

From: DEQFOIA [mailto:DEQFOIA@michigan.gov]
Sent: Thursday, September 10, 2015 1:08 PM
To: Marc Edwards (edwardsm@vt.edu)
Subject: Request for Disclosure of Official Files

Mr. Marc Edwards
Virginia Tech
407 Durham Hall
Blacksburg, VA 24061

Dear Mr. Edwards:

SUBJECT: Request for Disclosure of Official Files

This written notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), which was received by this office on September 9, 2015. You have requested the following information: Flint lead in water: original Flint LCR report which prompted a conference call with DEQ staff, that caused Flint to revise their report, EPA employee Miguel Del Toral, need for corrosion control in Flint River, etc. (FOIA 6429-15).

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. Section 3(1) of the FOIA requires that a requesting person's written request must describe a public record sufficiently to enable the public body to find the public record. **Your request does not include the date/time of the conference call and who from the Department of Environmental Quality participated on the conference call.**

For this reason your request is denied.

Under section 10 of the FOIA, you may do either of the following:

- 1) Appeal this decision in writing to the Director of the Department of Environmental Quality, P.O. Box 30473, Lansing, Michigan 48909-7973. The writing must specifically state the word "appeal," and identify the basis for which the disclosure determination should be reversed. The Director of the DEQ, or his/her delegated designee, must respond to the appeal within 10 days of its receipt. Under unusual circumstances, the time for response to the appeal may be extended by 10 business days.
- 2) Commence a civil action in circuit court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Susan Vorce, FOIA Coordinator
Department of Environmental Quality
800-662-9278

From: DEQFOIA [mailto:DEQFOIA@michigan.gov]
Sent: Monday, September 28, 2015 1:24 PM
To: Marc Edwards (edwardsm@vt.edu)
Subject: 6429-15 - FOIA Appeal response

Mr. Marc Edwards
Virginia Tech
407 Durham Hall
Blacksburg, Virginia 24061

Dear Mr. Edwards:

This notice responds to your September 10, 2015, letter, which you designate as an appeal, under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), of the Department of Environmental Quality's (DEQ's) September 10, 2015, Insufficient Information Denial (FOIA 6429-15).

Your FOIA requested the following:

- 1) I would like a copy of the ORIGINAL Flint LCR report, which prompted a conference call with DEQ staff, that caused Flint to revise their report.
- 2) I would also like all documents and information associated with the conference call, including its planning and reasons for the conference call.
- 3) I would like all information about this call including:
 - a) Recordings,
 - b) Handwritten minutes,
 - c) E-mails regarding the planning of the call and what was discussed and decided.
- 4) I would also like the rationale given for invalidating two samples, at instruction of MDEQ, and explicit information regarding which two samples were invalidated.

The Insufficient Information denial was for:

- (2) ...all documents...associated with the conference call...
- (3) ...all information about this call...

The Insufficient Information Denial determination is upheld in part and denied in part.

The DEQ's Office of Drinking Water and Municipal Assistance (ODWMA), Lansing District Office, sent information to you on September 14, 2015, that contained the "copy of Flint LCR and emails discussing Flint LCR."

Your appeal included a DEQ ODWMA Lead and Copper Report (LCR), and Consumer Notice of Lead Result Certificate for Community Water Supply form, completed by Mr. Michael Glasgow, Utilities Administrator, dated August 20, 2015. The form does not include the DEQ staff name(s) that participated in the conference call. However, based on this form we believe the conference call occurred between July 28, 2015, and August

20, 2015. The only information we have regarding "...rationale given for invalidating two samples..." are the handwritten notes on the attached draft copy of the ODWMA LCR form, and the two pages of Laboratory Sample Reports.

Under Section 10 of the FOIA, the DEQ is obligated to inform you that you may commence a civil action in circuit court within 180 days after the date of the final determination to deny this request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, disbursements, and possible damages.

Jack Schinderle, Chief
Office of Environmental Assistance
517-284-6858