



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

September 28, 2015

CERTIFIED MAIL 7009 2820 0001 9804 3124

Mr. Robert Muery, Manager
City of Garden City
6000 Middlebelt Road
Garden City, Michigan 48135

Dear Mr. Muery:

SUBJECT: City of Garden City (City) Fourth Amendment No. AACO-000035 (Amendment)
to Final Order of Abatement Number 2097

Enclosed is the signed and executed Fourth Amendment that has been agreed to by the Department of Environmental Quality (DEQ), Water Resources Division, and by the City.

In accordance with Section III of the AACO, Compliance Program, the DEQ is anticipating the completion of the agreed upon items by no later than the dates contained in paragraphs 3.2 through 3.4.

The DEQ appreciates your cooperation and resolution of this matter. If you have any questions, please contact me at the number below, at wysockik@michigan.gov; or by mail at DEQ, P.O. Box 30458, Lansing, Michigan 48909-7958.

Sincerely,

Katelyn Wysocki, Enforcement Specialist
Water Enforcement Unit
Field Operations Section – Lakes Erie and Huron
Water Resources Division
517-284-5496

Enclosures

cc: Mr. Barry H. Selden, DEQ
cc/enc: Ms. Laura Verona, DEQ
Mr. Doug Early, DEQ

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

In the matter of:

AACO-000035

Date Entered: 9-23-2015

City of Garden City
6000 Middlebelt Road
Garden City, Michigan 48135

Final Order of Abatement Number 2097, entered on September 8, 1988
First Amended Final Order of Abatement 2097, entered on August 22, 1989
ACO-SW07-009 (Second Amended Final Order of Abatement), entered on
September 24, 2007
AACO-000013 (Third Amended Final Order of Abatement), entered on October 5, 2012
_____ /

FOURTH AMENDED FINAL ORDER OF ABATEMENT

This amendment results from the need to amend the Final Order of Abatement Number 2097, the First Amended Final Order of Abatement 2097, the Second Amended Final Order of Abatement (ACO-SW07-009) and the Third Amended Final Order of Abatement (AACO-000013) 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 City of Garden City (City), which owns and operates a sanitary sewer collection system and discharges its sanitary wastewater to the Rouge Valley Sewage Disposal System(RVSDS), needs a revised schedule in which to perform the corrective actions outlined in AACO-000013 in order 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 is a regional sewer system district that serves 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

Paragraph 3.2, 3.3, 3.4 and 3.8 of the Third Amended Final Order of Abatement (AACO-000013) shall be amended in its entirety as specified below:

- 3.2 The City 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 3.1 of ACO-SW07-009. Based on these results, the City was not able to certify contract capacity as previously established and defined in the Final Order of Abatement Number 2097 or has had SSOs due to capacity issues. The City shall submit a long term corrective action plan to the DEQ for review and approval no later than June 29, 2016.
- 3.3 The goals of the long term corrective action plan shall be: a) to bring the City into compliance with Final Order of Abatement Number 2097 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. The City will utilize the approved long term corrective action plan outlined in the Order (AACO-000031) entered between the DEQ and the County of Wayne on July 29, 2015, to fulfill the requirements of this stipulation.
- 3.4 The completion of a one-year Project Performance Certification Program (PPC) and all associated submittals to certify that the long term corrective action plan is consistent and acceptable to meet DEQ's SSO Policy Statement Dated December 27, 2002, and the DEQ SSO Clarification Statement dated October 23, 2003, shall be completed by the County as

outlined in the Order (AACO-000031) entered between the DEQ and the County of Wayne on July 29, 2015.

- 3.7 The City 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. The cover letter with each submittal shall identify the specific paragraph and requirement of this Fourth 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 Number 2097, the First Amended Final Order of Abatement 2097, the Second Amended Final Order of Abatement (ACO-SW07-009) and the Third Amended Final Order of Abatement (AACO-000013), 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 Number 2097, the First Amended Final Order of Abatement 2097, the Second Amended Final Order of Abatement (ACO-SW07-009) and the Third Amended Final Order of Abatement (AACO-000013), 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.

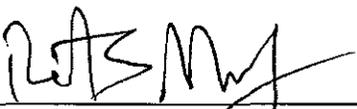
DEPARTMENT OF ENVIRONMENTAL QUALITY



William Creal, Chief
Water Resources Division

9-23-15
Date

CITY OF GARDEN CITY



By: Robert Muery, Manager

9-8-2015
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

9/17/15
Date