

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

In the matter of:

AACO-000028

Date Entered: 2-5-14

Charter Township of Clinton  
40700 Romeo Plank Road  
Clinton Township, Michigan 48038-2900

ACO-SW00-002  
AFO-SW02-001  
AFO-SW07-006  
AFO-SW08-002  
AFO-SW10-007  
AACO-000012

**SIXTH AMENDED ADMINISTRATIVE CONSENT ORDER**

Administrative Consent Order (Consent Order) ACO-SW00-002 entered on March 3, 2000, First Amended Consent Order AFO-SW02-001 entered on January 7, 2002, Second Amended Consent Order AFO-SW07-006 entered on November 21, 2007, Third Amended Consent Order AFO-SW08-002 entered on August 7, 2008, Fourth Amended Consent Order AFO-SW10-007 entered on August 31, 2010, and Fifth Amended Consent Order Sixth Amended Consent Order AACO-000012 entered on October 5, 2012, between the Department of Environmental Quality (DEQ), Water Resources Division (WRD), and the Charter Township of Clinton is hereby amended as follows. Upon the consent of the parties and by the authority granted to the DEQ by the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA) it is hereby AGREED AND ORDERED:

**COMPLIANCE PROGRAM**

The dates contained in paragraph 22 through 27 of AACO-000012 shall be revised as specified below:

- 22a. If the Township, as part of the final correction program, seeks negotiations with Macomb County to obtain adequate contract capacity for wet weather flows generated during a 25-year, 24-hour storm event with 3.9 inches of rainfall in a 24-hour period using a Soil Conservation Service (SCS) Type II Rainfall Distribution during growth conditions and normal soil moisture (the Remedial Design Standard), to meet all applicable state and federal laws pertaining to SSOs including Part 31 of the NREPA and DEQ's SSO Policy Statement dated December 27, 2002, and the DEQ SSO Clarification Statement dated October 23, 2003,

(DEQ SSO Policy and Clarification Statement), that written agreement shall be submitted to the DEQ's Southeast Michigan District Office at 27700 Donald Court, Warren, Michigan 48092-2793 (SEMDO) not later than **December 1, 2012**.

22b. Not later than **December 1, 2015** shall submit an approvable wet weather operation plan for operation of the Township and County sewerage systems to the SEMDO. The operation plan shall include a detailed procedure for coordinated wet weather operation of Township and Macomb County sewerage systems, to maximize and provide adequate wet weather capacity in the County interceptor for Township flows.

#### **DISTRICT A AND WET WEATHER OPERATION PLAN**

23b. On August 7, 2012, the Township submitted to the SEMDO for approval, a report describing the set of projects detailing the appropriate engineering and structural improvements that the Township plans to make to its sanitary sewerage system to meet all applicable state and federal laws pertaining to SSOs and the DEQ SSO Policy and Clarification Statement within District A. On July 23, 2013, the Township submitted an update to that report, which was approved by the DEQ on August 2, 2013. Not later than **November 29, 2013**, the Township shall submit to the SEMDO an approvable application for a Part 41, Sewerage Systems, of the NREPA, MCL 324.4101 *et seq.* (Part 41), construction permit to construct the projects detailed in the approved report.

23c. Not later than **December 31, 2014**, the Township shall complete construction of the projects in the approved report submitted in accordance with paragraph 23b of this Consent Order.

23d. Not later than **April 1, 2015**, the Township shall commence flow metering in District A to assess the improvements completed in District A. The flow metering shall be conducted until **November 1, 2015**.

23e. Not later than **December 1, 2015**, the Township shall submit a report for review and approval to the SEMDO describing the results of the flow metering in Paragraph 23d and a certification that the completed construction projects in paragraph 23c of this Consent Order meets all applicable state and federal laws pertaining to SSOs and the DEQ SSO Policy and

Clarification Statement within District A. If additional improvements are necessary, the Township shall commence the DEQ-approved improvements not later than 60 days after DEQ approval of the report and receipt of any permits or other necessary authorizations. The Township shall complete these improvements not later than **December 31, 2016**.

24. Not later than **July 1, 2016**, the Township shall submit to the SEMDO for approval, a work plan for conducting a Sanitary Sewer System Project Performance Certification (PPC) program to certify that the engineering and structural improvements the Township has completed for District A meet all applicable state and federal laws pertaining to SSOs, including Part 31 of the NREPA and DEQ's SSO Policy and Clarification Statement.
25. Not later than **January 1, 2017**, the Township shall commence the Sanitary Sewer PPC program for District A in accordance with the approved work plan. The Township shall notify the SEMDO, in writing, of compliance with this requirement by **January 15, 2017**. The PPC program shall be conducted for not less than one year.
26. Not later than **February 1, 2018**, the Township shall submit to the SEMDO for approval, the Sanitary Sewer System PPC program report for District A.
27. If the Township does not certify that the engineering and structural improvements the Township has completed for District A meet all applicable state and federal laws pertaining to SSOs, or if a positive certification is not approved by the DEQ, then the Township shall submit to the SEMDO an approvable Corrective Action Program work plan not later than **July 31, 2018**.

#### **DISTRICT E**

28. Not later than **August 1, 2014**, the Township shall submit to SEMDO for approval, a report describing the set of projects detailing the appropriate engineering and structural improvements that the Township plans to make to its sanitary sewerage system to meet all applicable state and federal laws pertaining to SSOs and the DEQ SSO Policy and Clarification Statement within **District E**. Not later than 120 days after receiving the DEQ's approval of the report, the Township shall submit to the SEMDO an approvable application for

a Part 41 sewerage systems construction permit to construct the projects detailed in the approved report.

29. Not later than **December 31, 2017**, the Township shall complete construction for the projects in the approved report submitted in accordance with Paragraph 28 of this Consent Order.
30. No later than **April 1, 2018**, the Township shall commence flow metering in **District E** to assess the improvements completed in District E. The flow metering shall be conducted until **November 1, 2018**.
31. Not later than **December 1, 2018**, the Township shall submit a report for review and approval to the SEMDO describing the results of the flow metering in Paragraph 30 and a certification that the completed construction projects in Paragraph 29 of this Consent Order meets all applicable state and federal laws pertaining to SSOs and the DEQ SSO Policy and Clarification Statement within District E. If additional improvements are necessary, the Township shall commence the DEQ-approved improvements not later than 60 days after DEQ approval of the report and receipt of any permits or other necessary authorizations. The Township shall complete these improvements not later than **December 31, 2019**.
32. Not later than **July 1, 2019**, the Township shall submit to the SEMDO for approval, a work plan for conducting a Sanitary Sewer System Project Performance Certification (PPC) program to certify that the engineering and structural improvements the Township has completed for District E meet all applicable state and federal laws pertaining to SSOs, including Part 31 of the NREPA and DEQ's SSO Policy and Clarification Statement.
33. Not later than **January 1, 2020**, the Township shall commence the Sanitary Sewer PPC program in accordance with the approved work plan. The Township shall notify the SEMDO in writing, of compliance with this requirement by **January 15, 2020**. The PPC program shall be conducted for not less than one year.
34. Not later than **February 1, 2021**, the Township shall submit to the SEMDO for approval, the Sanitary Sewer System PPC program report **for District E**.

35. If the Township does not certify that the engineering and structural improvements the Township has completed for **District E** meet all applicable state and federal laws pertaining to SSOs, or if a positive certification is not approved by the DEQ, then the Township shall submit to the SEMDO an approvable Corrective Action Program work plan not later than **July 31, 2021**.

#### **GENERAL PROVISIONS**

All other terms and conditions of ACO-SW00-002 and all subsequent amended and revised Consent Orders shall remain in full force and effect and are not altered by this Amended Administrative Consent Order, except as specifically prescribed in this document.

**Signatories**

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

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
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William Creal, Chief  
Water Resources Division

2/5/2014  
Date

**CHARTER TOWNSHIP OF CLINTON**

  
\_\_\_\_\_

By: Robert Cannon, Clinton Township Supervisor

1-20-14  
Date

**APPROVED AS TO FORM:**

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

1/30/14  
Date