

**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION**

In the matter of:

ACO-000131

Date Entered: _____

City of Detroit Water and Sewerage Department
735 Randolph
Detroit, Michigan 48226

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges the City of Detroit Water and Sewerage Department (DWSD) as the owner and operator of the Detroit Wastewater Treatment Plant (WWTP) located at 9300 West Jefferson Avenue, Detroit, Michigan, 48209, Wayne County, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* The DWSD is a person, as defined by Section 301 of the NREPA. The DWSD and the DEQ agree to resolve the alleged violations set forth herein through entry of an Administrative Consent Order (Consent Order).

I. STIPULATIONS

The DWSD and the DEQ stipulate as follows:

- 1.1 The NREPA MCL 324.101 *et seq.* is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Pollution Control, Part 31, Water Resources Protection, of the NREPA (Part 31), MCL 324.3101 *et seq.*, and the rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 The DEQ is authorized by Section 3112(4) of Part 31 of the NREPA to enter orders requiring persons to abate pollution, and the director of the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).

- 1.4 The DWSD consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under Section 3112(4) of Part 31. The DWSD agrees not to contest the issuance of this Consent Order, and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the chief of the WRD, delegate of the director, pursuant to Section 301(b) of the NREPA.
- 1.5 The DWSD and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the DWSD that the law has been violated.
- 1.6 The Signatory to this Consent Order on behalf of the DWSD agrees and attests that he is fully authorized to assure that the DWSD will comply with all requirements under this Consent Order.
- 1.7 The DWSD shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section III, Compliance Program, of this Consent Order.

II. FINDINGS

- 2.1 The DWSD is authorized to discharge from the WWTP to the Detroit River and Rouge River set forth in National Pollution Discharge Elimination System (NPDES) Permit No. MI0022802 issued September 28, 2007, modified March 10, 2010, modified on May 10, 2010, and further modified on June 28, 2011.
- 2.2 The DWSD entered into the Second Amended Consent Judgment (SACJ) on August 3, 2000, to resolve the WWTP violations that occurred between August 1997 through March 1999. The SACJ required the DWSD to undertake a substantial capital construction program to replace and overhaul the solids dewatering equipment and other liquid plant processes, and contained other requirements the parties intended would

ensure long-term compliance. For the following nine years, the DWSD was in substantial compliance with the NPDES permit effluent limitations requirements.

- 2.3 On November 12, 2009, the DEQ issued Violation Notice VN-004326 to the DWSD for violations of the SACJ and the NPDES permit specified therein (attachment 1) resulting from excess solids inventory at the WWTP.
- 2.4 On April 14, 2010, the DEQ issued Second Violation Notice SVN-000341 to the DWSD for continued violations of the SACJ and the NPDES permit specified therein (attachment 2). The SVN directed the DWSD to submit a Corrective Action Plan (CAP) to address the violations.
- 2.5 On August 31, 2010, the DWSD submitted the CAP to the DEQ as required by the SVN-000341. Concurrently, the DWSD began implementation of short-term measures identified in the CAP, reduced the excess solids inventory at the WWTP to acceptable levels, and the effluent quality has improved.
- 2.6 As a condition of the SACJ termination, the WWTP shall continue to operate under the Consent Order executed between the DWSD and the DEQ. The DWSD and the DEQ agreed to the compliance program embodied into Section III of this Consent Order which encompasses short-term, intermediate, and long-term corrective actions to ensure for sustained long-term compliance at the WWTP and the NPDES permits.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT THE DWSD shall take the following actions to prevent further violations of Part 31:

- A. Capacity for sludge dewatering, conveyance, and final disposal; Required maximum solids inventory loads.**

- 3.1 The DWSD shall ensure that sludge dewatering equipment, sludge conveyance equipment and final sludge disposal capability is available at the Detroit WWTP as follows:
 - a. The DWSD shall ensure that the WWTP sludge dewatering equipment, sludge conveyance equipment, and final sludge disposal capability are 1) maintained for use; and 2) in good operational working order to meet the following requirements over the time periods specified:
 - i. Average capacity of 500 dry tons per day (dtpd), calculated as a calendar monthly average.
 - ii. Upon completion of replacement of C-I and C-II belt filter presses (BFPs) as required in III.B.3.2.a.vi., peak capacity of 850 dtpd, calculated as a 10-day average.
 - iii. The DWSD shall maintain the average monthly capacity and the peak 10-day average (once applicable). The peak 10-day average shall be available during any wet weather event when the Detroit WWTP is operated in the "Storm Period" of the currently approved WWTP Wet Weather Operational Plan as required by the NPDES Permit.
 - b. The DWSD shall also:
 - i. Notify the DEQ within one business day if solids are recycled from the gravity thickeners to the head of the WWTP for more than 72 hours and provide an explanation for the recycled solids.
 - ii. Maintain an annual average solids inventory not to exceed 750 dtpd, and maintain a calendar quarterly average solids inventory not to exceed 1000 dtpd.

- iii. Maintain compliance with all NPDES Permit effluent limitations.
- iv. The DWSD is allowed to submit to the DEQ for review and approval a request to modify this Consent Order to revise the numerical levels specified in items in paragraphs 3.1. This modification request shall include supporting rationale for the revised numerical levels.
- v. Request modifications in writing to the DEQ for review and approval in accordance with Section V, paragraph 5.1, of this Consent Order.

B. Solids Management Plan

3.2 The DWSD submitted to the DEQ for review and approval a short-term Solids Management Plan. This Solids Management Plan is designed to ensure the availability of sufficient sludge dewatering equipment, and sludge disposal capability to meet the capacity requirements specified in III.A.3.1.a.

- a. The DWSD shall implement the short-term and near long-term actions of the Solids Management Plan improvements to C-I and C-II dewatering and incineration in accordance with the following schedule:
 - i. The DWSD submitted to the DEQ for review and approval the detailed Basis of Design Report for the replacement of C-I and C-II BFPs on December 22, 2010.
 - ii. On or before August 1, 2011, the DWSD shall submit to the DEQ for review and approval approvable final plans and specifications consistent with the approved Basis of Design Report for the replacement of C-I and C-II BFPs.
 - iii. On or before December 31, 2011, the DWSD shall complete the renovation of eight BFPs located in C-I and/or C-II.

- iv. On or before September 1, 2012, the DWSD shall commence construction and installation of the C-I and C-II BFPs in accordance with the DEQ-approved final plans and specifications referenced in paragraph 3.2. a. ii.
 - v. On or before November 30, 2014, the DWSD shall complete repairs to C-I and C-II incinerators under PC-774.
 - vi. On or before January 1, 2016, the DWSD shall complete construction and place into full operation and service the C-I and C-II BFPs referenced in paragraph 3.2. a. iv.
 - vii. The DWSD shall regularly renovate the C-II centrifuges after ten thousand operational hours of operation.
 - viii. The DWSD shall submit a written report to the DEQ annually on July 31 identifying centrifuges that were renovated, the date when the renovated centrifuges were taken out of service and the date the centrifuges were returned back into service.
- b. On or before June 1, 2012, the DWSD shall submit to the DEQ for review and approval a schedule for development of a Long-term Solids Disposal Plan (LTSDP). The LTSDP shall include provisions to ensure long-term compliance with all NPDES permit requirements, including but not limited to, necessary redundancy and contingencies for effective solid disposal or reuse. Upon DEQ approval, the LTSDP development schedule shall be incorporated by reference into this Consent Order and may be incorporated into the NPDES permit. The DWSD is advised that implementation of individual elements of the LTSDP may require Part 41 wastewater construction permits or may require other DEQ approvals.

C. Steering Committee

3.3. The City and the DWSD shall maintain the Empowered Enterprise Change Office (EECO) until the termination of this Consent Order or by mutual written agreement between the City, the DWSD, and the DEQ. The EECO comprises senior leadership from the Mayor's Office and the City's Human Resources, Law and Purchasing Departments and serves as an internal steering and facilitation team. The leadership provided by the EECO is intended to facilitate the achievement of long-term sustainable compliance with the NPDES permit.

D. Maintenance

3.4 On or before July 31, 2012, the DWSD shall submit to the DEQ for review and approval a Preventive Maintenance Plan (PMP) for the Detroit WWTP that includes maintenance metrics and targets to evaluate the effectiveness of and adherence to the PMP, along with a schedule for implementing the PMP. The PMP shall be designed to ensure that the DWSD has enough equipment operable and available to adequately treat all incoming wastewater to meet all effluent limitations, conditions, and requirements and to ensure that the solids inventory is managed in accordance with paragraph 3.1.b.ii. The DWSD shall implement the PMP in accordance with the following schedule:

- a. Upon DEQ approval, the maintenance metrics, targets and implementation schedule shall be incorporated by reference into this Consent Order and may be incorporated into the NPDES permit.
- b. The reporting frequency for these maintenance metrics is specified in paragraph 3.9. through 3.10. in this section.
- c. On or before January 1, 2013, the DWSD shall submit to the DEQ for review and approval a complete and updated online Operation and Maintenance (O&M) Manual for existing equipment and facilities. Upon DEQ approval, the O&M

Manual shall be maintained and updated in accordance with the requirements of the NPDES permit.

E. Management

3.5. On or before October 1, 2011, the DWSD shall submit to the DEQ for review and approval an Operations Performance Plan (OPP) that includes management metrics and targets for measuring the operational performance of the Wastewater Operations Group (WVOG).

- a. Upon DEQ approval, these metrics and targets will be incorporated by reference into this Consent Order and may be incorporated into the NPDES permit.
- b. The reporting frequency for these metrics and targets is specified in paragraphs 3.9. through 3.10. in this section.
- c. The DWSD shall request modifications in writing to the DEQ for review and approval in accordance with Section V, paragraph 5.1, of this Consent Order.

F. Staffing

3.6 The DWSD shall ensure that the WVOG is adequately staffed to properly operate and maintain the Detroit WWTP and Combined Sewer Overflow (CSO) facilities in accordance with the NPDES permit. The DWSD shall develop a Staffing Plan to establish a minimum staffing level for the WVOG that includes DWSD employees and contractual skilled trades, identify the basis for determining the minimum number of maintenance and operations staff necessary to properly operate and maintain the Detroit WWTP and CSO facilities and a strategy for successful succession planning and training to ensure competent staff. Adequate staffing will be achieved and maintained in accordance with the following schedule:

- a. On or before August 31, 2011, the DWSD shall submit to the DEQ for review and approval a Staffing Plan for the WVOG. Upon DEQ approval, the Staffing Plan will be incorporated by reference into this Consent Order.
- b. On or before October 1, 2011, the DWSD shall increase staffing to 85 percent of the minimum staffing level based on the DEQ-approved Staffing Plan.
- c. On or before October 1, 2012, the DWSD shall increase staffing to 90 percent of the minimum staffing level based on the DEQ-approved Staffing Plan.
- d. Beginning October 1, 2013, until the termination of this Consent Order, the DWSD shall maintain staffing at not less than 95 percent of the minimum staffing level specified the DEQ-approved staffing plan on an annual average basis, provided that this level is sufficient to maintain compliance with the NPDES permit.
- e. The minimum staffing level may be revised by mutual agreement in writing and incorporated by reference into this Consent Order.
- f. The reporting frequency for these metrics is specified in paragraph 3.9. through 3.10. in this section.

G. Capital Planning Process

3.7 The DWSD shall establish and implement an effective capital planning process for the Detroit WWTP that allows for sustained compliance with the NPDES permit and this Consent Order as follows:

- a. On or before December 31, 2011, the DWSD shall submit to the DEQ for review and approval a summary of the Capital Planning Process that includes a requirement to periodically complete a Needs Assessment (NA) of the WWTP, CSO facilities, and collection system pump stations at least once every 3 years until termination of this order. The NA shall substantially follow the format and

the level of detail contained in the 2010 NA, dated August 2010. The Capital Planning Process and the resulting Capital Improvement Plan shall be consistent with the approved LTSDP as well as ongoing operational needs, ensure that there are sufficient resources to fully implement and support it, and ensure that equipment is repaired, rehabilitated, or replaced as needed in order to maintain compliance with the NPDES permit and this Consent Order. The Capital Planning Process shall be implemented upon DEQ approval.

- b. On or before December 31, 2011, the DWSD shall submit to the DEQ for review and approval a report identifying metrics and targets to measure the effectiveness of the Detroit WWTP Capital Planning Process.
- c. Upon DEQ approval, the metrics and targets will be incorporated by reference into this Consent Order and may be incorporated into the NPDES permit.
- d. The reporting frequency for these metrics and targets is specified in paragraph 3.9. through 3.10. in this section.

H. Purchasing

- 3.8 On or before October 31, 2011, the DWSD shall submit to the DEQ for review and approval Purchasing metrics and targets for the WWOG.
 - a. Upon DEQ approval, these metrics and targets will be incorporated by reference into this Consent Order.
 - b. The reporting frequency for these metrics and targets is specified in paragraph 3.9. through 3.10. in this section.

I. Reporting

3.9 The DWSD shall submit to the DEQ monthly graphical summaries that include information provided in the current Key Indicator Report by the 10th day of the following month, and provide electronic copies to the counties of Wayne, Oakland, and Macomb on the 20th day of the following month. Data supporting the graphical summary shall be made available to DEQ and the counties of Wayne, Oakland, and Macomb upon request.

3.10 The DWSD shall submit to the DEQ quarterly reports on the status of its implementation of the compliance program outlined in paragraphs 3.1. to 3.8. in this section and provide electronic copies to the counties of Wayne, Oakland, and Macomb by the 30th day of the month following the end of the reporting quarter.. The reporting quarters are as follows: January 1st through March 31st; April 1st through June 30th; July 1st through September 30th; and October 1st through December 31st. The reports shall include the following:

- a. The status of the DWSD's compliance with paragraphs 3.1.to 3.8. in this section.
- b. A summary of all approved metrics, and targets for Maintenance, Management, Staffing, Capital Improvement Plan, and Purchasing. Note: reporting metrics shall begin with the first quarterly report following the quarter in which they were approved.
- c. The reports identified in this item may be revised by mutual agreement between DWSD and DEQ to delete, add or adjust measures to the report to better represent the circumstances as the compliance program progresses. The counties of Wayne, Oakland, and Macomb shall be notified of any revisions.
- d. All reports required under this Consent Order are required until the termination of this Consent Order.

- 3.11 The DWSD shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Southeast Michigan District Supervisor, WRD, DEQ, 27700 Donald Court, Warren Michigan 48092-2793. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. DEQ APPROVAL OF SUBMITTALS

- 4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the DWSD, the following process and terms of approval shall apply.
- 4.2 All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, if any, and all of the information required by the applicable paragraph(s) of this Consent Order.
- 4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the DWSD, in writing, specifying the reasons for such disapproval. The DWSD shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the DWSD of this disapproval.
- 4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the DWSD, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the DWSD to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately

addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the DWSD of this disapproval.

- 4.5 Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
- 4.6 Failure by the DWSD to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the DWSD to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.5.
- 4.7 Any delays caused by the DWSD's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the DWSD's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the DWSD will be construed as relieving the DWSD of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

- 5.1 The DWSD and the DEQ agree that the DEQ may grant the DWSD a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WRD, Enforcement Unit Chief, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909-7773, and the Southeast Michigan District Supervisor at the address in paragraph 3.11, no later than ten business days prior to the pertinent deadline, and shall include:
 - a. Identification of the specific deadline(s) of this Consent Order that will not be met.

- b. A detailed description of the circumstances that will prevent the DWSD from meeting the deadline(s).
- c. A description of the measures the DWSD has taken and/or intends to take to meet the required deadline.
- d. The length of the extension requested and the specific date on which the obligation will be met.

The district supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

VI. REPORTING

- 6.1 The DWSD shall verbally report any violation(s) of the terms and conditions of this Consent Order to the Southeast Michigan District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The DWSD shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

- 7.1 Upon request by an authorized representative of the DEQ, the DWSD shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to Part 31 or its rules. All such documents shall be retained by the DWSD for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by Part 31 or its rules.

VIII. RIGHT OF ENTRY

- 8.1 The DWSD shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

IX. PENALTIES

- 9.1 The DWSD agrees to pay to the State of Michigan **FORTY SIX THOUSAND (\$46,000) DOLLARS** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.8.
- 9.2 The DWSD agrees to conduct a Supplemental Environmental Project (SEP) that meets the requirements of the DEQ's policy and procedure titled Supplemental Environmental Projects for Penalty Mitigation Number: 04-002 after approval is received from the DEQ as mitigation for a portion of the civil fine. The value of the SEP, as determined by the DEQ, shall be not less than \$100,000. The DWSD shall submit a proposed SEP not later than 60 days after the effective date of this Consent Order. However, in the event that the DWSD and DEQ can not agree on the substance of the SEP within 120 days after the effective date of this Consent Order, the SEP component of this Consent Order shall be void. The DWSD shall submit a fine in the amount of \$31,500 to the DEQ not later than 30 days after receipt of a written notice from the DEQ voiding the SEP component and asserting a demand for payment. Denial and voiding a SEP by the DEQ and the civil fine in this section shall not be subject to judicial review.
- 9.3 For each failure to comply with any requirements contained under paragraph 3.1 of this

Consent Order, the DWSD shall pay stipulated penalties of **\$5,000**.

- 9.4 Except as provided in paragraph 9.3, for each failure to comply with a specific deadline contained in Section III of this Consent Order, the DWSD shall pay stipulated penalties of **\$5,000**. If, after 30 days from the original deadline, the DWSD has not fully corrected the violation, stipulated penalties shall begin to accrue in accordance with paragraph 9.5 of this Consent Order.
- 9.5 Except as provided for in paragraph 9.3 and 9.4, for each failure to comply with a provision of Section III or IV of this Consent Order, DWSD shall pay stipulated penalties of **\$500** per violation per day for 1 to 7 days of violation, **\$1,000** per violation per day for 8 to 14 days of violation, and **\$2,000** per violation per day for each day of violation thereafter.
- 9.6 For each failure to comply with a provision of Section VI, VII, or VIII of this Consent Order, or any other requirement of this Consent Order, the DWSD shall pay stipulated penalties of **\$1,000** per violation per day for each day of violation.
- 9.7 To ensure timely payment of the above civil fine, costs, and stipulated penalties, the DWSD shall pay an interest penalty to the General Fund of the State of Michigan each time it fails to make a complete or timely payment. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal, and calculated from the due date for the payment until the delinquent payment is finally made in full.
- 9.8 The DWSD agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the DEQ, Revenue Control Unit, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WTR 2000**.
- 9.9 The DWSD agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. The DWSD further agrees not to contest the legality of

any stipulated penalties or interest penalties assessed, pursuant to paragraphs 9.3, 9.4, 9.5, 9.6, and 9.7, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties or interest penalties is made.

X. FORCE MAJEURE

- 10.1 The DWSD shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of the DWSD's obligations under this Consent Order in accordance with this section.
- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of the DWSD, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the DWSD's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of the DWSD's actions or omissions.
- 10.3 The DWSD shall notify the DEQ, by telephone, within 48 hours of discovering any Force Majeure event that causes a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by the DWSD to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The DWSD shall adopt all reasonable measures to avoid or minimize any such delay.
- 10.4 Failure of the DWSD to comply with the notice requirements and time provisions under paragraph 10.3 shall render this Section X void and of no force and effect as to the

particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of paragraph 10.3, above.

- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of the DWSD, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The parties to this Consent Order understand and agree that the final decision by the DEQ regarding a force majeure claim is not subject to judicial review. The burden of proving that any delay was beyond the reasonable control of the DWSD, and that all the requirements of this Section X have been met by the DWSD, rests with the DWSD.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that the DWSD qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XI. GENERAL PROVISIONS

- 11.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the DWSD to comply with the requirements of the NREPA and its rules.
- 11.2 The DEQ and the DWSD consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31, MCL 324.3101 *et seq.*; and enforcement pursuant to Part 17, Michigan Environmental Protection Act, of the NREPA, MCL 324.1701 *et seq.*
- 11.3 This Consent Order in no way affects the DWSD's responsibility to comply with any other applicable state, federal, or local laws or regulations.

- 11.4 The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.
- 11.5 Nothing in this Consent Order is or shall be considered to affect any liability the DWSD may have for natural resource damages caused by the DWSD's ownership and/or operation of the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.6 In the event the DWSD sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the DWSD shall also notify the WRD Southeast Michigan District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD Southeast Michigan District Supervisor within 30 days of assuming the obligations of this Consent Order.
- 11.7 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.8 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

XII. TERMINATION

- 12.1 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the DWSD

shall submit a request consisting of a written certification that the DWSD has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. Specifically, this certification shall include:

- a. The date of compliance with each provision of the compliance program in Section III, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the district supervisor.
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

DEPARTMENT OF ENVIRONMENTAL QUALITY

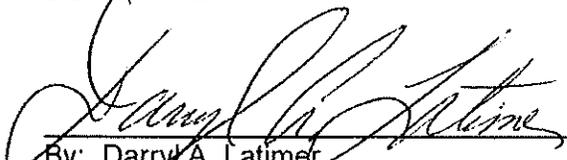
William Creal, Chief
Water Resources Division

Date

CITY OF DETROIT

**DETROIT WATER AND SEWERAGE
DEPARTMENT**

By: Chris Brown
Title: Chief Operating Officer



By: Darryl A. Latimer
Title: Deputy Director

Date

7/8/2011

Date

APPROVED AS TO FORM:

By: Pamela Stevenson, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Date

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

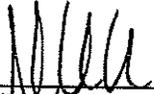
DEPARTMENT OF ENVIRONMENTAL QUALITY

William Creal, Chief
Water Resources Division

Date

CITY OF DETROIT

**DETROIT WATER AND SEWERAGE
DEPARTMENT**



By: Chris Brown
Title: Chief Operating Officer

By: Darryl Latimer
Title: Department Deputy Director

7/8/11

Date

Date

APPROVED AS TO FORM:

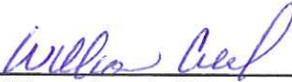
By: Pamela Stevenson, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Date

Signatories

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DEPARTMENT OF ENVIRONMENTAL QUALITY



William Creal, Chief
Water Resources Division

7-8-11

Date

CITY OF DETROIT

**DETROIT WATER AND SEWERAGE
DEPARTMENT**

By: Chris Brown
Title: Chief Operating Officer

By: Darryl Latimer
Title: Department Deputy Director

Date

Date

APPROVED AS TO FORM:



By: Pamela J. Stevenson, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

July 8, 2011

Date



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

November 12, 2009

CERTIFIED MAIL

Ms. Pamela Turner, Director
City of Detroit Water and Sewerage Department
735 Randolph Street
Detroit, MI 48226-2830

VN No. VN-004326

Dear Ms. Turner:

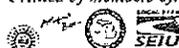
SUBJECT: Violation Notice
Detroit Wastewater Treatment Plant
NPDES Permit No. MI0022802

The Department of Environmental Quality (DEQ), Water Bureau (WB), has been notified that the City of Detroit Water and Sewerage Department (DWSD) is in violation of Part 31 of the Natural Resources and Environmental Protection Act (NREPA) 1994 PA 451, as amended, and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0022802, which was issued on September 28, 2007, effective January 1, 2008.

The DWSD reported the following Total Suspended Solids (TSS) monitoring violations for Monitoring Point 049B occurring in September 2009. These monitoring results are violations of your permit.

DATE	PARAMETER	PERMIT LIMIT	REPORTED VALUE
9/11/2009	TSS 7-Day Average	45 mg/l	47 mg/l
9/12/2009	TSS 7-Day Average	45 mg/l	54 mg/l
9/13/2009	TSS 7-Day Average	45 mg/l	47 mg/l
September 2009	TSS Minimum Monthly % Removal	85%	81.1%

The Second Amended Consent Judgment (SACJ) established a compliance program to improve the process equipment used to manage solids inventory at the Detroit Wastewater Treatment Plant (WWTP) so that solids could be removed from the treatment process at a rate that would ensure proper operations and compliance with NPDES permit effluent limits. DWSD has completed all of the projects in the August 2000 "Plan for Long-Term Measures to Ensure Compliance with Permit Requirements" (Plan) for improvements to the equipment for processing and disposing of solids and was effectively managing its solids inventory until May 2009.



Detroit Wastewater Treatment Plant
NPDES Permit No. MI0022802
VN-004326

During a July 9, 2009 compliance inspection, Detroit Wastewater Treatment Plant (WWTP) reported that 9 belt filter presses and 7 centrifuges were out of service. WB staff expressed concern that with so many pieces of dewatering equipment out of service the DWWTP did not have sufficient dewatering capacity available to maintain solids inventories at acceptable levels. This concern increased as Key Indicator Reports showed increasing levels of Total Suspended Solids (TSS) in the Main Plan influent (MPI) through July and August.

On August 12, 2009, WB staff accompanied staff from the Department's Air Quality Division (AQD) on an odor investigation at the Detroit WWTP. At that time, the primary sludge thickeners were septic. The effluent from the secondary sludge thickeners had a somewhat septic odor as well.

On August 13, 2009, Jodi Peace and I met with Stephen Kuplicki and Jared Richards at the WWTP to get a better understanding of the cause of the high solids loadings and to find out what steps were being taken to reduce the solids inventory before it resulted in effluent limit violations. It was our understanding at the time that DWSD was making every effort to reduce the solids inventory in the WWTP as quickly as possible and that additional dewatering units would be returned to service by the end of the month, providing additional capacity toward that end.

The November 1, 2009, SACJ Comprehensive Plan and Program Update indicates that the WWTP has maintained high sludge inventory levels for the past 2 quarters. The report attributes this high inventory to a high influx of solids during an extended wet weather period during the first half of the year while overhauling dewatering equipment in all three dewatering areas. The situation was compounded by low flows in the 3rd quarter that brought in solids that were septic and therefore more difficult to dewater. The report also indicates that the secondary sludge inventory was reduced to normal levels during the 3rd quarter of 2009. However, the primary solids inventory remains high.

The violations identified in this Violation Notice are violations of Part 31, NPDES Permit No. MI0022802 and the Second Amended Consent Judgment.

The DWSD should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, NPDES Permit No. MI0022802 and the Second Amended Consent Judgment.

The violations identified above have caused the Department to consider reinstating the requirements of Paragraph II.A.1.b of the SACJ. Upon receipt of this notice please contact this office to schedule a meeting for the earliest possible date to discuss the corrective actions that have been and will be taken to address the cause of the violations identified above and ensure long term compliance with NPDES permit limits. The corrective action plan should include operation and maintenance targets to ensure that the WWTP has sufficient solids dewatering equipment available at all times to manage its solids inventory.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them when we meet.

Detroit Wastewater Treatment Plant
NPDES Permit No. MI0022802
VN-004326

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this Notice please contact Jodi Peace at the number below,

Sincerely,



Phil Argiroff, District Supervisor
Public Wastewater & Drinking Water Unit
Water Bureau

ADDRESS FOR FURTHER CORRESPONDENCE

Jodi Lynn Peace
Senior Environmental Quality Analyst
Public Wastewater & Drinking Water Unit
Water Bureau
586-753-3783

cc: Stephen Kuplicki, DWSD
Jared Richards, DWSD
Pamela J. Stevenson, DAG
Pete Ostlund, WB
~~Mr. Barry Selden, WB~~
Compliance File

WATER DIVISION
NOV 13 2009
ENFORCEMENT



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
SOUTHEAST MICHIGAN DISTRICT OFFICE

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

April 14, 2010

CERTIFIED MAIL

Ms. Pamela Turner, Director
City of Detroit Water and Sewerage Department
735 Randolph Street
Detroit, MI 48226-2830

SVN No. SVN-000341

Dear Ms. Turner:

SUBJECT: Second Violation Notice
Detroit Wastewater Treatment Plant
NPDES Permit No. MI0022802

The Department of Natural Resources and Environment (DNRE), Water Bureau (WB), issued a Violation Notice, VN No. VN-004326 on November 12, 2009, in response to violations of Parts 31 and 41 of the Natural Resources and Environmental Protection Act (NREPA) 1994 PA 451, as amended, the Second Amended Consent Judgment (SACJ) entered August 3, 2000 and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0022802, which was issued on September 28, 2007, effective January 1, 2008. The City of Detroit Water and Sewerage Department (DWSD) has not returned to compliance.

The violations identified in Violation Notice VN-004326 are continuing. Key Indicator Reports submitted by the DWSD indicate that despite an increase in reported dewatering capacity, solids inventories have increased since the Violation Notice was issued and currently stand at roughly four times the desired amount. The Department is concerned that these high solids inventories will likely cause further violations during the impending wet weather season.

The DWSD's inability to remove solids from the treatment process at a rate that ensures proper operations and compliance with NPDES permit effluent limits is the same issue that caused the violations that resulted in the need for the SACJ.

The following violations have been identified since the Violation Notice was issued.

The DWSD reported the following Total Suspended Solids (TSS), Total PCB and Total Mercury monitoring violations for Monitoring Points 049B, 049F and 050A occurring in October, November and December 2009 and January, February and March 2010. These monitoring results are violations of your permit.

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Detroit WWTP
 NPDES Permit No. MI0022802
 SVN-No. 000341

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	REPORTED VALUE
October 2009	049B	TSS Minimum Monthly % Removal	85%	79.6%
11/21/09	049B	TSS Max 7-Day Avg.	45 mg/l	55 mg/l
11/22/09	049B	TSS Max 7-Day Avg.	45 mg/l	67 mg/l
11/23/09	049B	TSS Max 7-Day Avg.	45 mg/l	70 mg/l
11/24/09	049B	TSS Max 7-Day Avg.	45 mg/l	75 mg/l
11/24/09	049B	TSS Max 7-Day Avg.	349000 lb/day	349757 lb/day
11/25/09	049B	TSS Max 7-Day Avg.	45 mg/l	73 mg/l
11/26/09	049B	TSS Max 7-Day Avg.	45 mg/l	71 mg/l
11/27/09	049B	TSS Max 7-Day Avg.	45 mg/l	75 mg/l
11/28/09	049B	TSS Max 7-Day Avg.	45 mg/l	64 mg/l
11/29/09	049B	TSS Max 7-Day Avg.	45 mg/l	59 mg/l
11/30/09	049B	TSS Max 7-Day Avg.	45 mg/l	65 mg/l
November 2009	049B	TSS Max Monthly Avg.	30 mg/l	46 mg/l
November 2009	049B	TSS Min Monthly % Removal	85%	74.6%
November 2009	049F	PCB Max Monthly Avg.	0.0002 lb/day	1.08 lb/day
November 2009	049F	PCB Max Monthly Avg.	0.000026 ug/l	0.21 ug/l
12/7/09	049B	TSS Max 7-Day Avg.	45 mg/l	61 mg/l
December 2009	049B	TSS Min Monthly % Removal	85%	79%
December 2009	049F	PCB Max Monthly Avg.	0.0002 lb/day	1.03 lb/day
December 2009	049F	PCB Max Monthly Avg.	0.000026 ug/l	0.25 ug/l
December 2009	050A	TSS Max Monthly Avg.	100 mg/l	111 mg/l
January 2010	049B	TSS Min Monthly % Removal	85%	82%
January 2010	049F	Total Mercury 12 Month Rolling Avg.	10 ng/l	13 ng/l
February 2010	049F	Total Mercury 12 Month Rolling Avg.	10 ng/l	13 ng/l
March 2010	050A	TSS Max Monthly Avg.	100 mg/l	112 mg/l
March 2010	049F	Total Mercury 12 Month Rolling Avg.	10 ng/l	13 ng/l

On March 15 and 16, 2010, DNRE staff conducted a Reconnaissance Inspection at the Detroit WWTP. The purpose of this inspection was to evaluate the WWTP's Operations and Maintenance program with particular attention to the solids handling processes. A copy of the inspection report is enclosed. (Appendix 1)

Part II.D.3 of the NPDES permit requires the DWSD to properly operate and maintain all treatment or control facilities or systems installed or used by the DWSD to achieve compliance with the terms and conditions of the permit. Based on the Department's review of facility conditions and operations and maintenance records during the March 15 & 16, 2010 inspection, the Department has determined that DWSD has failed to properly maintain the wastewater treatment facilities. Failure to properly maintain the wastewater treatment facilities is a violation of your NPDES permit.

Detroit WWTP
NPDES Permit No. MI0022802
SVN-No. 000341

At a January 10, 2010 meeting with DNRE staff was informed of a problem with a valve in the Complex A effluent chamber that leads to the PE-AS (primary effluent conduit to the aeration decks). DWSD has no record of preventive maintenance having been performed on this valve. DWSD suspects that the 70 year old valve is leaking recycle flow from the sludge thickeners into the PE-AS. The leaking valve appears to be a source of the excess solids that overloaded the secondary treatment units in the second half of 2009, contributing to the effluent limit violations listed above.

High solids inventories have prevented DWSD from being able to repair the valve. In the interim, a reduction of the primary sludge pumping rate has reduced the solids concentrations in the secondary influent to acceptable levels. As a result, effluent quality and TSS removal rates have improved. DWSD has not reported any secondary TSS violations for the month of March 2010. The Department is concerned that the DWSD's failure to reduce solids inventories so that the valve could be repaired before the spring wet weather season may result in additional effluent limit violations.

Part II C.14 of the NPDES Permit requires the DWSD to keep an up-to-date-copy of the Operations and Maintenance (O&M) manual for the Detroit WWTP at the facility and to provide a copy of the O&M manual to the Department upon request. On September 6, 2006, the Detroit Wastewater Partners submitted a set of two (2) compact disks containing the O&M manuals for the WWTP. At that time some of the manuals had not been accepted by the Detroit Water and Sewerage Department and were not to be considered complete. It was also our understanding that the O&M manuals would be completed within the next year or two. A final version of the O&M manuals for the Detroit WWTP was never submitted to the Department for review. Most of the sections of the O&M manual that were not complete in the September 6, 2006 version were unchanged in the version reviewed by DNRE staff during the March 2010 inspection. Failure to maintain an up-to-date O&M manual for the WWTP is a violation of your NPDES permit.

On December 2, 2009, the Southeast Michigan District Supervisor of the Water Bureau issued a letter reinstating the dewatering production requirements of Section II.A.1.b of the SACJ effective January 1, 2010. Section II.A.1.b of the SACJ requires the Detroit WWTP to dewater no less than 550 dry tons per day (DTD) of sludge as a quarterly average and to utilize that capability to properly manage sludge inventory as needed. The first quarterly average will include daily data from the January through March 2010 period. The Key Indicator Report submitted by the DWSD on March 9, 2010, indicates that the average biosolids production for January 2010 was 427 DTD and 434 DTD in February 2010. The Detroit WWTP has confirmed to Department staff that it will not achieve the quarterly average for January through March 2010. Failure to achieve the quarterly average sludge production target is a violation of the SACJ.

The SACJ required the DWSD to submit an approvable comprehensive plan for implementation of long-term measures that sustain the ability of DWSD to comply with all effluent limitations and conditions in NPDES Permit MI0022802. The plan was to identify actions taken or to be taken to address the findings of "Report of the Committee of Investigation: Detroit Water and Sewerage Department Violations, January 12, 2000" (The Report). The Comprehensive Plan for Long Term Measures to Ensure Compliance with Permit Requirements (The Plan) was submitted August 1, 2000.

Detroit WWTP
NPDES Permit No. MI0022802
SVN-No. 000341

Under the August 1, 2000 Plan, the DWSD committed to address the staffing shortfall at the WWTP. In the months immediately preceding the entry of the SACJ and for a few years following staffing levels at the WWTP improved. Since that time both the number of budgeted positions and the percentage of those positions that are filled have steadily decreased (Appendix 2). The DWSD has failed to meet the requirements of the Plan with regard to staffing.

Under the August 1, 2000 Plan, the DWSD committed to re-engineer its maintenance system and organization. The February 1, 2010 report indicates that the target date for reducing the backlog of work orders by 10% has been revised to the 4th quarter of 2010. The data collected during the March 2010 inspection indicates that the primary reason for DWSD's failure to achieve even a modest 10% reduction in work order backlog is the lack of staff to do the work. DNRE inspectors requested a summary of all closed Preventive Maintenance (PM) work orders from January 1, 2009 through March 15, 2010. The data provided indicates that 43% of the PM work orders were not completed. Of those, 83% were not completed due to lack of manpower. The DWSD has failed to meet the requirements of the Plan with regard to preventive maintenance.

Purchasing is another area that was targeted for improvement under the SACJ. The Plan states that procurement processes at the WWTP must quickly and effectively procure goods and services in order to consistently maintain compliance with the NPDES permit. The City of Detroit and DWSD committed to a process improvement initiative to address various aspects of the purchasing process. The February 1, 2010 SACJ report indicates that only 28% of the DWSD's 1920 purchase requisitions were processed into actual purchase orders in the 4th quarter of 2009. The report also indicates that there were 224 work orders that remained incomplete at the end of the 4th quarter of 2009 because parts needed to complete the work were not available for 21 or more days. The DWSD has failed to meet the requirements of the Plan with regard to purchasing.

Rule 299.2955 of the Michigan Administrative Code (MAC) requires sewerage systems to be operated and maintained at all times as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. The rule also requires the owner of the sewerage system to provide an adequate operating staff which is qualified to carry out the operation and maintenance required to insure compliance with the conditions of subrule (1). Based on our review of facility conditions and operations and maintenance records during the March 15 & 16, 2010 inspection the department has determined that the Detroit WWTP does not have sufficient staff to properly operate and maintain the WWTP. The inspection identified the lack of adequate staffing as the principal reason preventive maintenance work was not completed as planned. The inspection also identified issues with purchasing and materials and parts shortages that extend the length of time that equipment remains out of service. Failure to provide adequate staff for the operation and maintenance of the sewerage system is a violation of Rule 299.2955 of the MAC.

DNRE believes that the lack of adequate preventive maintenance contributed significantly to the equipment failures that prevented the DWSD from keeping solids inventories at a manageable level which resulted in significant violations of NPDES permit effluent limitations. Failure to maintain the WWTP in a manner which would minimize upsets and discharges of excessive pollutants is a violation of Rule 299.2955 of the MAC.

DNRE has serious concerns about the DWSD's ability to consistently maintain long term compliance with NPDES permit limits and requirements given the present staffing levels and conditions at the WWTP.

Detroit WWTP
NPDES Permit No. MI0022802
SVN-No. 000341

The violations identified in the Violation Notice and the Second Violation Notice are violations of Parts 31 and 41 of the NREPA, the Second Amended Consent Judgment and NPDES Permit No. MI0022802.

The Detroit Water and Sewerage Department shall take immediate action to achieve and maintain compliance with the terms and conditions of Parts 31 and 41 of the NREPA, the Second Amended Consent Judgment and NPDES Permit No. MI0022802.

Please submit a corrective action plan with associated schedules, as appropriate, to this office by June 1, 2010. At a minimum, the corrective action plan shall include:

1. A copy of the staffing plan that was developed under The Plan.
2. Short term actions that the DWSD will take to address critical staffing needs such as the use of skilled trades' contracts.
3. Actions that DWSD will take to ensure that all positions identified in the staffing plan as critical to ensuring long term compliance with the NPDES permit are filled, with allowance for a small but reasonable number of vacancies, and measures to ensure that critical vacancies are filled in a timely manner going forward. This should address hiring and training of operations, maintenance and support staff as well as succession planning to replace retiring supervisory staff.
4. Short term actions to address equipment issues which should include expediting the installation of rented dewatering units and use of the expedited purchasing processes developed under the SACJ to ensure that parts and materials needed to repair out of service equipment are procured in the shortest time possible.
5. Longer term actions to address equipment reliability issues with the Complex I Belt Filter Presses, Central Offload Facility and sludge conveyance systems.
6. An update on the status of CS-1483 including the possibility of adding Complex I Belt Filter Press study and design to this contract.
7. Short term actions to increase solids disposal capability including a report on the progress made in securing additional landfill space.
8. A Long Term Solids Disposal Plan including necessary interim incinerator projects.
9. Actions that will be taken to ensure that parts and materials are in stock and available for routine maintenance and that parts and equipment needed to complete critical work orders are obtained as quickly as possible.

If you have any factual information you would like to share with us regarding the violations identified in this Notice please provide them with your written response.

Compliance with the terms of this Notice does not relieve Detroit Water and Sewerage Department of any liability, past or present from the failure to meet the conditions specified in the SACJ or failure to comply with the permit or Parts 31 and 41 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The DNRE reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

Detroit WWTP
NPDES Permit No. MI0022802
SVN-No. 000341

Due to the severity of the noncompliance, the matter is being evaluated for escalated enforcement.

If you have any questions regarding this Notice or if you would like to arrange a meeting to discuss it, please contact Jodi Lynn Peace at 586-753-3783.

Sincerely,



Phil Argiroff, District Supervisor
Public Wastewater & Drinking Water Unit
Southeast Michigan District
Water Bureau

Enclosures

cc: Hon. John Feikens, U.S. District Court (with enclosures)
Dr. Jonathan Bulkley, Federal Court Monitor (with enclosures)
Mr. Stephen Kuplicki, DWSD (with enclosures)
Mr. Jared Richards, DWSD (with enclosures)
Mr. Mark Jacobs, Dykema Gossett
Ms. Pamela J. Stevenson, DAG
Mr. Pete Ostlund, WB
Mr. Barry Selden, WB
Compliance File