

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
Majority (202) 225-2927
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February 3, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

Since our letter to you of January 15, 2016 requesting information about the drinking water emergency in Flint, Michigan, a number of state and federal actions have been taken to respond to the urgent situation. These actions included more direct involvement by the Environmental Protection Agency (EPA) through its January 21 administrative order directing the Michigan Department of Environmental Quality (MDEQ) and the City of Flint to take certain immediate actions to address the ongoing safety concerns with Flint's drinking water system.

We appreciate your responses to our oversight requests to date, which have included two briefings with relevant Office of Water staff. We look forward to continued, timely access to appropriate officials and information necessary for our assessments of the situation and 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. In keeping with these efforts, and by way of follow-up to Committee staff meetings with your staff, we ask that you respond to the following by February 17, 2016:


1. 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 EPA officials, and their offices and the other federal agency officials and their offices working with EPA 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 EPA considers 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 reasonably anticipated factors that could affect this timeline and the effectiveness of this approach.
4. Your January 21, 2016 Emergency Order details several required actions by the MDEQ and the City of Flint. What has been the EPA's experience since issuance of the order with both the State and the City in response to that order?
5. Describe in detail when and how EPA learned that Flint had no corrosion control treatment in place.
 - a. When and how did EPA learn that Flint chose not to implement a corrosion control treatment?
 - b. What is EPA's understanding of why Flint chose not to implement a corrosion control treatment? And why did MDEQ decide not to require Flint to implement a corrosion control treatment immediately once MDEQ learned there was not one in place?
 - c. 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?
 - d. What basis did MDEQ provide EPA for not requiring Flint to have a corrosion control treatment in place at the time of the switch to the Flint River as a water source?
 - e. What analyses, including but not limited to legal analysis, did EPA perform between April and November 2015 regarding MDEQ's decision not to require Flint to implement a corrosion control treatment? Please provide copies of any memoranda drafted between April and November 2015 reflecting any such analysis.
6. Did EPA perform or require MDEQ or the Flint drinking water system to perform 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?
7. Please provide copies of all briefing materials prepared by Region 5 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.

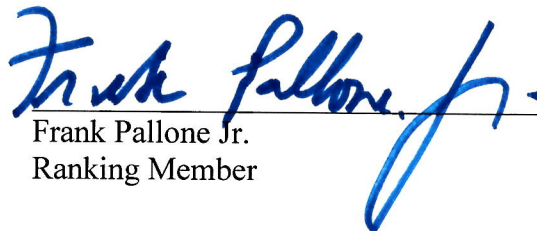
8. Please provide copies of all briefing materials prepared by state and local officials for EPA officials from January 2013 through February 2016 relating to the Flint drinking water system, including the decision to use the Flint River as a drinking water source.
9. Has the EPA reduced or ceased to perform compliance verification activities, such as sampling or audits, under the Safe Drinking Water Act? In the wake of the drinking water crisis in Flint, does EPA intend to restore any reductions in compliance verification of public drinking water systems? To the extent budgetary limitations have affected EPA's enforcement capabilities, what resources are necessary for EPA to fully implement Safe Drinking Water Act compliance verification activities?

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