

## SUPERVISOR COMMENTS

### MARCH 2019

For the last several weeks, we have run the gauntlet with the MDEQ regarding alleged lead in our water system, specifically at six residences. As you may recall, we sent out a mailing of pre-approved MDEQ education literature on the dangers of lead. Two weeks after that pre-approved mailing, MDEQ comes back on us for “errors and omissions” in that cover letter and literature and demand that we do an additional mailing to correct “errors and omissions.” We said ‘NO.’ The water board and staff did their due diligence in notifying the public of lead danger, in addition, the materials we mailed were both pre-approved and supplied by MDEQ! “Errors and Omissions” are on them, not the SWUA.

As a reminder, water samples taken at six residences last Spring showed lead over the 15-ppb threshold, and subsequent samples indicated no lead. The DEQ only reports leaded samples and NOT the unleaded samples. We suspect a problem with their lab. In forty years of water testing, S-W has never had an indication of lead or copper. In addition, we have a new plant that just went on line last year and our distribution system is all copper and PVC/CPVC. This is the same slippery slope that got MDEQ in trouble in Flint and the Sims-Whitney Utility Authority (SWUA) will no longer be a party to their scheme of withholding test data from the public and the MDEQ has been so notified and they don’t like it!

With the preceding as an introduction, the following “story” is a synopsis of what has transpired just this week. Last Friday (3/8), the Assistant Attorney General notified our Attorneys – Mike and Scott of Foster Swift – that S-W was not in compliance with providing education materials regarding lead to its residents. The text following are my comments that were shared by email with all of the SWUA Board members (some of whom are in Florida) and with staff in both S-W Townships.

*“Mike Homier called at high noon (3/14) and informed me that Scott and himself had discussed our situation with the AG Zack. They gave Zack information that the DEQ had conveniently forgotten to convey. The AG was only told that we failed to comply with their demand for a second mailing. MDEQ forgot to mention our letter that was a response to their demand, thereby also failing to give a copy to the AG. Therefore, the AG only had one part of the sad story.*

*All three attorneys agreed that we should try to work things out with MDEQ asap and all three will step away for the moment. However, according to the AG, he had gotten wind of the fact that MDEQ was intending to issue, what is called an "administrative citation" to us no later than Friday, 3/15. Our attorneys convinced the AG that he talk to MDEQ and attempt to convince them to hold off until after we had an opportunity for discussion, which the AG agreed to do.*

*Keep in mind, MDEQ can do whatever they want, whenever they want, and the AG can't do anything about it. At this time, according to the previous email I recently sent everyone, the MDEQ Director, Eric must have agreed, as he wanted us to meet with them this Friday at 1 p.m. at Constitution Hall in Lansing. We suggested an alternative - thanks to Keith's idea plus, it's*

*equal sacrifice in travel - to meet at the MDEQ office in Bay City, pretty much, at a time of their choosing. Since no board members are available, I asked Keith to accompany me to the meeting.*

*We did mention to our attorneys that we (SWUA Board) have no interest or intent in doing an additional mailing since we were not the cause of "errors and omissions" and the attorneys agreed. However, we would be pleased to do a mailing for MDEQ if they supply funds for postage, envelopes, paper and staffing and that's not likely to happen. In addition, anything we would mail, we would have to agree to as we will not mail anything to anyone that includes any "throw-us-under-the-bus" language, which is the context of their most recent and current cover letter and 'Correction Notice' ...*

*Now you are wondering, so we get a citation, then what? The matter would be presented to an Administrative Judge/court who would make a determination. That's good. The court will make a decision and we and MDEQ will all live with that decision. Mike and Scott would represent us and the MDEQ would be represented by their attorney, possibly the Assistant AG Zack. The cost would be around \$1200.00 which, we (SWUA Board) assume, our insurance carrier would pay. I asked Mike about our costs so far and he said, "just a few bucks," nothing specific, as they really do not have a lot of time into the project at this point.*

*It has been a couple weeks since our letter (response to MDEQ demand for another mailing) went out and it has been the sounds of silence from MDEQ. Until this week. Now, all of a sudden, they are in a mad rush to bring this to a boil. All we would offer, it's about time and game on ...! MDEQ's conduct and attitude to this point is permeated with arrogance and indifference and some of them, unfortunately, are no more than professional bullies. I will keep everyone in the loop as things unfold or unravel and finally, Peace be to all ...!" End of email.*

Where are we at now? Between 3/13 and 3/14, MDEQ suggested conference calls. We said No, they're too confusing and the last three were useless, we want to meet eyeball to eyeball ... MDEQ suggested meeting at Constitution Hall (their office) in Lansing. We countered with a date and time of their choice at the MDEQ office in Bay City on Friday 3/15 or Monday, 3/18 ... they countered, No, our schedules are too busy ... we offered Tues, Wed, Thur or Fri of the week of 3/18 and at this writing (315p.m. on 3/15), it is, once again, the sounds of silence, as we are in another holding pattern. The person we are waiting on is the Director of MDEQ, as our case has made it all the way to the top. I called the Director Saturday morning at 11 a.m. and left a message that we could meet him anytime Saturday or Sunday and again, it was the sounds of silence. Monday morning 3/18, the Director emailed me "I just got your voice mail this morning. I have several other critical issues going on this morning that I have to deal with. I will send out a summary of the DEQ position this afternoon." Therefore, we are on a merry-go-round that never stops ... and township governance is a cakewalk!

**FINAL THOUGHT ...** "The ideals which have always shone before me and filled me with joy are goodness, beauty, and truth." – Albert Einstein

