

Thelen, Mary Beth (DEQ)

From: Wurfel, Brad (DEQ)
Sent: Friday, March 13, 2015 6:49 PM
To: Hollins, Harvey (GOV)
Cc: Wyant, Dan (DEQ)
Subject: Part II
Attachments: FOIA Request Flint Water.doc

Importance: High

OK D-

This is the second issue I mentioned earlier today.

In December, our staff became peripherally aware that the hospitals in Genesee were seeing an uptick in Legionnaires cases.

Legionnaires is a water-borne illness. It essentially is a type of pneumonia caused by a bacteria. It is treated with antibiotics. Untreated, it can be deadly. It most often manifests in nursing homes and assisted living facilities, because the transmission is through water vapor getting into lungs – via air conditioners, vaporizers or low-flow shower heads that produce a lot of misting. You can drink water with this bacteria in it and not get sick – it has to enter the lungs in vapor.

I don't have any details on the cases, but here is what I understand to this point:

- More than 40 cases reported since last April. That's a significant uptick – more than all the cases in the last five years or more combined.
- April / May is usually the start of Legionnaires season – it proliferates in warmer months – but April also is the point at which the city switched to the Flint River as a source.
- County Health Departments are supposed to perform epidemiological tracebacks on all confirmed cases of this disease, to locate the source and address it. Genesee County Health had not done this work as of November. At a January meeting with area hospitals, MDCH, DEQ and others, Nick Lyon reportedly directed the county health folks, in terms not uncertain, to get this done as a priority. As I'm sitting here today, it still is not done to my knowledge.
- My counterparts at MDCH informed me today that they cannot step in unless they are invited or unless the outbreak is multi-county. They've not been invited until, I believe, today. That may be in part because of the email string and letter I've enclosed here, which was unknown to MDCH until I shared it over to them.

The email thread below is best read bottom-to-top, and read prior to reading the enclosed FOIA to the city.

Essentially, Jim Henry with Genesee County Health is putting up the flare. He's made the leap formally in his email that the uptick in cases is directly attributable to the river as a drinking water source – this is beyond irresponsible, given that is his department that has failed to do the necessary traceback work to provide any conclusive evidence of where the outbreak is sourced, and it also flies in the face of the very thing a drinking water system is designed to do.

DEQ did not receive this FOIA, which appears designed to buttress his position in the email -- that sections of the water delivery system may be harboring this bacteria. We think it would be highly unlikely that anything would be found around the plant, where the water is treated. Most often, this bacteria forms at the building / residential point in the system. Legionnaires is NOT among the 90 water contaminants screened in the Safe Drinking Water Act, but in the absence of action by county health, our staff are now considering taking samples from various points in the system and working with DCH's lab to test for it, if for no other reason than to rule it out.

Regardless, the accusation is serious and the nature of the communication leaves me thinking we would be advantaged to bring together all the agencies asap to share what information we have and develop a response / screening strategy before the weather gets warm again.

I realize these are long emails. Thanks for your patience.

b

Brad Wurfel
Communications Director
Michigan Department of Environmental Quality
517-284-6713
517-230-8006 cell

From: Shekter Smith, Liane (DEQ)
Sent: Thursday, March 12, 2015 8:41 AM
To: Wurfel, Brad (DEQ); Sygo, Jim (DEQ); Howes, Sarah (DEQ)
Cc: Shaler, Karen (DEQ); Benzie, Richard (DEQ); Devereaux, Tracy Jo (DEQ); Busch, Stephen (DEQ)
Subject: FW: Information Request and Documentation
Importance: High

The district received this late Tuesday.

Steve Busch has indicated that the district has not received a meeting request from Jim Henry or the Genesee County Health Department as indicated in his email below.

The FOIA is specifically directed to the City of Flint not the DEQ.

While the change in source may have created water quality conditions that could provide additional organic nutrient source to support legionella growth, there is no evidence or confirmation of legionella coming directly from the Water Treatment Plant or in the community water supply distribution system at this time.

Seems like the next step is to communicate with DCH and possibly develop a joint strategy/response. Not sure who in Exec wants to take the lead on this. Steve Busch and Mike Prysby will continue to be lead for us on this. They have been in contact with DCH recently but only to learn that little progress has been made in identifying a source or sources for the illnesses.

EMAIL FROM DEQ TO HENRY SENT THIS AFTERNOON:

Mr. Henry,

The January 27, 2015, FOIA request you provided was directed to the City of Flint, not the DEQ. The DEQ has no record of a FOIA request from your office for such information. It is our understanding that the City has responded to your FOIA request, has helped you adequately redefine your request within the City's scope of public record to address such ambiguities as "any additional areas of concern", and provided you with additional information beyond the scope of your request.

The DEQ fully recognizes the public health threat posed to individuals that contract Legionnaires' Disease with the understanding that the disease is not contracted by ingestion of potable water and therefore not regulated under the federal Safe Drinking Water Act. Your email below claims that you have explicitly explained the situation to our Department. However, since contacting our office early last October to indicate a rise in cases, we have not received any further information regarding your epidemiological investigation into this matter.

Further, conclusions that legionella is coming from the public water system without the presentation of any substantiating evidence from your epidemiologic investigation appears premature and prejudice toward that end.

It is highly unlikely that legionella would be present in treated water coming from the City of Flint water treatment plant given the treatment plant's use of ozone along with complete treatment and chlorine disinfect contact time to comply with federal surface water treatment rules for potable water. Detections of total coliform or heterotrophic bacteria in the City's public water distribution system indicate an environment where bacterial growth may be supported. However, there is no direct correlation that can be made to the presence of legionella. While total organic carbon levels in potable water may serve as a food source for bacteria growth in private plumbing system, water temperatures in the City's distribution system are below legionella growth range, and chlorine residual levels would also limit such growth.

Our office agrees that water main breaks, water leaks, and system repairs are possible vectors for legionella to enter the public water system. These should be investigated as part of your epidemiology. DEQ staff can be made available to assist GCHD and the City regarding such matters, but to date no request by GCHD for any such meeting has been received, let alone declined as alleged in your email.

If GCHD is seeking assistance to complete its epidemiological investigation regarding this matter, such resource requests should be directed to the Michigan Department of Community Health. Our Office agrees that a multi-agency partnership would be beneficial to move forward and develop a unified response. In that respect, if our Office can be of any further assistance you may contact me directly.

Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
MDEQ
517-643-2314

From: "Henry, James" <jhenry@gchd.us>
Date: March 10, 2015 at 6:40:17 PM EDT
To: Howard Croft <hcroft@cityofflint.com>, "Mike Prysby (DEQ)" <prysbym@michigan.gov>, Elizabeth Murphy <emurphy@cityofflint.com>, "Natasha Henderson" <nhenderson@cityofflint.com>, Jerry Ambrose <gambrose49@gmail.com>, Dayne Walling <dwalling@cityofflint.com>
Cc: "Valacak, Mark" <MVALACAK@gchd.us>, "Cupal, Suzanne" <scupal@gchd.us>, "Hasan, Shurooq" <shasan@gchd.us>, "Childs, Bonnie" <BCHILDS@gchd.us>, "Hallwood, Dawn" <dhallwood@gchd.us>, "Johnson, M.D., Gary" <GJOHNSON@gchd.us>
Subject: Information Request and Documentation

Hello everyone,

The Genesee County Health Department has made several written and verbal requests for specific information since October, 2014, including a Freedom of Information Act Request on January 27, 2015. The information still has not been received and the city's lack of cooperation continues to prevent my office from performing our responsibilities.

The Genesee County Health Department has the responsibility to conduct illness investigations and consider all potential sources, this is not optional. In 2014, Genesee County experienced a significant increase of confirmed Legionella illnesses relative to previous years. Legionella can be a deadly, waterborne disease that typically affects the respiratory system.

The increase of the illnesses closely corresponds with the timeframe of the switch to Flint River water. The majority of the cases reside or have an association with the city. Also, McLaren Hospital identified and mitigated Legionella in their water system. This is rather glaring information and it needs to be looked into now, prior to the warmer summer months when Legionella is at its peak and we are potentially faced with a crisis.

This situation has been explicitly explained to MDEQ and many of the city's officials. I want to make sure, in writing that there are no misunderstandings regarding this significant and urgent public health issue. The Trihalomethane issues "pale in comparison" to the potential public health risks of Legionella.

I am submitting the attached FOIA request again and requesting that the legal obligations of the request are met. If the information is not available, please let me know. In the past, I have requested to meet with the water plant staff and MDEQ regarding Legionella concerns. I did not receive a response from the water plant staff and MDEQ declined. I think it is in the best interest for all stakeholders that we meet and discuss the issues.

Respectfully,

Jim

Jim Henry

Jim Henry RS, MBA

Environmental Health Supervisor

Genesee County Health Department www.gchd.us

630 S. Saginaw St., Suite 4

Flint, MI 48502-1540

Phone (810) 257-3618 Fax (810) 257-3125

E-mail jhenry@gchd.us



Genesee County Health Department

Mark Valacak, M.P.H., Health Officer
Gary K. Johnson, M.D., M.P.H., Medical Director

January 27, 2015

FOIA Coordinator, City of Flint
1101 S. Saginaw Street, 3rd floor
Flint, MI 48502

RE: Flint Water Plant Information Request

Dear FOIA Coordinator,

Under provisions of the Michigan Freedom of Information Act (MCLA 15.231 et seq; MSA 4.1801 (1) et seq) please provide copies of the following:

Provide specific water testing locations and laboratory results within the City of Flint public water system for Coliform, E-coli, Heterotrophic Bacteria and Trihalomethanes from January 1, 2010 to January 27, 2015. Provide any additional water testing that has been conducted for identifying potential public health risks. Include any available mapping of the water testing areas.

Provide a map delineating the boundaries of the City of Flint water distribution system. Include any changes to the boundaries, along with corresponding dates from January 1, 2014 to January 27, 2015.

Provide a map or list of locations, detailing dead ends, pooling, low pressure and any additional areas of concern within the City of Flint water distribution system. Include any modifications to the water distribution system addressing concerns, along with corresponding dates from January 1, 2014 to January 27, 2015.

If you determine that any of the requested information is exempt from disclosure, please detail what is being withheld and cite the exemption under FOIA. I anticipate the request being filled within five working days of receipt of this letter, as provided under FOIA. Please contact me at (810) 257-3618 if there are fees associated to comply with this request.

Sincerely,

Jim Henry

Jim Henry
Environmental Health Supervisor
Genesee County Health Department
630 S. Saginaw Street
Flint, MI 48502

Better Life Through Better Health

Floyd J. McCree Courts & Human Services Building ♦ 630 S. Saginaw Street, Ste. 4 ♦ Flint, Michigan 48502-1540

Burton Branch ♦ G-3373 S. Saginaw Street ♦ Burton, Michigan 48529

Main Phone 810-257-3612 ♦ Visit us at: www.gchd.us