

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION

In the matter of:

AACO-000031
Date Entered: 7-29-2015

County of Wayne
Rouge Valley Sewage Disposal System
400 Monroe, Suite 400
Detroit, Michigan 48226

Final Order of Abatement Number 2117, entered on September 20, 1988
First Amended Final Order of Abatement 2117, entered on August 22, 1989
ACO-SW06-010 (Second Amended Final Order of Abatement), entered on May 1, 2007
AFO-SW12-002 (Third Amended Final Order of Abatement), entered on July 23, 2012

FOURTH AMENDED FINAL ORDER OF ABATEMENT

This amendment results from the need to amend the Final Order of Abatement Number 2117 and the Third Amended Final Order of Abatement (AFO-SW12-002) in order to meet the statutory requirement of state and federal law. The Water Resources Division (WRD) of the Department of Environmental Quality (DEQ) has determined that the County of Wayne (County), which is responsible for the maintenance and operation of a regional sewer service district legally named the Rouge Valley Sewage Disposal System(RVSDS), needs a revised schedule in which to perform the corrective actions outlined in AFO-SW12-002 to fully comply with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.*; and the rules promulgated thereunder. The RVSDS provides sewerage services to all or part of 15 communities in southwestern Oakland County and western Wayne County. The AFO and above referenced amendments are hereby amended as follows. Upon the consent of the parties and by the authority granted to the DEQ by the NREPA, it is hereby AGREED AND ORDERED:

COMPLIANCE PROGRAM

Paragraphs 3.4 through 3.14 of the Third Amended Final Order of Abatement 2117 (AFO-SW12-002), shall be amended as specified below:

- 3.4 The County collected and evaluated flow monitoring data for a period of 12 consecutive months commencing on July 1, 2012 and completed on July 1, 2013, following completion of construction of the projects specified in paragraph 3.2 of ACO-SW06-010. Based on these results, the County was not able to certify adequate system capacity or has had SSOs due to capacity issues. The County shall submit a long term corrective action plan to the DEQ for review and approval no later than June 29, 2016.
- 3.5 The goals of the long term corrective action plan shall be: a) to bring the County into compliance with Final Order of Abatement Number 2117 and each subsequent amendment; and b) to implement appropriate engineering and structural improvements to the sewer system consistent and acceptable to meet DEQ's SSO Policy Statement Dated December 27, 2002, and the DEQ SSO Clarification Statement dated October 23, 2003.

Appropriate long term corrective action plan projects may by way of example, but not necessarily, include the following:

- a. Wet weather connections from the RVSDS regional system to the Dearborn Heights and Inkster Combined Sewer Overflow (CSO) Retention Treatment Basins (RTB) during wet weather events. Operation of this system shall be in accordance with an approved operation plan (see paragraph 3.7, below). After December 30, 2022, use of these wet weather sanitary connections to the Dearborn Heights and Inkster CSO RTBs are only

authorized in accordance with an approved operation plan for use to protect public health and water quality, unless current state and federal SSO requirements are changed to allow for more frequent use.

- b. Flow balancing project to balance wastewater flows on the Lower Rouge interceptor of the RVSDS regional system.
- c. Transfers of contract capacity, additional rehabilitation to reduce inflow and infiltration, a regional wet weather sanitary sewage tunnel facility, basin storage, relief sewer, additional lift station capacity, etc.
- d. Modification of the regulators that control flow from the Dearborn Heights, Inkster, and Redford Township CSO RTB during wet weather events to the Middle and Lower Rouge interceptors of the RVSDS regional system immediately and remaining regulators as the CSO area is controlled in the future. This available capacity in the Middle and Lower Rouge interceptors may be replaced with excess wet weather separate sanitary flow. Controlling flow through these regulators to the Middle and Lower Rouge interceptors to the equivalent of the average sanitary flow shall be in accordance with an approved operation plan (see paragraph 3.7 below). The long term corrective action plan shall be coordinated with any Administrative Consent Orders entered between the DEQ and the member communities of the RVSDS and shall include a detailed description of the regional projects, and a schedule for each project to; 1) submit the basis of design report, 2) submit complete approvable plans and specifications, 3) commence project construction; and 4) complete project construction.

3.6 Following review and approval of the long term corrective action plan and schedules by the DEQ, the approved schedules will be incorporated by reference into this Fourth Amended

Final Order of Abatement. However, final compliance with paragraph 3.5 shall be completed by no later than December 30, 2022.

- 3.7 The County shall submit an operation plan for the projects specified in paragraph 3.2a-b of ACO-SW06-010 and paragraph 3.5a-d of the Third Final Order of Abatement and of this Fourth Final Order of Abatement to the DEQ for review and approval no later than December 30, 2022. Operation of the implemented projects shall conform to the operation plan once the plan is approved by the DEQ. Should the County elect, this operation plan may be part of any Comprehensive Operation Plan required as part of the RVSDS CSO RTB National Pollutant Discharge Elimination System (NPDES) permits.
- 3.8 By December 30, 2022, the County shall complete construction in accordance with the approved basis of design and plans and specifications mentioned in paragraph 3.5 above. By January 15, 2023, the County shall submit a letter in writing to the DEQ, WRD, Southeast Michigan District Office Supervisor, verifying the date of construction completion.
- 3.9 The long term corrective action plan shall be a presumptive project unless otherwise agreed to by the County and DEQ. If the long term corrective action plan is a demonstrative project on or before October 1, 2022, the County shall submit to the DEQ for review and approval, a work plan for conducting a one-year Project Performance Certification Program (PPC) to certify that the long term corrective action plan provides adequate capacity, for the RVSDS to comply with the contract capacity as previously established and defined in the Final Order of Abatement Number 2117, and is consistent and acceptable to meet the DEQ's SSO Policy Statement Dated December 27, 2002, and the DEQ's SSO Clarification Statement dated October 23, 2003.

3.10 If the long term corrective action plan is demonstrative, on or before December 31, 2023, the County shall submit to the DEQ for review and approval, the PPC Program report. If the County does not certify that the long term corrective action plan provides adequate capacity, for the RVSDS to comply with the contract capacity as previously established and defined in the Final Order of Abatement Number 2117, and is consistent and acceptable to meet the DEQ's SSO Policy Statement Dated December 27, 2002 and the DEQ's SSO Clarification Statement dated October 23, 2003, then the County shall submit a Corrective Action Program work plan to the DEQ on or before February 1, 2024.

3.11 The parties acknowledge that the compliance schedule contains design and construction tasks that will be better defined once investigative and planning tasks (sewer system evaluation, flow metering, long term planning) are complete.

3.12 By January 15th of each year, the County shall update and submit for approval to the DEQ, WRD, Southeast Michigan District Supervisor, a work plan for continuation of the Sanitary Sewer System Operation and Maintenance Program.

3.13 Progress reports shall continue to be submitted to the DEQ on an annual basis by January 15th of each year. The submittal of progress reports shall cease upon termination of this order.

3.14 The County shall submit all reports, work plans, specifications, schedules, or any other writing required by this Section to the DEQ, WRD, Southeast Michigan District Supervisor, 27700 Donald Court, Warren, Michigan 48092. The cover letter with each submittal shall identify the

specific paragraph and requirement of this Third Amended Final Order of Abatement that the submittal is intended to satisfy.

GENERAL PROVISIONS

All approved work plans required by this Fourth Amended Order of Abatement shall be incorporated by reference into the Final Order of Abatement 2117 and the First, Second and Third Amended Final Orders of Abatement, where applicable, and shall be enforceable in accordance with the applicable provisions of the Orders. All other terms and conditions of the Final Order of Abatement 2117 and the First, Second and Third Amended Final Orders of Abatement, shall remain in full force and effect and are not altered by this Fourth Amended Final Order of Abatement, except as specifically prescribed in this document. The effective date of this Fourth Amended Final Order of Abatement shall be the date upon which the chief of the DEQ, WRD, signs 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



William Creal, Chief
Water Resources Division

7-29-2015
Date

COUNTY OF WAYNE



By: Warren Evans, Chief Executive Officer

7/8/15
Date

APPROVED AS TO FORM:



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

7/28/15
Date