Optimization Plan, but the City has not indicated its formal approval of the SOPs. For each Distribution System SOP, the City must provide the following to the DEQ by April 20, 2018: a signed, dated copy of the SOP (if the City intends to implement the SOP as written), or a statement indicating that a revised SOP is necessary. If revised SOPs are necessary, signed, dated copies of the revised SOPs must be submitted to us by May 21, 2018. Also, an SOP for galvanized service lines was not submitted and a signed, dated copy must be provided by May 21, 2018. The City's implementation of the approved SOPs will be evaluated under item 4 (System Management and Operation) below.

**4. System Management and Operation – The DEQ does not have confidence that the City can continue to demonstrate the Technical, Managerial, and Financial (TMF) capacity necessary to consistently operate the water system in accordance with Act 399 after the current technical and training assistance contracts expire.**

The overall issue of demonstrating adequate TMF capacity remains unresolved until the other Significant Deficiencies and Deficiencies identified in this letter are appropriately addressed. The DEQ will continue to work with the City and with EPA to ensure TMF capacity is maintained.

**5. Financial – The City should adopt an appropriate rate structure and administrative policies for the water system.**

This issue is unresolved. Selection of a long-term water source has allowed the City to begin financial planning; however, a water rate structure must be implemented that allows the City to properly operate and maintain the water system. The City must notify us by May 21, 2018, of your plan to implement a sufficient rate structure, including an effective date for any new rates.

**Deficiencies**

**6. Storage – The Cedar Street Reservoir requires an inspection.**

This issue is unresolved; however, the DEQ agrees the distribution system storage analysis should be completed before an inspection plan and schedule are developed for the Cedar Street Reservoir. The City projects the analysis will be completed and the reservoir inspection will take place in 2018. The inspection must be completed, and an inspection report and plan for completing any necessary improvements must be submitted to us, by September 28, 2018.



- 7. Operator Compliance – The City has been unable to recruit and retain a properly-certified operator-in-charge, and is also having difficulty reaching desired staffing levels.**

This issue is unresolved. The City has been unsuccessful in its attempts to recruit and hire critical water system staff. The City must supply a full-time operator-in-charge on a permanent or contractual basis and sufficient staffing on a permanent or contractual basis to conduct continuous treatment system operations by June 30, 2018.

- 8. Security – The City has not provided an updated Emergency Response Plan for DEQ review.**

This issue is unresolved; however, the City has committed to completing the Emergency Response Plan by June 2018. We interpret this to mean an updated plan will be submitted to DEQ by June 30, 2018. This schedule is acceptable to the DEQ.

**Recommendations**

- 9. Source – An evaluation of the reliability of utility power and the need for an on-site emergency generator should be completed.**

This issue is resolved. The selection of a long-term water source has made an evaluation of the power supply to the water treatment plant unnecessary. Power needs may be considered during the design of permanent chemical feed facilities (item 10 below).

- 10. Treatment – Additional features should be added to the treatment system currently in operation at CS-II to enhance treatment reliability and consistency, as well as operator safety.**

Design of chemical feed system improvements must be completed by December 31, 2018, and construction must be completed by December 31, 2019.

- 11. Distribution System – The City should plan financially for periodic updates of the General Plan, Asset Management Plan and Capital Improvement Plan.**

The City indicated its intent to budget for periodic updates or develop in-house capability to complete these tasks. The cost of completing this task must be reflected in your water rates/budget.

- 12. Distribution System – The design of future water main replacement projects should strongly consider water age/water main sizing.**

The City indicated its intent to use the recently-developed hydraulic model of the distribution system during the design of water system improvements. This is acceptable to the DEQ.

**13. Storage – A back-up power supply should be provided for the Cedar Street Reservoir booster station.**

The City indicated its intent to either purchase or arrange for the use of a properly-sized portable generator at the Cedar Street Reservoir. The generator should be purchased, or the emergency services contract should be executed, by December 31, 2018.

**14. Pumps – Upgrades to the Torrey Road and Cedar Street booster pumps should be completed.**

The City indicated the Torrey Road pumps will be installed in 2018, and upgrades to the Cedar Street pumps will be designed in 2018 and completed in 2019. This schedule for completing the work is acceptable to the DEQ.

**15. Monitoring and Reporting – The City should begin planning financially for staff to complete all monitoring and reporting requirements.**

The City indicated its intent to have adequate staffing and laboratory facilities to complete these tasks. The cost of completing this task must be reflected in your water rates/budget.

If you have any questions, please contact me at the phone number listed below or by email to londonr@michigan.gov.

Sincerely,



Robert A. London, P.E.  
Surface Water Treatment Engineer  
Engineering Unit  
Drinking Water and Municipal Assistance Division  
989-450-7834

b1/ajl

cc: Mr. Mark Adas, City of Flint  
✓ Mr. Rob Bincsik, City of Flint  
Mr. Robert Jones, F&V Operations  
Mr. Eric Oswald, DEQ  
Ms. Sue Maul, DEQ