Message

From: Sarkipato, Ernest (DEQ) [SARKIPATOE@michigan.gov]
Sent: 12/13/2017 1:23:03 PM
To: Ex. 6 - Personal Privacy
CC: DEQFOIA [DEQFOIA@michigan.gov]
Subject: RE: 1559-18 Insufficient Information

Ex. 6 - Personal Privacy

Thank you for calling yesterday, it was good to speak with you regarding this FOIA request.

I encourage you to utilize our website form, which will help narrow down the geographic location for the request: http://www.michigan.gov/deq/0,4561,7-135--357782--,00.html.

After the request is approved, the requestor will typically receive an estimate of the cost of re-producing the materials you seek. This may or may not be circumvented by your viewing the files in person (that's for FOIA staff to decide).

As for timing, Thursday would appear very unlikely to receive and approve a FOIA request, and be able to arrange office viewing. I spoke with Ex. 6 - Personal Privacy yesterday, and clarified this with him. Our process typically takes weeks to set something like this up, although it is not a typical request and that time estimate may be off.

I will ask you to work directly with the FOIA central staff, as the information you are actually looking for is likely in both the DEQ office as well as the RRD-Superfund office.

Ernie Sarkipato, P.E.
Surface Water Treatment Specialist
Drinking Water and Municipal Assistance Division
Department of Environmental Quality
616-307-0261 mobile

www.michigan.gov/drinkingwater

From: Ex. 6 - Personal Privacy
Sent: Tuesday, December 12, 2017 1:09 PM
To: DEQFOIA <DEQFOIA@michigan.gov>; Sarkipato, Ernest (DEQ) <SARKIPATOE@michigan.gov>; Dehtiar, Luke (DEQ) <DEHTIARL@michigan.gov>; Lachance, Amy (DEQ) <LACHANCEA1@michigan.gov>; soller@plainfieldmi.org; Benzie, Richard (DEQ) <BENZIER@michigan.gov>; Jennifer Crooks <crooks.jennifer@epa.gov>; Alfano, Judith (DEQ) <ALFANOJ@michigan.gov>; Berndt, Jason (DEQ) <BERNDTJ1@michigan.gov>; Bloemker, Jon (DEQ) <BLOEMKERJ@michigan.gov>; Brown, Melanie (DEQ) <BrownM45@michigan.gov>; Hendershott, Abigail (DEQ) <HENDERSHOTTA@michigan.gov>; Hollenbach, Heidi (DEQ) <HOLLENBACHH@michigan.gov>; Esther Berezofsky <eberezofsky@eblawllc.com>; John Coon <jrcoonlaw@gmail.com>; sara.simmonds@kentcountymi.gov; vanwyngardenc@plainfieldmi.org; Bradley, John (DEQ) <BRADLEYJ1@michigan.gov>; Heather Shoven <shoven.heather@epa.gov>; Klein, Jeremy (DEQ) <KLEINJ1@michigan.gov>; petrovichd@plainfieldmi.org; Ostrander, Debbie (DEQ) <OSTRANDERD@michigan.gov>; Garrett Solomon <garrett@solomonlawfirmpllc.com>; ahtra@fox17online.com
Subject: Re: 1559-18 Insufficient Information

Good afternoon,

On December 1, 2017 I had this Email correspondence with the the Michigan Department of Environmental Quality (MDEQ)

Sarkipato, Ernest (DEQ) <SARKIPATOE@michigan.gov> Dec 1 at 3:51 PM

Ex. 6 - Personal Privacy

Co: Dentler, Luke (DEQ), Lachance, Amy (DEQ), Alfano, Judith (DEQ), Benzie, Richard (DEQ), soller@plainfieldmi.org and 9 more...

Ex. 6 - Personal Privacy

We are working on a plan to address your concerns, with action items associated. It is going to take a bit longer to iron out some of those details, and I wanted to respond to you today. At this time, we are only able to relate a couple main points to begin to address some of your concerns.

First and foremost, based on the information in the files, we do not anticipate an imminent threat to public health via contamination of the public water supply at this time. This is based on our knowledge of the water system and laboratory results for both raw and treated water at the plainfield township water plant (of which there are many).

The township water system does have a long history with the state disposal landfill. Rather than describe that at length here, I want to stress there are many tests, communications, and reports throughout our file regarding this subject, as well as I'm sure in the DEQ superfund files. The public noticing of those individual pieces of information by the public water supply is going to be difficult to track down historically, particularly given the drinking water consumer confidence report requirement didn't become effective until 1999. Please note, if you are interested in viewing those records in our Grand Rapids office, please let me know and I will seek clearance for your viewing.

The historical context does help illuminate our current challenges, and it is certainly not too late to clarify and clear up some of the facts of the matter, both historical AND present day. In fact, I agree that needs to be a focus right now. Again, we intend to work with the Township, the DEQ's Remediation and Redevelopment Division, and the EPA to the extent practical and necessary, to formulate a plan to properly address your concerns regarding public information. We will likely be working on this through next week.

Last, representatives from the Plainfield Township Water Supply have expressed interest in working directly with you as well. I hope that part of my role here is to reconnect the water supply operators and managers with their customers, as I know there is a lot of mistrust and probably a lack of information on the public side. If you are open to a meeting with myself and water supply officials to review some historical and present day information, I will be eager to accommodate that meeting.

Ernie Sarkipato, P.E.

Surface Water Treatment Specialist

Drinking Water and Municipal Assistance Division

Department of Environmental Quality

616-307-0261 mobile

www.michigan.gov/drinkingwater

Today on 12/12/2017 I received this denial to my FOIA Request.

DEQFOIA <DEQFOIA@michigan.gov>
Ex. 6 - Personal Privacy

Dec 12 at 11:00 AM

This written notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), which was received by this office on December 11, 2017. You requested information on the following site(s):

All reports, test results, notes, voice recordings, maps, correspondence, customer records, all interviews and studies in your possession regarding Bell's Pickup Service and the State Disposal Landfill.

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. Section 3(1) of the FOIA requires that a requesting person's written request must describe a public record sufficiently to enable the public body to find the public record. *Your request does not provide the specific street address, city or county about which you seek information.* Inasmuch as most of the Department of Environmental Quality's (DEQ's) records related to sites of environmental contamination or regulation are maintained by facility name, street address, and city, the DEQ does not have enough information to search for responsive records.

For this reason your request is denied.

Under section 10 of the FOIA, you may do either of the following:

1) Appeal this decision in writing to the Director of Legal Services, Department of Environmental Quality, P.O. Box 30473, Lansing, Michigan 48909-7973. The writing must specifically state the word "appeal" and identify the basis for which the discretion determination should be reversed. The Director of Legal Services, or her delegated designee, must respond to the appeal within 10 business days of its receipt. Under unusual circumstances, the time for response to the appeal may be extended by 10 business days.

2) You may commence a civil action in the Court of Claims within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

You may access the Michigan Department of Environmental Quality's website that contains information about our FOIA policy and procedure, public section summary, and several online databases at www.michigan.gov/deqfoia.

If you have any questions regarding the results of your request, you may contact DEQ FOIA at 800-662-9278, deqfoia@michigan.gov, DEQ FOIA Coordinator, P.O. Box 30473, Lansing, Michigan 48909-7973, or you may contact me.

Leigh M. Capen, FOIA Coordinator
Legal Services
800-662-9278
www.michigan.gov/deqfoia
deqfoia@michigan.gov

The State Disposal Landfill affiliated with Bell's Pickup is listed on the national priority list, and is very familiar to Michigan Department of Environmental Quality.

I am accepting your offer to review these records in person. I am requesting that the many test results, reports, and data the MDEQ has described having in their possession are made available for review Thursday 12/12/2017. I am requesting Dr. John Coon, and Megan Bonanni experienced in environmental issues, and Ahtra Elnashar be present to provide our community with a sense of Transparency.

Our Community awaits your response

I have Filed appeal in regards to the denial of my Freedom of Information Act Request

Sincerely

Ex. 6 - Personal Privacy

On Tuesday, December 12, 2017, 11:00:21 AM EST, DEQFOIA <DEQFOIA@michigan.gov> wrote:

This written notice is issued in response to your request for information under the Freedom of Information Act, 1976 PA 442, as amended (FOIA), which was received by this office on December 11, 2017. You requested information on the following site(s):

All reports, test results, notes, voice recordings, maps, correspondence, customer records, all interviews and studies in your possession regarding Bell's Pickup Service and the State Disposal Landfill

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If you have any questions regarding the results of your request, you may contact DEQ FOIA at 800-662-9278; deqfoia@michigan.gov; DEQ, FOIA Coordinator, P.O. Box 30457, Lansing, Michigan 48909-7957; or you may contact me.

Leigh M. Copen, FOIA Coordinator

Legal Services

800-662-9278

www.michigan.gov/deqfoia

deqfoia@michigan.gov