



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK
DIRECTOR

September 17, 2020

VIA EMAIL

Mr. Clyde Edwards, City Administrator
City of Flint
1101 South Saginaw Street
Flint, Michigan 47502

WSSN: 02310
City of Flint

Dear Mr. Edwards:

SUBJECT: VIOLATION NOTICE – Monitoring and Reporting for Lead and Copper

The records of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), show that the city of Flint (City) is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, R 325.10710a, *Lead and copper in tap water; monitoring requirements* of the 1979 Administrative Code.

In accordance with the above rules, the City shall collect samples every six months, have them analyzed for lead and copper, and report the results to EGLE. The City's specific monitoring requirement was to collect samples from 60 confirmed Tier 1 sites during the monitoring period from January 1, 2020, through June 30, 2020.

EGLE's review of compliance monitoring reports indicates the City sampled from a total of 120 sites during the monitoring period. Of those, only 49 were confirmed to be from Tier 1 or Tier 2 sampling locations. EGLE recognizes the City put forth a significant effort, despite the significant challenge posed by the COVID 19 pandemic. This effort included utilizing firefighters to conduct community outreach in order to obtain additional samples as well as the establishment of a team of health navigators dedicated to providing additional outreach to residents. As you know, the City faces unique challenges with establishing and maintaining a pool of sampling sites due to the rapid pace of lead service line replacement. We also appreciate the City's participation in weekly meetings with the state of Michigan and the United States Environmental Protection Agency (USEPA) to discuss and plan sampling efforts during the current monitoring period which began on July 1, 2020. The City's water quality continues to meet all applicable standards.

Based on EGLE's review, the City was out of compliance with the January to June 2020 monitoring period beginning January 1, 2020. To return to compliance, the City must collect samples from 60 confirmed, properly tiered sites in accordance with the City's Lead and Copper Sampling Plan during the monitoring period of July 1, 2020, to December 31, 2020; have them analyzed for lead and copper; and submit the analysis reports to the DWEHD. To

Mr. Clyde Edwards
Page 2
September 17, 2020

assist the City with this monitoring requirement, EGLE will be meeting with the City and the USEPA Region 5 to monitor progress. We highly recommend the City identify 90 Tier 2 sites and coordinate access to those sites to ensure the City has an adequate number of sampling sites.

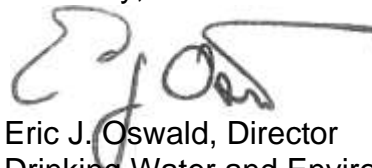
Administrative Rule R 325.10404, *Tier 3 public notice; form, manner, and frequency of notice*, of Act 399 requires that suppliers provide public notice, by mail or direct delivery, and by any other means reasonably calculated to reach customers not normally reached by mail. Enclosed is a sample public notice. You may use your 2020 Consumer Confidence Report (CCR), due to customers by July 1, 2021, as the vehicle to distribute the public notice. While the rules allow 12 months for distribution of public notice, EGLE **highly recommends** the City provide this notice no later than the CCR distribution date. Send us a signed and dated copy of the issued notice within ten days of distribution.

The DWEHD has imposed an administrative fines policy for public water system monitoring and reporting violations. Due to the impact of the COVID-19 pandemic, there is no fine for this violation; however, failure to conduct monitoring, as required during the second six-month round of 2020, may result in a fine of \$1,000 per day with a \$10,000 maximum. Additionally, failure to issue a public notice for this violation may result in a fine of at least \$1,000. Additional violations are subject to fines of increasing amounts. Please contact me if you would like more information on the DWEHD's administrative fines policy.

If you have any factual information you would like EGLE to consider regarding the violation identified in this Violation Notice, please provide it in a written response to this office by October 2, 2020.

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Oswald", with a long horizontal flourish extending to the right.

Eric J. Oswald, Director
Drinking Water and Environmental Health Division
517-284-6544

Enclosure

Mr. Clyde Edwards
Page 3
September 17, 2020

cc: The Honorable Sheldon A. Neeley, Mayor, City of Flint
Ms. Angela Wheeler, City Attorney, City of Flint
Mr. Robert Jones, Contract Operator in Charge, F & V Operations
Mr. Tom Poy, Chief Advisor, USEPA, Region 5
Mr. Michael D. Harris, Acting Director, Enforcement and Compliance Assurance
Division, USEPA, Region 5
Ms. Elizabeth Murphy, USEPA, Region 5
Mr. Richard Kuhl, Michigan Department of Attorney General
Ms. Liesl Eichler Clark, Director, EGLE
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE
Ms. Amy Epkey, Senior Deputy Director, EGLE
Mr. George L. Krisztian, EGLE
Ms. Kris Philip, EGLE