



STATE OF MICHIGAN  
 DEPARTMENT OF  
 ENVIRONMENT, GREAT LAKES, AND ENERGY  
 LANSING




GRETCHEN WHITMER  
 GOVERNOR

LIESL EICHLER CLARK  
 DIRECTOR

VIA EMAIL

TO: Senate Appropriations Subcommittee on Natural Resources and Environment, Great Lakes, and Energy Members  
 Senate Environmental Quality Committee Members  
 Senate Natural Resources Committee Members  
 House Appropriations Subcommittee on Environment, Great Lakes, and Energy Members  
 House Natural Resources and Outdoor Recreation Committee Members

FROM: Amy Epkey, Senior Deputy Director 

DATE: April 14, 2022

SUBJECT: Report on Information and Materials Needed to Permit and Regulate the Chapaton Open-Air Wastewater Treatment Lagoon in Macomb County

In accordance with Section 411 of Article 4, Part 2, of 2021 PA 87, attached is the Department of Environment, Great Lakes, and Energy's (EGLE) report on the information and materials needed to permit and regulate the Chapaton open-air wastewater treatment lagoon in Macomb County for fiscal year 2022.

If you need further information, please contact Phil Argiroff, Assistant Director, Water Resources Division, at 517-290-3039; or you may contact me at 517-242-7407.

Attachment

cc/att: Kathryn Summers, Director, Senate Fiscal Agency  
 Mary Ann Cleary, Director, House Fiscal Agency  
 Chris Harkins, Director, State Budget Office  
 George W. Cook, III, Legislative Affairs Director, Governor's Office  
 Marc Rehmann, Policy Director, Governor's Office  
 Ben Dawson, Senate Fiscal Agency  
 Austin Scott, House Fiscal Agency  
 Jacques McNeely, State Budget Office  
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 Liesl Eichler Clark, Director, EGLE  
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 Teresa Seidel, EGLE  
 Phil Argiroff, EGLE  
 Lois Marinangeli, EGLE



MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

## Legislative Report

# INFORMATION AND MATERIALS NEEDED TO PERMIT AND REGULATE THE CHAPATON OPEN-AIR WASTEWATER TREATMENT LAGOON IN MACOMB COUNTY

Report Period:  
Fiscal Year 2022

Authority:  
Section 411 of Article 4, Part 2, of 2021 PA 87

Section 411 of Article 4, Part 2, of 2021 PA 87, requires the Department of Environment, Great Lakes, and Energy (EGLE) to report on the information and materials needed to permit and regulate the Chapaton open-air wastewater treatment lagoon in Macomb County and other alternate storage and detention methods.

A National Pollutant Discharge Elimination System (NPDES) permit modification was denied in 2020 for a project that would have expanded an open-air storage structure in the Chapaton Canal that is connected to Lake St. Clair. This project could not be permitted under Part 31, Water Resources Protection; or Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), because it proposed to destroy 1,500 feet of the waters of the state, which is held in public trust. At that time, EGLE determined that storing large volumes of already treated wastewater from the Chapaton Retention Basin in an open-air lagoon carved out of protected state waters near residential homes was not reasonable or prudent. The loss of coastal wetlands, failed septic systems, and illicit connections to urban storm water systems are the root causes of the problem. It was determined that the best opportunities for environmental benefit can be achieved in other ways, rather than providing additional storage space for treated wastewater at the expense of more than a quarter mile of protected state waters that provide habitat for fish and wildlife and recreational amenities for the public. EGLE has been working with the Macomb County Public Works Commissioner on three other projects that will help reduce the volume and frequency of treated discharges from the Chapaton Retention Treatment Basin (RTB) and improve the quality of treatment when the RTB discharges.

1. An inflatable storage dam is being constructed in the tributary sewer to the Chapaton RTB. This gate will help store and attenuate peak flows to the RTB and maximize unused storage available in the collection system. This will help reduce the peak flows through the RTB. This was permitted by EGLE on December 3, 2021, under Part 41, Sewerage Systems, of the NREPA.
2. A pump station is being added to the Chapaton RTB to help ensure that the RTB will not be bypassed during extreme events or when there are high water elevations in Lake St. Clair. This pump station will ensure better treatment of combined sewage in these situations. A Part 41 permit application with plans and specifications is scheduled to be submitted to EGLE in April/May 2022.
3. The area between the Chapaton RTB discharge weir and the gate structure downstream will be reconstructed. This will help solve erosion issues in this area that is currently used for additional storage and protect against higher water elevations in Lake St. Clair. This project will increase the storage volume of treated combined sewer overflow in this area. As such, it will help reduce the volume and frequency of treated discharge from the RTB. The construction of this project will not affect waters of the state or the public trust in the canal and will not need an NPDES permit modification, but it will need a Part 41 permit.

Public Act 53 of 2022 provides \$72 million to address the priority projects outlined in this report.