

Wider questions arise from Flint water crisis

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Even after Flint's Mayor Karen Weaver announced the city would move ahead to once again disconnect from its 50-year source of treated drinking water, there are new facts exposing the reckless decisions that resulted in the lead-poisoning of the city and new questions arising from the implications of these decisions.

A combination of civil and criminal lawsuits have been launched by Michigan Attorney General William Schuette, starting last April with the criminal charges brought against three lower-level state and local water quality officials. Last week Schuette, a Republican elected to the attorney general's office in 2010, announced civil suits against Veolia North America and Texas-based engineering company Lockwood, Andrews and Newnam (LAN).

Both companies were hired in the course of the switch from Detroit Water and Sewerage Department (DWSD) to polluted Flint River water. Schuette says they "botched" the jobs they were hired to do. He charged that the firms' "acts and omission constitute professional negligence, fraud and public nuisance."

Veolia, one of the world's largest private water companies, was hired by Emergency Manager Darnell Earley to analyze the water being delivered to the city from the Flint River early in 2015, after residents' complaints and protests over the water had been exploding since the previous year. The company produced a public report that asserted that Flint's water was "in compliance with State and Federal regulations, and based on those standards, the water is considered to meet drinking water requirements." They made no mention of the danger of lead leaching into residents' water from the largely lead service lines and lack of a corrosion control program.

LAN Engineering was contracted in 2013 by the previous emergency manager, Ed Kurtz, to make improvements to the city's archaic water treatment

plant to handle distributing water from the Flint River, once the DWSD source was cut off.

Both companies have responded publicly to the charges from the attorney general's office. Veolia made the ludicrous claim that the report they were contracted to make by the city was to deal only with the discoloration and taste of Flint's water and had nothing to do with lead in the water—even though they knew that corrosion controls had not been in place since the April 2014 switch from DWSD water.

After the huge public outcry over the lead poisoning of the water, Flint was allowed to reconnect to the DWSD, now under the Great Lakes Water Authority (GLWA), last October when the funds were finally made available by Republican Governor Rick Snyder.

For its part, LAN told MLive.com in a statement that Kurtz told its employees in a May 29, 2013 meeting that the city "will only do that which was required by the MDEQ (Michigan Department of Environmental Quality)." The company at that same meeting recommended to city officials that the water be treated to "soften" it and to allow for a 60- to-90-day test run before putting the plant into full-time service.

Kurtz was instrumental in making the decision to make that switch to join with the new raw-water pipeline plan of the Karegnondi Water Authority (KWA), and despite signing the contract to prepare the Flint treatment plant, has never admitted to making the decision to use the Flint River as a water source.

The announcement by the attorney general's office of the latest lawsuits has stirred controversy.

Local media has focused on the increasing cost of the investigation into the Flint crisis, starting initially at \$250,000, then to \$1.5 million and recently another request of \$3.4 million. Political tensions are increasing as documents critical to the investigation are being withheld by the governor's office, according to Schuette.

It is worthwhile to revisit some of yet unanswered questions over the Flint catastrophe and new ones raised by recent developments.

? **Who made the decision to switch to Flint River water?** The contract with LAN to refurbish Flint's plant to distribute water from the Flint River was signed by Kurtz under his authority as emergency manager, yet he claims that it wasn't his decision to switch to river water in the interim period before the KWA pipeline was completed.

? **Why was the KWA plan approved even though cost-savings were fictitious?** Michigan Treasurer Andy Dillon, a Democrat, signed off on the decision for Flint to disconnect from the DWSD despite an engineering report, which he himself contracted, advised against it for cost reasons.

? **After all that has been exposed about the dubious underpinnings of the KWA pipeline project, how has Flint Mayor Weaver been pressured into following through with it?** It is clear now that Flint was forced into severing ties with its long-term supplier of potable water because of self-serving well positioned individuals, such as Jeff Wright, KWA's mastermind. So why is it apparently unthinkable that Flint back out of the rotten deal?

? **Why has the GWLA been silent on losing its relationship with Flint?** Before the switch to the Flint River, the DWSD made a long-term offer to cut rates in order to prevent the loss of its biggest customer. The offer was rejected and local and state officials have never gotten their story straight on who or why it was. Now that the system has been regionalized under the GWLA, no offer has publicly been made to prevent Flint going to the KWA, even though the loss of the city will incur not just the loss of water revenues, but huge expenses to keep the 72-inch, 70-mile treated water pipeline from becoming atrophied from hugely reduced throughput.

? **What are the costs to ready Flint's water treatment plant to supply water to the city?** No detailed information has been presented publicly on the necessary upgrades for the water treatment plant to function as the sole full-time water treatment facility, when clearly the experience after the switch has shown it wasn't and still isn't ready.

? **Will an eventual switch to the KWA pipeline be another disaster?** What are the actual costs for

transforming Flint's water treatment plant to be able to provide clean drinking water on a long-term basis. The US Environmental Protection Agency (EPA) has even raised concerns publicly about this last week

As these questions are emerging in Flint, a June 28 report by the Natural Resources Defense Council says that some 5,300 water systems across the US, serving 18 million people, are in violation of federal lead and copper rules. The report explains, "These violations were recorded because the systems were not doing everything that they are required to do to protect the public from lead issues, which could include failure to treat to reduce lead levels in the water (health violations), failure to monitor the water for lead as required (monitoring violations), or failure to report lead results to the public or the government (reporting violations)."

Their web site includes a map that locates the violations across the country.

The abysmal state of water infrastructure is exemplified by a *Guardian* article on Wednesday that some Congressional offices in Washington, D.C. were issued warnings not to drink the water due to high lead levels.



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