

# Testimony reveals depth of recklessness in decision to use outmoded Flint water plant

By James Brewer  
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Preliminary hearings proceeded last week in the criminal prosecution of four Michigan Department of Environmental Quality (MDEQ) officials charged for their roles in the Flint water crisis, caused by the switching of the city's water supply from treated Lake Huron water to the badly polluted Flint River, utilizing the city's outdated water plant.

The high-level MDEQ defendants are Stephen Busch, coordinator of the Office of Drinking Water, water engineer Michael Prysby, drinking water specialist Patrick Cook and Liane Shekter-Smith, the fired head of the department's drinking water unit. The MDEQ is the state agency that is directly responsible for safeguarding the public water supply, yet used its authority to run roughshod over any opposition to using Flint River water.

This body, unbeknownst to the public, issued the unheard-of order not to use corrosion inhibitors, wreaking havoc on the city's water infrastructure and causing toxic lead to leach from pipes into the water being delivered to people's homes. The switch in the water supply also resulted in one of the country's most severe outbreaks of Legionnaires' disease, killing at least 12 people.

These are but four of the 15 criminal indictments by the Michigan state attorney general's office that have resulted from the investigation that began almost two years ago.

Information brought to light during last Monday's testimony deepens insight into the reckless and premeditated nature of the scheme hatched against the people of Flint. Before, during and after the switch from Great Lakes water to the Flint River, authorities responsible for public health ignored numerous warnings from experts in order to implement a plan that was based solely on the financial interests of an elite

clique that stood to benefit from the change.

The most glaring of the revelations was the testimony of the division director of the Genesee County Drain Commission, John O'Brien, who testified that in an early 2014 meeting, which included Flint Emergency Manager Darnell Earley, former Emergency Manager Gerald Ambrose, Public Works Director Howard Croft and Flint Mayor Dayne Walling, he warned of the dangers of putting Flint's water treatment plant (WTP) into service after some 50 years of disuse.

Earley, Ambrose and Croft are all facing criminal charges in connection with their roles in the Flint crisis.

O'Brien testified in the preliminary hearing of the four MDEQ officials, saying that he and others in his department had warned state and local officials in 2014, before the switch to Flint River water, that the city's antiquated water treatment plant was in no way capable of treating the water from the Flint River. O'Brien is the second water treatment expert known to have warned against the use of the Flint WTP.

Mike Glasgow, the operator of the Flint WTP, also attempted to convince officials that the plant was not ready to treat Flint River water. He told MDEQ officials in April of 2014 that "if water is distributed from this plant in the next couple weeks, it will be against my direction." This was made public in early 2016 when emails acquired through Freedom of Information Act (FOIA) requests were reported in the media.

O'Brien said that in the weeks before the scheduled switchover date, when Earley was in charge of the city, he saw a rush of construction activity inside the plant. He said major chlorination and clarifying equipment was not in operation, and several untrained employees had just been transferred from the sanitation department. "They [had been] riding shotgun on a

garbage truck” before being brought to the WTP. “The main difficulty with trainees [is] you’re collecting data all day long... they can’t interpret it. They don’t know if they are producing good water or not.”

O’Brien testified that he told the officials “these are the concerns, these are the things you need to consider when making the switch” to Flint River water. He added that he attempted to “encourage and remind them” that this was not the only option.

Describing Earley’s response at the time, O’Brien went on: “[He] looked at Howard Croft, [who] stated, we have all these things taken care of. He looked to Jerry Ambrose. [Ambrose] was the financial controller for the city at that time. [He] said this is a good deal for the city of Flint.

“He looked at Dayne Walling. [Walling] said this is good for the city of Flint. [Earley] informed us—these concerns we had are taken care of... They were going to continue with the switch to the river.”

O’Brien stated that before the switch, he telephoned Stephen Busch (one of the four MDEQ officials on trial) to get an explanation as to why the department, which is responsible for overseeing the safety of drinking water throughout the state, was allowing Flint to use the old plant to treat the city’s water.

He said Busch told him, “We believed that plant was not ready to go based on [previous] conversations we had with the state and city,” but “he was directed to allow the plant to operate.”

When the prosecutor asked O’Brien how he “perceived” that message, he replied, “My perception was either someone higher up at the DEQ or someone in [the state Treasury Department] gave the go-ahead.”

The Michigan State Treasurer until October 2013 was Democrat Andy Dillon. He shared responsibility for rewriting the hated Emergency Manager Law that allowed the bankruptcy proceedings in Detroit—where millions of dollars in municipal workers’ pension money was robbed and the city’s water system was “regionalized”—to go forward.

While in office, Dillon authorized Flint’s disconnection from Detroit-supplied Lake Huron water and joining the Karegnondi Water Authority (KWA) pipeline plan even though the financial feasibility report he contracted recommended staying with the Detroit system which provided treated water from Lake Huron.

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