Message

From: Cisar, Elizabeth [Cisar.Elizabeth@epa.gov]
Sent: 9/21/2021 1:37:56 AM
To: Fox, Radhika [Fox.Radhika@epa.gov]
Subject: FW: Benton Harbor filter study and onsite inspection
Attachments: September 21 Questions for Benton Harbor Compliance Audit.docx

I also shared this with Anita Thompkins in OGWDW and OECA.

Elizabeth Cisar
Cisar.Elizabeth@epa.gov
Phone: (202)-564-4382; Cell: Ex. 6 Personal Privacy (PP)

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Monday, September 20, 2021 7:08 PM
To: Harris, Michael <harris.michael@epa.gov>
Cc: Holst, Linda <holst.linda@epa.gov>; Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>; banco9342 Ex. 6 Personal Privacy (PP) Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff Ex. 6 Personal Privacy (PP)>; smorduno <smorduno@ Ex. 6 Personal Privacy (PP)>; Persoon, Carolyn <persoon.carolyn@epa.gov>; Callahan, Adrianne <callahan.adrianne@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>
Subject: Re: Benton Harbor filter study and onsite inspection

Mr. Harris,

Please see the attached list of questions I have regarding water quality and operations at the Benton Harbor water supply.

The contents of the 2018 Sanitary Survey are alarming. The extent of issues identified is far in excess of the issues I had previously been aware of. I have compiled a list of questions, attached. I hope you will forward these questions to the team completing the audit for their consideration while onsite. I look forward to discussing these with you tomorrow.

Elin

On Mon, Sep 20, 2021 at 3:50 PM Harris, Michael <harris.michael@epa.gov> wrote:

> Hello Ms. Betanzo,
> Yes, we will reach out to EGLE to check the status of this request and will let you know. Thank you.
>
> Michael D. Harris
> Director, Enforcement and Compliance Assurance Division
> U. S. Environmental Protection Agency, Region 5
> 77 West Jackson Blvd.
> Chicago, IL 60604
> (312) 886-0760
>
> On Sep 20, 2021, at 2:25 PM, Elin Betanzo <elin@safewaterengineering.com> wrote:

Thank you so much for your assistance Ms. Holst.

Mr. Harris, you were previously able to get EGLE to provide an expedited copy of the Sanitary Survey. Do you think it might be possible to encourage them to share an expedited copy of the Corrosion Control Study Plan?

Elin

On Mon, Sep 20, 2021 at 3:13 PM Holst, Linda <holst.linda@epa.gov> wrote:

Hello, Ms. Betanzo.

I have checked with our drinking water program and we do not have the corrosion control study that you are requesting. I think your quickest path is reaching out to EGLE, which it sounds like has been done, via the FOIA request to EGLE by the Great Lakes Environmental Law Center.

Linda Holst | Deputy Director, Water Division| U.S. EPA Region 5, 77 West Jackson Blvd., W-15J, Chicago, IL 60604 | Ph. (312) 886-6758 | holst.linda@epa.gov (she/her)

From: Harris, Michael <harris.michael@epa.gov>
Sent: Monday, September 20, 2021 12:33 PM
To: Elin Betanzo <elin@safewaterengineering.com>; Holst, Linda <holst.linda@epa.gov>
Cc: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>; banco9342 **Ex. 6 Personal Privacy (PP)** Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff@ Ex. 6 Personal Privacy (PP) ; smorduno <smorduno Ex. 6 Personal Privacy (PP) Persoon, Carolyn <persoon.carolyn@epa.gov>; Callahan, Adrianne <callahan.adrianne@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>
Subject: RE: Benton Harbor filter study and onsite inspection

Good Afternoon Ms. Betanzo,

Linda Holst, Deputy Director of Region 5 Water Division, will assist you with this request. I have included her on this message. Thank you.

Michael D. Harris

Director, Enforcement and Compliance Assurance Division

U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Monday, September 20, 2021 10:44 AM
To: Harris, Michael <harris.michael@epa.gov>
Cc: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>; banco9342 Ex. 6 Personal Privacy (PP) Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff@ Ex. 6 Personal Privacy (PP) smorduno <smorduno@ Ex. 6 Personal Privacy (PP) Persoon, Carolyn <persoon.carolyn@epa.gov>; Callahan, Adrianne <callahan.adrianne@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>
Subject: Re: Benton Harbor filter study and onsite inspection

Hi Mr. Harris,

As I am reviewing the Sanitary Survey I am reminded that we have not yet received a copy of the current Corrosion Control Treatment Study Plan that Cornwell Engineering began in August. There are clearly several interactions between recommendations in the Sanitary Survey and options potentially being explored as part of the CCT study. The sooner we raise those questions the better. I think that Nick Leonard of Great Lakes Environmental Law Center has submitted the FOIA request to EGLE for this document. Is there any possibility of obtaining a copy this week?

Elin

On Sun, Sep 19, 2021 at 5:00 PM Harris, Michael <harris.michael@epa.gov> wrote:

> Excellent. Thank you, Elin.
>
> Michael D. Harris
>
> Director, Enforcement and Compliance Assurance Division
>
> U. S. Environmental Protection Agency, Region 5
> 77 West Jackson Blvd.

Chicago, IL 60604
(312) 886-0760

On Sep 18, 2021, at 1:47 PM, Elin Betanzo <elin@safewaterengineering.com> wrote:

Thank you so much for your assistance. I have received a copy of the Sanitary Survey.

Elin

On Fri, Sep 17, 2021 at 7:18 PM Harris, Michael <harris.michael@epa.gov> wrote:

Good Evening Ms. Betanzo,

MI EGLE has just informed us if the scope of your request is limited to the sanitary survey, they will provide that early next week. Please let us know if you have any questions. Thank you.

Michael D. Harris

Director, Enforcement and Compliance Assurance Division

U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Friday, September 17, 2021 11:56 AM
To: Harris, Michael <harris.michael@epa.gov>
Cc: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>; banco9342 Ex. 6 Personal Privacy (PP) Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff Ex. 6 Personal Privacy (PP) smorduno <smorduno(Ex. 6 Personal Privacy (PP) Persoon, Carolyn <persoon.carolyn@epa.gov>; Callahan, Adrianne <callahan.adrianne@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Clark, Jacqueline

<clark.jacqueline@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>
Subject: Re: Benton Harbor filter study and onsite inspection

Thank you Mr. Harris,

I have submitted an expedited FOIA request for the document, tracking number EPA-2021-006602.

Elin

On Fri, Sep 17, 2021 at 12:45 PM Harris, Michael <harris.michael@epa.gov> wrote:

Ms. Betanzo,

I want to assure you, EPA is making a concerted effort to address your concerns. As you have requested records ("open records request"), the official process requires you submit a Freedom of Information Act (FOIA) Request which will ensure a timely response (20 working days) and a thorough search of any available records you are seeking. EPA does not require a special form in order to make a FOIA request; however FOIA Requests must be submitted in writing via FOIAonline. The EPA will consider requests received after 5:00PM as received on the next business day. If you have further questions regarding the EPA, Region V FOIA process, please contact Kaushal Gupta, Region 5 FOIA officer at Gupta.kaushal@epa.gov. Thank you.

Michael D. Harris

Director, Enforcement and Compliance Assurance Division

U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

From: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>
Sent: Friday, September 17, 2021 10:27 AM
To: Elin Betanzo <elin@safewaterengineering.com>
Cc: banco9342 Ex. 6 Personal Privacy (PP) ; Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Harris, Michael <harris.michael@epa.gov>; Nayyirah Shariff <nayyirah.shariff Ex. 6 Personal Privacy (PP) smorduno <smorduno@ Ex. 6 Personal Privacy (PP)
Subject: RE: Benton Harbor filter study and onsite inspection

Hi Elin:

Thanks for the follow up questions.

Since I don't know the answers, to get you the information as soon as we can, I'm looping in Michael Harris, the Director Enforcement and Compliance Assurance Division for Region 5. Michael will get back to you with responses.

Elizabeth Cisar

Cisar.Elizabeth@epa.gov

Phone: (202)-564-4382; Cell: Ex. 6 Personal Privacy (PP)

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Friday, September 17, 2021 9:30 AM
To: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>
Cc: banco9342 Ex. 6 Personal Privacy (PP) ; Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff Ex. 6 Personal Privacy (PP) smorduno <smorduno Ex. 6 Personal Privacy (PP) >
Subject: Re: Benton Harbor filter study and onsite inspection

Thank you Elizabeth,

I appreciate your effort to include me in the inspection, and I appreciate your willingness to consider a list of my questions.

To assist in developing my list of questions, are you able to provide a copy of Benton Harbor's 2018 Sanitary Survey? I've submitted a FOIA request to EGLE for it, but I'm guessing they won't be able to provide it before next week. I'm sure the EPA must have a copy that is being reviewed in preparation for the compliance inspection. Since I won't be able to be on site, this will help immensely with preparing relevant questions about things I won't be able to observe in person.

As we move forward together in a collaborative manner, I imagine there will be future opportunities to visit the water department and the plant, with or without EPA, to review progress. I look forward to visiting at a future date. I would prefer to make the drive (6 hours round trip) at another time when I can make more use of my presence on site. I hope I can join Michael Harris and Rev. Pinkney via Zoom when Mr. Harris is in town next week.

Elin

On Fri, Sep 17, 2021 at 8:56 AM Cisar, Elizabeth <Cisar.Elizabeth@epa.gov> wrote:

> Hi Elin:
>
> A quick follow up here. When Michael Harris reaches out, I've asked him to get a list of questions from you so that we can be as responsive as we can be about the information you're seeking from the compliance inspection. I want you to get the factual information you're seeking, while we're engaged in the compliance process.
>
> I just wanted to flag that for you – and it's fine to include me in that email exchange so that I can help facilitate the flow of information.
>
> Thanks.
>
> Elizabeth Cisar
>
> Cisar.Elizabeth@epa.gov
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> Phone: (202)-564-4382; Cell: Ex. 6 Personal Privacy (PP)
>
> ---
>
> **From:** Cisar, Elizabeth
> **Sent:** Thursday, September 16, 2021 5:42 PM
> **To:** Elin Betanzo <elin@safewaterengineering.com>

Cc: banco9342 Ex. 6 Personal Privacy (PP) ; Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff Ex. 6 Personal Privacy (PP) smorduno Ex. 6 Personal Privacy (PP)
Subject: RE: Benton Harbor filter study and onsite inspection

Hi Elin:

Thanks again for the inquiry about whether you could join the compliance inspection. We're not able to accommodate this request. Michael Harris from Region 5 would be happy to meet with you and Reverend Pinkney to talk about the inspection and the water issues in Benton Harbor.

I'm going to connect you, Reverend Pinkney and Michael Harris in a separate email.

Have a good evening.

Elizabeth Cisar

Cisar.Elizabeth@epa.gov

Phone: (202)-564-4382; Cell: Ex. 6 Personal Privacy (PP)

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Thursday, September 16, 2021 11:00 AM
To: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>
Cc: banco9342 Ex. 6 Personal Privacy (PP) ; Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Orr, Jeremy <jorr@nrdc.org>; Melissa Mays <melissa@wateryoufightingfor.com>; Nayyirah Shariff <nayyirah.shariff@ Ex. 6 Personal Privacy (PP) smorduno <smorduno Ex. 6 Personal Privacy (PP)
Subject: Re: Benton Harbor filter study and onsite inspection

Thanks Elizabeth,

As you look for answers, I'd encourage you to frame this question as "what can we do to allow a technical expert selected by the community to attend the

inspection to gain trust and transparency with the impacted community?" rather than "is it legal for a private citizen to participate in the inspection?"

As was noted several times during yesterday's meeting, we need to completely change the way we approach these drinking water emergencies to meet the needs of the impacted communities.

Elin

On Thu, Sep 16, 2021 at 10:46 AM Cisar, Elizabeth <Cisar.Elizabeth@epa.gov> wrote:

Hi Elin:

Thanks for your note. I'm planning on sending out the next steps from the meeting now.

Regarding your and Reverend Pinkney's request that you attend the inspection, I don't know enough about the law about these inspections to know if a private citizen can participate. I also know that Michael Harris, who is conducting the inspection is planning to meet with Reverend Pinckney next week.

I will make some calls now and get back to you when I have answers.

Elizabeth Cisar

Cisar.Elizabeth@epa.gov

Phone: (202)-564-4382; Cell: Ex. 6 Personal Privacy (PP)

From: Elin Betanzo <elin@safewaterengineering.com>
Sent: Thursday, September 16, 2021 9:38 AM
To: Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>
Subject: Benton Harbor filter study and onsite inspection

Hi Elizabeth,

Thanks so much for facilitating yesterday's meeting about the Benton Harbor emergency petition. I am cautiously optimistic about what comes next. I wanted to touch base about scheduling some time to discuss the filter study and to let you know that Rev. Pinkney has requested that I attend the onsite inspection that will happen next week.

Given my experience working at EPA, the fact that I'm a certified water operator in Michigan, and my ongoing work with community members, Rev. Pinkney has asked that I attend because I understand the inspection process, I can ask appropriate technical questions about operations and water quality data, and I can bring information back to the community as a trusted resource. Please help me connect with those who are planning the inspection so I can make my travel arrangements.

--

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