

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONCERNED PASTORS FOR SOCIAL ACTION; MELISSA MAYES;
AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN; and
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

No. 2:16-cv-10277-DML
HON. DAVID M. LAWSON

Plaintiffs,
v

NICK A. KHOURI, et. al.,
Defendants.

STATE DEFENDANTS' SECOND QUARTERLY REPORT

On June 29, 2024, this Court issued an Order Granting in Part State Defendants' Motion to Temporarily Stay City of Flint's Restoration Obligations under the Settlement Agreement. (ECF No. 289.) As part of that Order, the Court required the State Defendants to take the following action:

2. The State defendants shall submit to the Court on a quarterly basis until August 1, 2025 a report on the status of their efforts to complete excavations, replacements, and restorations required under the Settlement Agreement. (*Id.*, PageID.13436.)

The following is the State Defendants' Second Quarterly Report pursuant to that Order.

RESTORATIONS

At the time that the State Defendants partnered with the City of Flint to complete the restoration of residential lawns, sidewalks, and road surfaces where service line replacement work had been completed, the City and Plaintiff Natural Resources Defense Council (NRDC) believed that restoration work was still required at 1899 properties. The State Defendants' subsequent verification efforts found that 91 of those properties either had restoration already completed or no excavation requiring restoration work had taken place because the resident had either declined to allow the City to conduct that work or had simply been non-responsive to the City's requests. Thus, the State Defendants have been focusing their efforts on the remaining 1808 properties.

Since the transfer of Flint's existing engineering and construction contracts to the State on July 8, 2024, the following work has been conducted:

	July 8-14	July 15- 26	July 29- Aug 9	Aug 11- 24	Aug 26- Sept 7	Sept 8-21	Sept 22- Oct 12	Oct 13- Oct 26	Oct 27- Nov 9	Nov 10-16
Soft Restorations	70	229	60	32	62	105	260	95	59	3
Hard Restorations	0	30	42	14	36	111	144	103	62	4
No restoration needed	0	186	65	240	206	7	13	22	17	0
Homes Completed	70	240	66	44	74	120	270	105	66	4
Cumulative totals:										
Completed homes	70	310	376	419	492	612	882	987	1053	1057
No restoration needed	0	186	251	491	696	702	715	736	752	752
Total of all homes deemed completed	70	496	627	910	1,188	1,314	1,597	1,723	1,805	1,809
Left to do from 1,808	1738	1310	1181	898	620	494	211	85	3	0

(Ex 1, 2024-12-15 Cumulative Restoration Report.)

The State believes that all 1,809 restorations required under the Court's Order were completed prior to December 1, 2024. The State believes that NRDC concurs this work has been completed as required under the Settlement Agreement. However, all parties acknowledge that to the extent additional excavations are required to comply with the Settlement Agreement, as discussed below, additional restorations may be required at those addresses.

EXCAVATION/REPLACEMENTS

The City believes it has completed all excavations and replacements required under the settlement agreement and has provided reports required by Orders of this Court on that subject. (ECF No. 290, PageID.13440.) NRDC subsequently identified 189 addresses at which it believed additional information was required to determine if, in fact, all outreach, excavations, and replacements had been completed.

The State believes that all of the outreach has been completed at the addresses identified by NRDC and is in the process of providing that information to NRDC. The State has also provided a preliminary response to NRDC with respect to the excavations/replacements and it is working with the City to obtain the information necessary to fully respond to NRDC's requests.

Based upon the available preliminary information, it is probable that a relatively small number of additional excavations/replacements and restorations will be required in 2025 to complete the City's obligations under the settlement agreement. The State is working with its contractors to schedule and complete that work in 2025 as soon as

weather permits. The State expects to have that work completed well before August 1, 2025.

WORK AT SERVICE LINES NOT SUBJECT TO THE SETTLEMENT AGREEMENT

Following its completion of the restorations at the 1809 addresses, in furtherance of its partnership with the City, the State commenced efforts to excavate and replace lead or galvanized steel service lines remaining in Flint that are not subject to the settlement agreement. As of December 13, 2024, excavations and any necessary replacements had been completed at 63 addresses.

The City and State are working with the contractors to develop plans to identify and remove remaining Tier 1 and Tier 2 service lines in Flint. Although some work may continue after January 1, 2025, the extent of such effort will be dependent on the weather and other issues. It is expected that the bulk of the work will be undertaken beginning in the spring of 2025.

Respectfully submitted,

/s/ Richard S. Kuhl

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Dated: January 2, 2024

CERTIFICATE OF SERVICE (E-FILE)

I hereby certify that on January 2, 2025, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Respectfully submitted,

/s/ Richard S. Kuhl

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