



CITY OF FLINT

Department of Public Works & Utilities

Dr. Karen Weaver
Mayor

Robert Bincsik
Director

August 21, 2019

Mr. Eric J. Oswald, Director
Drinking Water and Environmental Health Division
525 West Allegan Street, P.O. Box 30473
Lansing, Michigan 48909-7973

Sent via Email

RE: EGLE August 16, 2019 Notice Violation Letter-Monitoring & Reporting for Lead & Copper

Dear Eric:

I am writing you in response to your August 16, 2019 letter entitled Violation Notice-Monitoring and Reporting for Lead and Cooper.

The City was required to collect samples every six months and have them analyzed for lead and copper. On March 22, 2019, three months into the six-month sampling time frame, the Michigan Department of Environment, Great Lakes, and Energy ("EGLE") provided the City with the accepted methods for 1st/5th liter lead and copper sampling, forcing the City to start three months behind schedule through no fault of its own. In light of EGLE's late submission of the accepted methods, EGLE provided the City with extensions of time to allow the City continue its progress in obtaining the samples from the January 1, 2019 to June 30, 2019 sampling period. However, the extension of time was not enough time, and the City correspondingly informed EGLE that it would need additional time to complete the reporting.

Contrary to your August 16, 2019 letter, the City confirmed fifty (50) Tier 1 lead and copper samples on August 5, 2019; it confirmed fifty four (54) samples on August 19, 2019; and a total of fifty six (56) of the sixty (60) Tier 1 lead and copper samples are completed as of today. Thus, the City is a mere four (4) samples away from meeting this monitoring and reporting requirement. We are confident of the samples that remain to be tested, we will find four Tier 1 samples to complete the sixty for the first monitoring and reporting period.

As a matter of fairness, the City should have simply been provided with the September 16, 2019 extension. Instead, your correspondence appears to be an attempt to make the City look negligent. We have no problem with communicating with EGLE and providing public notification, as the City agrees that the public has a right to know the status of its

water sampling. However, the public should have the full recitation of the facts, including the numerous times that the City communicates with the EGLE and Flint's status as a unique situation when it comes to water sampling issues.

It is also important for EGLE, and the public, to know that on August 12, 2019, the City met with EPA Region 5 Acting Director Michael Harris and his staff. As a part of this meeting, we discussed the challenges the City has faced with obtaining Tier 1 lead and copper sampling and that we welcome any technical assistance to help us to meet this goals in future monitoring periods. As a result and at his recommendation, Director Harris is arranging regular meetings with the City's technical team to address ways to remedy "sampling fatigue," or a drop-off in qualifying and participating sampling sites, to regularly meet the reporting requirements for lead and copper in tap water monitoring requirements.

Therefore, we anticipate that the four remaining Tier 1 samples will be obtained well in advance of the September 16, 2019 extension. We look forward to discussing with EGLE, and with EPA Region 5, on Thursday, August 22, 2019 regarding how we can continue to meet these requirements with a full six-month monitoring and sampling period being afforded to the City.

Sincerely,


Robert Bincsik
DPW Director

Cc: 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
Mr. Richard Kuhl, Michigan Department of Attorney General
Mr. Michael D. Harris, Acting Director, Enforcement and Compliance Assurance Division, USEPA, Region 5
Mr. Tom Poy, Chief Advisor, USEPA, Region 5
Ms. Nefertiti DiCosmo Acting Chief, Ground Water Drinking Water Branch, USEPA, Region 5
Dr. Karen W. Weaver, Mayor, City of Flint
Mr. Steve Branch, City Administrator, City of Flint
Mr. Craig Hamilton, Utilities Administrator
Dr. Pamela Pugh, Chief Public Health Advisor
Mr. Robert Jones, Contract Operator in Charge, F & V Operations