

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

February 3, 2016

Keith Creagh
Director
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909

Dear Mr. Creagh,

The Committee on Energy and Commerce has been conducting oversight of the drinking water emergency in Flint, Michigan. We look forward to timely access to appropriate officials and information necessary for our assessments of the situation and ongoing response activity.

As part of our ongoing oversight, which we are conducting pursuant to Rules X and XI of the U.S. House of Representatives, we seek information sufficient to understand the critical factors that contributed to the crisis and to enable us to evaluate proposed solutions. We ask that you respond to the following by February 17, 2016:

1. Please describe the current and anticipated specific roles and responsibilities for federal, state, and city authorities in responding to the Flint water emergency. Please include in this response the identification of the lead Michigan Department of Environmental Quality (MDEQ) and Michigan Department of Health and Human Services (MDHHS) officials, including their offices, and other relevant state agency officials, and their offices, working on the response and providing technical assistance.
2. Please outline the procedures federal, state, and local authorities will take to assess the scope and levels of public exposure to lead and other contaminants of concern through the Flint drinking water system, including:
 - a. current available exposure information and lead levels in different parts of the drinking water system;
 - b. the timing for completing this assessment; and,

- c. the benchmarks MDEQ and the U.S. Environmental Protection Agency's (EPA) consider necessary to determine that Flint's drinking water is safe for consumption and use.
3. Provide an estimate of the timing for corrosion control to provide sufficient coatings on service lines to reduce lead in the drinking water to safe levels, as well as any factors that could affect this timeline and the effectiveness of this approach.
4. EPA's January 21, 2016 Emergency Order details several required actions by the Michigan Department of Environmental Quality and the City of Flint. Has MDEQ or the Flint's Public Water System provided the information requested by the EPA Flint Task Force in November to the EPA? If not, when does MDEQ anticipate providing a response to this request as required in paragraph 52 of EPA's January 21, 2016 order?
5. Describe in detail when and how MDEQ learned that Flint had no corrosion control treatment in place.
 - a. When and how did MDEQ learn that Flint chose not to implement a corrosion control treatment?
 - b. What is MDEQ's understanding of why Flint chose not to implement an optimized corrosion control treatment?
 - c. At any time between April 2014 and April 2015, did MDEQ believe that Flint implemented an optimized corrosion control program or treatment? If so, please describe MDEQ's understanding of the optimized corrosion control program or treatment.
 - d. What was the extent, if any, to which Flint's treatment for controlling E. coli, and its resultant treatment for disinfection by-products (trihalomethanes), contributed to pipe corrosion?
 - e. Why did MDEQ not require Flint to have a corrosion control treatment in place at the time of the switch to Flint River water? Please describe the basis for this decision.
 - f. Did MDEQ or the Flint drinking water system perform or rely on an assessment of the Flint River water's quality, including information that might pertain to the potential of the Flint River's water to cause corrosion within the Flint drinking water system, prior to the use of the Flint River as a drinking water source?
 - g. What analyses, including but not limited to legal analysis, did MDEQ perform regarding the decision not to require Flint to implement a corrosion control treatment? Please provide copies of any memoranda reflecting this analysis, including any memoranda provided to EPA.
6. Please provide copies of all briefing materials prepared by MDEQ personnel for federal, state, and local officials from January 2013 through February 2016 relating to the Flint drinking water system, including the decision to use the Flint River as a drinking water source.
7. Please provide copies of all briefing materials provided by EPA to MDEQ personnel from January 2013 through February 2016 relating to the Flint drinking water system.

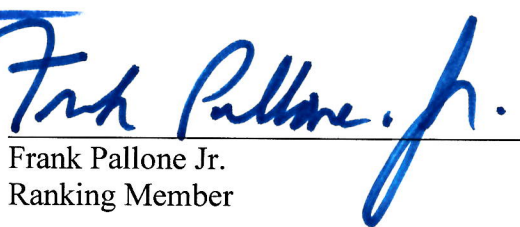
8. If EPA performed a compliance audit of Flint, Michigan's drinking water system under the Safe Drinking Water Act?
 - a. When did such a compliance audit last occur?
 - b. What actions, if any, did MDEQ undertake in response to EPA's review?

If you have any questions about this request, please contact Dave McCarthy of the majority committee staff at (202) 225-2927 or Rick Kessler with the minority staff at (202) 225-3641.

Sincerely,



Fred Upton
Chairman



Frank Pallone Jr.
Ranking Member