



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 26 2019

CERTIFIED MAIL 70183090000225265026
RETURN RECEIPT REQUESTED

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

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

Re: Concerns with Staffing Issues at the Flint Public Water System and Compliance with EPA's Emergency Order.

Dear Mayor Weaver and Director Oswald:

This letter follows up on EPA's on-going discussions with Respondents – the City of Flint (City), the Michigan Department of Environment, Great Lakes, and Energy (MEGLE), and the State of Michigan (State) – regarding efforts to comply with EPA's January 21, 2016 Emergency Order and the November 17, 2016 First Amendment (Order). Specifically, I wish to emphasize EPA's concerns about ongoing staffing issues at the Flint Public Water System (PWS).

Paragraph 61 of EPA's January 21, 2016 Order requires that, “[w]ithin 15 days of the effective date of this Order the City must demonstrate, and the MDEQ and State must ensure, **the City has the necessary, capable and qualified personnel** required to perform the duties and obligations required to ensure the PWS complies with the SDWA¹ and NPDWRs².” I recognize that the City has worked to try to resolve its staffing challenges. However, the City has yet to demonstrate that this requirement has been met on a continuous basis. While the City continues its efforts to hire and train staff, the ability to provide adequate coverage on an on-going basis is an EPA concern.

The City has reported that it is reluctant to hire additional individuals for fear of having to lay them off when the PWS becomes more automated. I appreciate this sensitivity. However, EPA has become aware of the following reports from Flint PWS operators submitted to MEGLE:

- An operator trainee quit, causing inadequate staffing;

¹ Safe Drinking Water Act

² National Primary Drinking Water Regulations

- Work schedules consisting of five sixteen-hour days;
- Overtime totaling 104 hours in two weeks due to low staffing; and
- General fatigue of workers due to low staffing and long work weeks.

Based on the above information provided to MEGLE, it appears that the Flint PWS does not have sufficient staff to sustain compliance and has created conditions that could lead to errors at the PWS that could affect public health. While EPA has expressed these concerns during our monthly meetings in which we discuss the Order, as well as in previous written correspondence, the purpose of this letter is to elevate the importance of this issue and EPA's continuing concerns. Specifically, EPA wants to know what the City will do to demonstrate that the Flint PWS has the necessary, capable and qualified personnel on board so that the PWS is properly operated at all times.

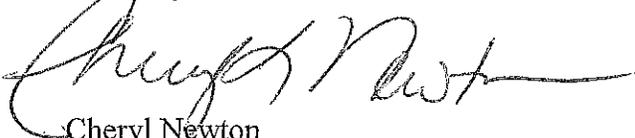
Please note that U.S. EPA's Office of Water is engaged in exploring the challenges faced by water utilities and their respective workforces across the nation. I encourage the City to consider contacting Acting Director Michael Harris, Enforcement and Compliance Assurance Division in Region 5, to facilitate a discussion with leadership from the national Office of Water regarding opportunities of innovative solutions to address the systemic staffing challenges incurred at the Flint PWS.

The Region would also like to inform Flint and MEGLE of a new contact for the Order as a result of the Agency's realignment. The contact listed in Paragraph 66 of the Order is changed to:

Michael D. Harris
Acting Director, Enforcement and Compliance Assurance Division, Region 5
U.S. Environmental Protection Agency
77 West Jackson Blvd.
EC-19J
Chicago, IL 60604
(312) 886-0760
harris.michael@epa.gov

I appreciate your prompt attention to this matter. Please do not hesitate to contact Acting Director Michael Harris at (312) 886-0760 or harris.michael@epa.gov with any questions or concerns.

Sincerely,



Cheryl Newton
Deputy Regional Administrator

cc: Ms. Cathy Stepp, Regional Administrator, EPA
Ms. Liesl Clark, Director, MEGLE
Mr. Herbert Winfrey, Council President, City of Flint

Mr. Steve Branch, City Administrator, City of Flint
Mr. Aaron Keatley, Deputy Director, MEGLE