



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**VIA ELECTRONIC MAIL**

The Honorable Gretchen Whitmer, Governor  
State of Michigan  
P.O. Box 30013  
Lansing, Michigan 48909

The Honorable Sheldon Neeley, Mayor  
City of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502  
[saneeley@cityofflint.com](mailto:saneeley@cityofflint.com)

Mr. Phil Roos, Director  
Michigan Department of Environment, Great Lakes, and Energy  
525 West Allegan Street  
P.O. Box 30473  
Lansing, Michigan 48909  
[RoosP@michigan.gov](mailto:RoosP@michigan.gov)

Subject: Termination of EPA's SDWA §1431 Emergency Order, as amended.

Dear Governor Whitmer, Mayor Neeley and Director Roos:

On January 21, 2016, the U. S. Environmental Protection Agency (EPA) issued an Emergency Order to the City of Flint and the State of Michigan under the authority of Section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i. Respondents to the Order are the City of Flint, Michigan, the Michigan Department of Environmental Quality (now The Michigan Department of Environment, Great Lakes, and Energy or EGLE) and the State of Michigan. On November 17, 2016, EPA amended the Emergency Order. The Emergency Order set forth requirements that were necessary to ensure adequate protection of public health in the City of Flint. The Respondents have demonstrated to the EPA that all terms of the Emergency Order have been satisfied. Because these requirements have now been completed, EPA is notifying each Respondent that EPA is terminating the Emergency Order.

In April 2014, Flint switched its source water from finished treated drinking water supplied by the Great Lakes Water Authority in Detroit, to corrosive source water from the Flint River. This switch led to the stripping of the protective orthophosphate layer from pipes throughout the

City's drinking water distribution system. Because this protective layer was stripped from the pipes, lead levels increased in the drinking water. EPA issued the Emergency Order to address this public health emergency and required the Respondents to, among other things, optimize corrosion control, ensure adequate disinfection, and complete implementation of a Pipeline Plan for a backup water supply and ensure that the Flint Public Water system has adequate Technical, Managerial, and Financial (TMF) Capacity to ensure that all SDWA requirements are met.

In March 2017, Region 5 provided \$100 million in Water Infrastructure Improvements for the Nation (WIIN) funds through the Drinking Water State Revolving Fund to EGLE for water infrastructure projects in Flint. EGLE was also required to add \$20 million in state matching funds, bringing the total to \$120 million. In addition, Flint has completed a water service line excavation, with nearly all the lead service line replacements complete. While replacement of lead service lines is not a requirement of the Order, a separate settlement that does not involve the EPA requires the replacement.<sup>1</sup> Elimination of lead service lines will greatly reduce the potential for lead exposure from drinking water for the citizens of Flint.

Among the most significant actions completed under EPA's Emergency Order are the following:

- Flint has continuously complied with SDWA and the National Primary Drinking Water Regulations (NPDWRs), including regulations regarding disinfection and disinfection byproducts.
- Since July 2016, Flint has not had a Lead Action Level Exceedance. Flint's 90th percentile concentrations under the Lead and Copper Rule (LCR) have been continuously below the lead action level of 15 parts-per-billion.
- On August 27, 2021, Flint finished constructing a backup pipeline connecting the Genesee County Drain Commission (GCDC) to Flint to serve as an emergency back-up source of water. Flint's permanent water supply consists of 95 percent Great Lakes Water Authority (GLWA) water and 5 percent GCDC water.
- Respondents developed a corrosion control and comprehensive pipe loop study to determine optimal corrosion control treatment. Treatment with orthophosphate is successful, and Flint has consistently maintained adequate chlorine residual levels to meet water quality parameters throughout its distribution system.
- With the assistance of WIIN funds, Flint has completed numerous infrastructure projects to improve its public water system, including the new chemical feed building, secondary water source main, Dort and Cedar storage/pumping improvements, water main replacements, meter replacements, and water quality monitoring plan and upgrades.

In addition to work completed under the Emergency Order, EGLE and Flint entered into an Administrative Consent Order (ACO) on October 7, 2024, that continues and updates the work of an existing agreement, including implementation of Flint's state approved TMF plan.<sup>2</sup>

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<sup>1</sup> The lawsuit was filed by Concerned Pastors for Social Action; Melissa Mays; American Civil Liberties Union of Michigan; and the Natural Resources Defense Council, Inc.

<sup>2</sup> Requirements of the October 2024 ACO include cross connection control program implementation; Cedar Street reservoir and pump stations upgrades; Torrey Road pump station upgrades; distribution system valve reports; Northwest transmission main replacement; hiring additional staff; demonstration of TMF, and implementation of new SOPs.

EPA acknowledges the tremendous amount of work accomplished by all the Respondents working cooperatively with EPA to bring the Flint system into compliance with SDWA and the Emergency Order. EPA has reviewed the information submitted by the City and EGLE in response to the required compliance activities and has determined that Respondents have demonstrated, to the satisfaction of EPA, that the terms of the Emergency Order have been satisfactorily completed. EPA's decision to terminate the Order is conditioned upon the accuracy of Respondents' representations to the EPA in response to the requirements of the Emergency Order.

Further, EPA's termination of this Emergency Order in no way relieves the City of its obligation to comply with SDWA and its implementing regulations. The effect of this termination is limited to the requirements imposed under the Emergency Order. EPA reserves its authorities, both legal and equitable, under SDWA and any other statutory, regulatory, or common law authorities of the United States.

EPA wishes to assure Flint citizens that the Agency is committed to exercising its independent authorities under SDWA as needed to ensure the public health of Flint residents remains protected. EPA will continue its oversight role of the City's and State's efforts to ensure that the Flint system provides residents with safe and clean drinking water. EGLE will continue its role as the agency with primary regulatory authority of the City's water treatment operations.

Thank you for your efforts to protect drinking water quality. If you have any questions relating to this letter, please contact me or Brooke Furio of my staff at 440-250-1705 or [furio.brooke@epa.gov](mailto:furio.brooke@epa.gov) or Joanna Glowacki and Robert Thompson, the attorneys assigned to this matter, at 312-353-3757 or [glowacki.joanna@epa.gov](mailto:glowacki.joanna@epa.gov) and 312-353-6700 or [thompson.robertl@epa.gov](mailto:thompson.robertl@epa.gov), respectively.

Sincerely,

Michael D. Harris, Director  
Enforcement and Compliance Assurance Division

cc: Karin Koslow, EPA OECA  
Jennifer McLain, EPA OW  
Eric Oswald, EGLE  
Clyde Edwards, City of Flint  
JoAnne Huls, Office of Governor Gretchen Whitmer  
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