

Key player in Flint water crisis issues defensive letter to “community leaders”

James Brewer

31 December 2016

In the wake of Michigan Attorney General Bill Schuette’s announcement that his office was bringing criminal charges against two former Flint emergency managers and two Flint city officials over the city’s lead-in-water crisis, Jeff Wright, drain commissioner of Genesee County and CEO of the Karegnondi Water Authority (KWA), issued a letter to “community and elected leaders” challenging the factual basis of the charges.

Wright’s motive in issuing the letter is clear. In the wake of the indictment of top Flint officials in relation to the lead crisis in the city Wright clearly feels the noose tightening around him. While no officials of the KWA have yet been indicted, they were deeply involved in the criminal and reckless decision to switch Flint’s water source from the Detroit water system to the polluted Flint River. The switch ultimately resulted in the lead poisoning of the city’s 100,000 residents.

In his letter, issued Wednesday, December 28, Wright challenges what he claims are “three very foundational discrepancies” in the request for warrant materials presented in the Michigan AG’s brief December 20. However, an examination of Wright’s complaints reveals that they contain little of substance and do not contradict the fundamental basis of the charges against Flint officials. All four officials are charged with felony counts of false pretenses related to their role in the issuance of bonds to pay for a portion of the KWA pipeline.

The first of Wright’s challenges is based on the report contracted by Andy Dillon of the Michigan Treasurers’ Office by Tucker, Young, Jackson and Tull (TYJT), a consulting engineering firm, on the financial viability of Flint’s committing itself to the KWA pipeline project.

The AG brief noted that the TYJT report raised

“concerns about KWA cost estimates and system governance including the higher initial costs of switching to KWA, potential construction cost overruns and delays, KWA’s inaccurate cost estimates for the pipeline construction, no backup power with KWA’s plan, and less overall redundancy in Flint’s water supply systems.”

Wright called this an “erroneous” report, which was possibly biased toward Detroit.

Wright has been the prime mover of the plan for an alternate pipeline for many years. During the entire decision-making process in 2013 to disconnect Flint from its longtime water source, supplied by the Detroit Water and Sewerage Department (DWSD), Wright was present at all the critical meetings, presenting projections of skyrocketing DWSD water rates.

He was a key player at the March 25, 2013 meeting of the Flint City Council that voted 7-to-1 to endorse moving the city’s water supply to the KWA. His appeal has consistently been based on the claim that costs for construction of the KWA pipeline and improvements to the Flint water treatment plant would be less than those incurred by continuing to contract the DWSD to provide Flint’s water.

The second of Wright’s complaints with the AG’s charges is over the significance of the issuing of the administrative consent order (ACO) by Michigan Department of Environmental Quality officials to enable the City of Flint to override credit limits and acquire bonds to pay for its share of the KWA \$285 million construction costs. A lime sludge lagoon cleanup, put forward as a “calamity,” was used as a pretext to use the state’s Home Rule City Act emergency bond clause to enable Flint, which was over its debt limit, to borrow tens of millions toward KWA construction costs.

In his letter, Wright asserts that contrary to the contention of the AG's brief, the KWA pipeline would have gone forward with or without Flint's commitment of one-third of the construction costs. This is not the first time Wright has claimed this, but Wright's desired pipeline diameter of 66 inches was only financially possible based on the Ambrose's contract to the KWA of 18 million gallons per day—even though Council agreed to only 16.

Wright's third issue with the AG brief was reference to the potential loss by Flint of its water treatment plant to the KWA in the event of the city's failure to make bond payments. Wright said that was untrue.

The significant portion of the AG's brief, however, was a “one-paragraph requirement that bound the city to use the Flint River as an interim water source, and the Flint Water Treatment Plant as the sanitizing and distribution center.”

As per his usual modus operandi, Wright only professes knowledge related to the KWA pipeline project itself. In recent meetings, to the chagrin of Flint residents, Wright claimed no responsibility for additional costs and delays incurred to upgrade its water treatment plant or connect it to the newly completed pipeline. Likewise, his letter doesn't commit either way as to the culpability of the latest defendants, but only challenges the assertions, which point to the conspiratorial character of the KWA project.

Wright claimed that other local officials encouraged him to correct the AG “errors” at the basis of Schuette's criminal charges. His letter adds, “I will mention, our attorneys will be in contact with AG officials to clarify these same items, in an effort to make sure all relevant facts are known to all parties involved.”

Wright, declined comment beyond the content of his letter. His letter did say, however, that while KWA officials haven't yet been charged, they have been “mentioned thoroughly, both in the AG's press conference and warrant request against EM's Earley and Ambrose.”

Other criticisms of the AG's charges center around the “sweetheart” administrative consent order issued to supersede the city's credit restrictions. One of the three signatories was Robert Reichel from the AG office. Lonnie Scott from the group Progress Michigan claimed this backed up their call “from the beginning”

that an independent investigation was needed.

“Why wasn't this wrinkle in the investigation brought to the public light by the AG? He's quick to trot himself out in front of TV cameras for a self-congratulatory press conference, but can't be bothered to mention how his office was directly involved in the lead-up to this man made crisis?”

Schuette's office said that they knew of the signature and called the accusation a “tempest in a teapot,” saying the AG office's sign-off was only “as to form.” Spokesperson Andrea Bitley said, “The role of the Attorney General's Office is to approve legal documents as to form, but we are never involved directly in the policy creation, and the point of the charges last week was that those charged hid their true motivation. We are continuing with our investigation and will continue to charge where the evidence leads.”



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