



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL ADMINISTRATOR  
REGION 5  
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AUG 10 2017

The Honorable Karen W. Weaver, Mayor  
City of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502

Mr. Keith Creagh, Director  
Michigan Department of Natural Resources  
Constitution Hall  
525 West Allegan Street  
P.O. Box 30028  
Lansing, Michigan 48909

Re: Concerns with Staffing Issues at the Flint Public Water System and Compliance with  
EPA's Emergency Order

Dear Mayor Weaver and Director Creagh:

This letter follows up on EPA's on-going discussions with Respondents – the City of Flint (City), Michigan Department of Environmental Quality (MDEQ), and the State of Michigan (State) – regarding compliance with EPA's January 21, 2016 Emergency Order and the November 17, 2016 First Amendment (Order). Specifically, I wish to emphasize EPA's continued and significant concerns about ongoing staffing issues at the Flint Public Water System (PWS). It is the City's obligation to ensure that sufficient management and operational staff are hired, trained, and maintained to continuously oversee and operate the PWS in an appropriate manner. EPA is concerned that the City is not keeping the PWS staffed at the necessary levels.

Paragraph 61 of EPA's January 21, 2016 Order requires that, "[w]ithin 15 days of the effective date of this Order the City must demonstrate, and the MDEQ and State must ensure, **the City has the necessary, capable and qualified personnel** required to perform the duties and obligations required to ensure the PWS complies with the SDWA<sup>1</sup> and NPDWRs<sup>2</sup>."

During monthly meetings between EPA and Respondents to discuss compliance with the Order, EPA has requested updates on Respondents' efforts to meet the requirements of Paragraph 61, including the City's hiring process in filling vacancies. The City has reported that it has faced significant delays in filling vacant positions due to, among other things, a lack of qualified applicants. During the recent July 19<sup>th</sup> meeting, the City presented its current staffing charts and hiring plans for the PWS, including the water treatment plant (WTP) and water services center. The information indicated that the WTP and water services center are short-staffed. EPA is concerned that such short-staffing could impact the City's

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<sup>1</sup> Safe Drinking Water Act

<sup>2</sup> National Primary Drinking Water Regulations

ability to meet current operational needs. Indeed, EPA received from MDEQ a July 26, 2017 incident report, prepared by an employee of the WTP, that showed a lapse in the chlorine feed at the WTP. Data indicated that chlorine residuals levels did not drop below 0.4 mg/L during that time; nevertheless, a lack of adequate staffing (resulting in existing staff being over-extended and overworked) likely contributed to this event and indicates a vulnerability at the Flint PWS that must be addressed.

EPA is also concerned that effective management of the PWS is hindered because Flint has not retained a permanent employee serving as the WTP supervisor/operator in charge nor a permanent Director of Public Works. EPA recognizes the challenges in hiring a permanent qualified operator in charge of the WTP, and commends MDEQ and the City for bringing on a contractor, F&V Operations and Resource Management, Inc., to serve as certified operator on an interim basis. However, optimal continuing operation of the plant requires both permanent senior management personnel as well as a sufficient number of qualified staff to handle the various operations that must be performed.

In addition, given that federal funding has been awarded to MDEQ, it is important to note that under the Drinking Water State Revolving Fund (DWSRF), systems eligible to receive funding must have technical, managerial and financial capability, or agree to undertake feasible and appropriate changes in operations to ensure compliance over the long term. Staffing issues, unless addressed, could also have an impact on any determination regarding Flint's technical, managerial and financial capability under the DWSRF.

EPA requests that the City and MDEQ provide a detailed update on efforts underway to ensure compliance with Paragraph 61 of the EPA Order. Specifically, EPA requests that the City and MDEQ submit a plan by **Friday, August 18** to ensure that the Flint PWS has the necessary, capable and qualified personnel so that the PWS is properly operated at all times.

I appreciate your prompt attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Robert A. Kaplan  
Acting Regional Administrator

cc: Mr. Chris Korleski, Water Division, EPA Region 5  
Mr. Sylvester Jones, City Administrator, City of Flint  
Mr. Richard Baird, Michigan Governor's Office  
Ms. C. Heidi Grether, Director, MDEQ  
Ms. Amy Epkey, Environment Deputy Director, MDEQ  
Mr. Eric Oswald, Director, Drinking Water and Municipal Assistance Division, MDEQ