



STATE OF MICHIGAN

September 10, 2015

Michigan Department of Environmental Quality
Executive Division
DEQ Director: Dan Wyant
P.O. Box 30473
Lansing, MI 48909-7973

Director Wyant,

In light of recently released findings by the American Civil Liberties Union, independent researchers and a troubling interim U.S. Environmental Protection Agency memo from June, we are requesting additional answers about the safety and treatment of the City of Flint's water.

Several disturbing points have been raised and we have a number of urgent questions, including:

- **When did the MDEQ become aware of the June 24, 2015, interim EPA memo and whom was it shared with?**
 - Which Flint city officials also received this information?
 - Why was the memo not immediately shared with the public?
 - What response did MDEQ have to the EPA concerns raised in the memo?
 - Were any actions taken by the MDEQ as a result of the issues mentioned in the memo?
 - What steps, if any, were taken to determine the validity of the Virginia Tech study?
- **Please explain why the pre-flushing method of sampling was used in this instance.**
 - Is it the same method that is applied to all sampling or does the agency have the discretion to decide?
 - Who is responsible for making the decision to pre-flush?
 - The EPA memo references the Lead Copper Rule requirement that systems greater than 50,000 users maintain "corrosion control treatment." As the regulator, why did the MDEQ choose not to enforce that standard?
 - The EPA recommends allowing water to rest for at least six hours, but no more than 12 hours, before taking a sample. On MDEQ's Web site, it suggests flushing the line for five minutes before the six-hour rest. How did the department arrive at this method?
- According to a July 9, 2015, article on DeadlineDetroit.com, "Scary: Leaded Water and One Flint Family's Toxic Nightmare,"

"The EPA offered Flint officials the use of agency experts to help get the situation under control," said Del Toral, but added that, to his knowledge, the city has so far declined all help.

LeeAnne Walters said that when she asked why city officials weren't taking the EPA's offer of assistance, she was told, "We don't need it."



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Flint spokesman Lorenz, on the other hand, maintained "the city continues to work closely with the MDEQ and the EPA Regional Office."

- Who refused the EPA's offer of expert assistance and why?
- **Is the damage done to the pipes (as described in the EPA report) accurate?**
 - If yes, will damaged pipes continue to leach lead or will properly treated water safely reach consumers?
 - What is the plan and timeline to address it?
- **And most importantly, what can be done immediately to ensure safe, affordable drinking water for the citizens of Flint?**

Many of the decisions that led to the current situation occurred while a state-appointed manager was in control and MDEQ personnel were consulted about testing methods and how to address the situation. In addition, MDEQ also encouraged the method of water testing used by Flint officials. We believe that there is a heightened obligation by the state to make this right.

Due to the serious public health threats of this situation, we respectfully request a response to these matters by Monday, September 14, 2015.

We will do our best to accommodate meeting requests, if necessary, but would appreciate written responses to the above questions so that we can make informed decisions swiftly to address these serious concerns.

Sincerely,

Handwritten signature of Jim Ananich.

Jim Ananich
Senate Democratic Leader
District 27

Handwritten signature of Sheldon Neeley.

Sheldon Neeley
State Representative
District 34

Handwritten signature of Phil Phelps.

Phil Phelps
State Representative
District 49

cc:

U.S. Representative Dan Kildee
Mayor Dayne Walling, City of Flint
Howard Croft, City of Flint
Susan Hedman, EPA
Thomas Poy, EPA
Michael Schock, EPA-ORD
Darren Lytle, EPA-ORD
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Marc Edwards, Virginia Tech