



Alliance
of Rouge
Communities

Working together, restoring the river

*James W. Ridgway, P.E.
Executive Director*

Auburn Hills
Beverly Hills
Bingham Farms
Birmingham
Bloomfield Hills
Bloomfield Twp.
Canton Twp.
Commerce Twp.
Dearborn
Dearborn Heights
Farmington
Farmington Hills
Franklin
Garden City
Henry Ford Community
College
Inkster
Lathrup Village
Livonia
Melvindale
Northville
Northville Twp.
Novi
Oak Park
Oakland County
Orchard Lake
Plymouth
Plymouth Twp.
Pontiac
Redford Twp.
Rochester Hills
Romulus
Southfield
Troy
Van Buren Twp.
Walled Lake
Washtenaw County
Wayne
Wayne County
Wayne County Airport
Authority
Westland
Wixom

MEETING SUMMARY
ALLIANCE OF ROUGE COMMUNITIES
September 9, 2010, 1:30 p.m. – 3:30 p.m.
Southfield Public Library

1. Welcome (Tim Faas)

- a. Roll Call /Determination of Quorum** - Roll call was taken. The 23 members listed below were in attendance, which was sufficient for a quorum.

ARC Member	Attended Y/N	ARC Member	Attended Y/N
Auburn Hills	N	Novi	N
Beverly Hills	Y	Oakland County	Y
Bingham Farms	Y	Oak Park	N
Birmingham	Y	Orchard Lake	N
Bloomfield Hills	N	Plymouth	N
Bloomfield Twp.	Y	Plymouth Twp.	Y
Canton Twp.	Y	Pontiac	N
Commerce Twp.	N	Redford Twp.	Y
Dearborn	N	Rochester Hills	Y
Dearborn Heights	Y	Romulus	N
Farmington	Y	Southfield	Y
Farmington Hills	Y	Troy	Y
Franklin	N	Van Buren Twp.	N
Garden City	Y	Walled Lake	Y
Inkster	N	Washtenaw County	Y
Lathrup Village	Y	Wayne	Y
Livonia	Y	Wayne County	Y
Melvindale	Y	Wayne County Airport Authority	N
Northville	N	Westland	Y
Northville Twp.	N	Wixom	Y

b. Introductions of ARC guests

T. Faas asked all guests in attendance to introduce themselves.

c. Additions or Changes to the Draft Meeting Agenda

There were no additions or changes made to the draft meeting agenda.

d. ARC Resolutions

Tim Faas presented three resolutions to Eric Witte, Jim Anulewicz and Tom Biasell in thanks as they retire. The resolutions were in recognition and gratitude for their years of service to the ARC.

Cooperating Partners:

*Cranbrook Institute of Science
Friends of the Rouge
Southeastern Oakland
County Water Authority
Wayne State University*

e. Approval of March 25, 2010 Meeting Summary

A motion was made by Kevin Buford, Westland, to approve the March 25, 2010 meeting summary. It was seconded by Michael Howell, Wixom, and passed unanimously.

2. Organization Committee Report (J. Seymour, Co-chair)

a. ARC Policies and Procedures

Joan Seymour reviewed the Officer Appointment Policy which covers the issue of an officer leaving mid-term and the process to fill the position. Joan Seymour reviewed the policies that were developed by the Organization Committee to fulfill the requirements by the EPA to receive the GLRI grant funding. These policies include a revision to the Purchasing Policy and development of a Record Retention Policy, a Property Management Policy, and a Travel Reimbursement Policy. The motion was made by Mike Buiten, Wayne to adopt the following policies: Officer Appointment Policy, Record Retention Policy, Property Management Policy, Travel Reimbursement Policy and the amended Purchasing Policy to include sole source as presented. The motion was seconded by K. Buford, Westland, and passed unanimously.

b. Membership

J. Seymour reviewed the request by Cranbrook Institute of Science to become a Cooperating Partner and Henry Ford Community College to become an Associate Member with dues of \$750. The motion was made by Jeff Mueller, Lathrup Village, to accept Henry Ford Community College as an Associate Member and Cranbrook Educational Community as a Cooperating partner in the ARC. The motion was seconded by Jim Anulewicz, Plymouth Twp., and passed unanimously.

J. Seymour stated that the ARC website will be updated to include more information regarding becoming Associate and Cooperating Partners in the ARC. The Organization Committee will also be making revisions to the ARC Bylaws and Strategic Plan. If you have any suggested revisions to either of these documents please forward them to Kelly Cave or Joan Seymour for the committee's discussion.

3. Treasurers/Finance Committee Report (W. Domine, Interim Treasurer)

a. Final 2009 Budget vs. Actual Report

The final 2009 Budget vs. Actual Report was handed out for information.

b. 2010 Budget Status Report

Wayne Domine reviewed the balance sheet along with the accounts receivable and payables report.

c. 2010 Budget Amendments

W. Domine reviewed the PIE Amendment 1 and TC Amendment 1. These budget amendments are being requested to cover a budget deficit caused by the fact that ARC staff wrote six grants rather than the budgeted two grants. Both amendments are transferring a total of \$11,000 in dues only from current executive director services not being used to budget to TC3 – Pursuing Grant Opportunities. There is no increase to the overall budget, just budget shifts. The motion was made by K. Buford, Westland, to amend the ARC 2010 budget as presented in PIE Amendment 1 and TC Amendment 1. The motion was seconded by J. Mueller, Lathrup Village, and passed unanimously.

d. ARC Audit Year Ending 12/31/09

The ARC Audit for year ending December 31, 2009 was handed out for information and will be posted on the ARC website.

e. ARC Policies and Procedures

i. W. Domine reviewed the Procedure for Annual Budget Preparation/Budget Amendments stating that these have been followed all along but the Finance Committee wanted to provide the official procedure. The motion was made by K. Buford, Westland, to adopt the Procedure for Annual Budget Preparation/Budget Amendments as presented. The motion was seconded by M. Howell, Wixom, and passed unanimously.

ii. W. Domine reviewed the Timekeeping Policy that was required by the EPA to receive the GLRI grant funding. One revision was requested to remove the sentence regarding the pay dates of the 1st and 15th, the reference to bi-weekly would cover the pay dates. The motion was made by M. Howell, Wixom, to adopt the Timekeeping Policy with the revision. The motion was seconded by K. Buford, Westland, and passed unanimously.

f. ARC Accounting Procedures Manual

W. Domine reviewed the Accounting Procedures Manual that was developed by the Finance Committee and ARC Staff as part of the EPA requirements to receive the GLRI grant funding. The motion was made by Paul Smith, Farmington, to adopt the ARC Accounting Procedures manual as presented. The motion was seconded by J. Mueller, Lathrup Village, and passed unanimously.

4. Executive Director Report (J. Ridgway)

a. Grant Status Report

Jim Ridgway reviewed the handout regarding the successful 2010 ARC grant applications and the required match. The GLRI grant projects were chosen to submit because they were "shovel ready" which are the types of projects the GLRI was looking to fund. The Rouge Green Infrastructure match is coming from various sources, including the ARC. The Danvers Pond project requires no match. Two Rouge Round X grants were awarded to the ARC. The first is the Rouge Green Corridor which requires match that is coming from various sources. The second is the Wayne Road Dam which the ARC will be providing the match. The match being provided by the ARC is budgeted for 2010 and will continue to be a line item in the ARC budget for projects just like these. There was discussion on the Wayne Rd. Dam project regarding the benefit to the entire Rouge Watershed versus just one community. T. Biasell expressed concern that the other projects are affecting many communities where this one is affecting one. J. Ridgway informed the ARC that the Wayne Road Dam project will prepare the plans and specifications for removal of the dam which will then increase the opportunity to look for funding of the actual removal under grants such as NOAA which require no match. He said this will then make the funding of the removal very likely as with the Danvers Pond which is being funded and requires no match. The watershed-wide benefits of the Wayne Road Dam removal have been discussed for a very long time. It will improve the river downstream and allow for a fish passage upstream. This project is very high on RRAC's list of projects. J. Ridgway stressed the fact that the ARC can only choose to submit grant applications to the funding that is available and in this case we had to move the plans and specs forward in order to get future funding for the removal. The ARC Staff are always looking for non-federal match or other grant funds that

can be used as match like the Erb Foundation who is providing match for the GLRI grant for the Rouge Green Infrastructure. He stressed that if the ARC, as a group of communities, wants to improve the Rouge River some projects may be site specific. T. Biasell suggested that the ARC Staff or other committee look at analyzing from a priority basis on future grants and possibly adding another step to the grants procedure when the ARC will be using dues for match to confirm that this is the direction the ARC wants to go. J. Ridgway stated that he agrees with T. Biasell's suggestion. The motion was made by K. Buford, Westland, to accept the GLRI and Round X grants and to approve the required match. The motion was seconded by T. Biasell, Farmington Hills, and passed unanimously.

b. Contested Case Update

J. Ridgway informed the ARC that the contested case continues to move along. He stated that the many different lawyers are doing a very good job of working together. He stated that the lawyers would be surprised if anything was decided by April. J. Ridgway wanted to remind the ARC that the contested case is not being funded by the ARC because not all ARC communities are contesting.

J. Ridgway made the announcement that the Friends of the Rouge are turning 25 years old next year and he asked that everyone go to the FOTR website and upload your photos or stories that you have collected over the last 25 years in celebration of the anniversary. Sally Petrella thanked the ARC for their support over the years and added that FOTR will be hosting several celebration activities next year including a photo contest and an anniversary event and encouraged everyone to get involved.

5. Standing Committee Reports

b. PIE Committee (Brandy Siedlaczek, Chair)

B. Siedlaczek reported that the PIE Committee held the first rain barrel sale in Redford Township in July which sold 619 rain barrel to 382 people and raised \$918 for the ARC Foundation. The PIE is planning another rain barrel sale in Troy for September 18. She informed the ARC that they gave away 1,000 Norway Spruce tree seedlings at the household hazardous waste event held August 31 at Westland Mall and asked people to register their trees on the ARC website. 75 of the trees went to the Green Schools program as well. The PIE is planning a Green Infrastructure workshop for January 2011 at Lawrence Tech.

c. Technical Committee (Gary Zorza, Vice Chair)

G. Zorza commended the ARC Staff for their efforts in getting the various grants. He stated that the storm water reporting system is in the beta testing stage and is expected to be out for the ARC members to use at the end of the year. The committee is meeting with the MDNRE in October to review the reporting system and get their thoughts on it. The Technical Committee is also looking for volunteer communities to test the system. Jen Lawson, ARC Staff provided a brief online tour of the reporting system showing them how it can be individually adapted to each communities needs. She informed the ARC that they Technical Committee will be hosting workshops to educate the communities on how to use the system and are developing a user guide. The next Technical Committee meeting is scheduled for October 5 and the collaborative action plan will be discussed. He stated that the 2011 budget preparation is moving forward and that they are reviewing some of the services that SEMCOG may be able to provide.

SEMCOG gave a brief overview of the services that they can provide to SEMCOG members including Storm Water Pollution Prevention Plans, Pollution Intervention Plans, Phase II audit assistance including meeting with you prior to the audit, attending during the audit and reviewing the MDNRE audit letter. SEMCOG can also provide good housekeeping training, storm water ordinance revisions and green infrastructure strategies. G. Zorza stated that it is very helpful, if you are a member of SEMCOG, to have them sit in on the Phase II audit.

d. Nominating Committee – 2011-2012 (Tom Biasell, Chair)

T. Biasell reviewed the 2011-2012 nominations for the ARC officers as follows: Gary Mekjian, Southfield, for Chair, Kevin Buford, Westland for Vice Chair and Dan Swallow, Van Buren Twp. for Treasurer. He also stated that any nominations could be made from the floor. There were no additional nominations made. T. Biasell expressed that it will be a good representation of city and townships and both Wayne and Oakland County. The Motion was made by J. Anulewicz, Plymouth Twp., to nominate the 2011-2012 ARC Offices as, Gary Mekjian, Chair, Kevin Buford, Vice-Chair and Dan Swallow, Treasurer. The motion was seconded by T. Biasell, Farmington and passed unanimously.

6. Rouge Program Office Report (Razik Alsaigh reported for Kelly Cave, Wayne County)

The Rouge River 2009 Progress Report is available on both the Rouge and ARC websites. R. Alsaigh stated the he will be meeting with various communities regarding the Round X funding and the preparation of IAAs and hope to have them done by the end of the year. Please let him know if you need assistance.

7. Opportunity for Public Comment

T. Faas gave his thanks to the ARC Staff for their assistance during his years as ARC Chair. He stated that he has enjoyed his duties as chair including the contested case issue, the various grant applications and the general hardships that the ARC and its members have gone through over the last 2 years. The ARC should be proud of our ability to retain most of our members and the value that the ARC provides its member. The transition from the old officers to the newly elected officers will happen at the next Full ARC meeting in October.

Howard Knorr, citizen, expressed his concerns regarding the expansion project at the Detroit Country Day School in Beverly Hills. The projects is planned on a 4.77 acre parcel which will require the removal of 300 trees, some 100 years old, cutting and filling of the flood plain and removing some rare native plants and wetlands.

Dave Ruby, a resident of Beverly Hills, expressed his concerns with the building by Detroit Country Day. He is a resident on the river south of 13 Mile Rd. and asked for the support of the ARC.

Sally Petrella with Friends of the Rouge informed the group that the report on the Rouge Rescue is available and was very successful with 40 sites and 1,900 volunteers. She passed out information for the October 16 fall bug hunt. The spring bug hunt report is available on both the FOTR and ARC websites. She reported that a new bug that hasn't been identified in Michigan was found and that several sites are showing improvement. Joe Rathburn did a mussel survey and some new species were found. Unfortunately,

overall things did not show improvement. S. Petrella said that FOTR has several activities coming up including a planting in Bloomfield Twp. on 9/18 and a Kayak tour on 9/26 which should go by Fordson Island and show the partnership with the Port Authority that received grant funding to remove several abandoned boats along the island. They are also having a fundraiser on 11/7 at the Liberty Street in Plymouth. The FOTR annual meeting will be held 11/30 at the Glenn Oaks Golf Course with dinner prior and Steve Chester as the key note speaker. She also shared a book written by John Hartig called Burning Rivers about the polluted rivers that have caught fire and the Rouge River is one of them. The ARC is also mentioned in the book.

Hae-Jin Yoon from the MDNRE reported that the schedule of audits will remain about 5 per year and hopefully increase after the first year.

Lisa Appel with the Cranbrook Institute of Science thanked the ARC for approving their Cooperating Partnership with the ARC. She reviewed several of the programs at the Institute relating to water education including the Rouge River Water Festival that will be happening next week.

Lilian Dean invited everyone to come over and participate at Adler School after the meeting where they are installing a rain garden and having an open house.

8. Summary of Actions of Full Alliance (Chris O'Meara, ARC staff)

- The March 25, 2010 Full ARC Meeting Summary was approved.
- The following policies were adopted: Officer Appointment Policy, Record Retention Policy, Property Management Policy, Travel Reimbursement Policy and the amended Purchasing Policy to include sole source as presented.
- Henry Ford Community College was accepted as an Associate Member and Cranbrook Educational Community was accepted as a Cooperating partner in the ARC.
- The ARC 2010 budget was amended as presented in PIE Amendment 1 and TC Amendment 1.
- Send any suggested revisions to the Bylaws and/or Strategic Plan to K. Cave or J. Seymour.
- The Procedure for Annual Budget Preparation/Budget Amendments was adopted.
- The Timekeeping Policy with the revision was adopted.
- The ARC Accounting Procedures manual was adopted.
- The GLRI and Round X grants were accepted and the required match approved.
- The 2011-2012 ARC Offices were nominated as, Gary Mekjian, Chair, Kevin Buford, Vice-Chair and Dan Swallow, Treasurer.

9. Upcoming Meeting Schedule (C. O'Meara)

- Finance Committee Meeting, September 21, 2010, 1:30 p.m., Bloomfield Twp. Offices
- Technical Committee meeting, October 5, 2010, 1:30 p.m. location TBD
- Finance Committee Meeting, October 7, 2010, 2:30 p.m., location TBD
- Executive Committee meeting, October 14, 2010, 1:30 p.m., location TBD
- Full ARC Meeting, October 26, 2010 at 1:30 p.m.
- PIE Committee Meeting, October 28, 2010 at 1:30 p.m., Wayne County Commerce Court Offices

10. Other Business

Chuck Hersey of SEMCOG gave a brief summary of their response to the proposed EPA rulemaking on SSOs and Peak Flows. His memo is included at the end of this summary.

Mark Mikesell, ECT, gave a brief presentation regarding the Lower Rouge (Main Branch) Legacy Act Site Investigation in the Rouge Area of Concern. He said this project is focused on contaminated sediment in the industrialized portion of the Rouge River Main Branch, south of the concrete channel. Ultimately, the project will create a list of potentially responsible parties in the study area who may be able to access Legacy Act funding to clean up contaminated sites. The project will also identify data gaps and prioritize any needs for additional studies in this portion of the Rouge River.

11. Adjourn

The motion was made by J. Anulewicz, Plymouth Twp., to adjourn the meeting. The motion was seconded by John Selmi, Redford, and passed unanimously.

Alliance of Rouge Communities Attendance List

Meeting Date: 9/9/10

Name	Community	Attended	Initials
	Redford Township	<input type="checkbox"/>	
Anulewicz James	Plymouth Township	<input checked="" type="checkbox"/>	<i>JA</i>
Ball Zachare	ECT	<input type="checkbox"/>	
Barnes Jack	Garden City	<input checked="" type="checkbox"/>	<i>JB</i>
Barrett Robert	Oak Park	<input type="checkbox"/>	
Baumgarten Matt	Lathrup Village	<input type="checkbox"/>	
Belair Bob	Canton Township	<input type="checkbox"/>	
Beyer Lori	Washtenaw County Road Commis	<input checked="" type="checkbox"/>	<i>LB</i>
Biasell Thomas	Farmington Hills	<input checked="" type="checkbox"/>	<i>TB</i>
Bobrin Janis	Washtenaw County	<input type="checkbox"/>	
Bona John	Wayne County Airport Authority	<input type="checkbox"/>	
Bonfiglio Meghan	Washtenaw County Water Resour	<input checked="" type="checkbox"/>	<i>MB</i>
Brooks Dan	Dearborn Heights	<input checked="" type="checkbox"/>	<i>DB</i>
Buford Kevin	Westland	<input checked="" type="checkbox"/>	<i>K.L.B.</i>
Buiten Mike	Wayne	<input checked="" type="checkbox"/>	<i>MB</i>
Cave Kelly	WCDPS	<input checked="" type="checkbox"/>	<i>Pa.V. For Kelly</i> <i>RHS</i>
Coburn Brian	Novi	<input type="checkbox"/>	
Colaianne Joe	Oakland County	<input type="checkbox"/>	
Cousino Brendon	Birmingham	<input type="checkbox"/>	
Cravens Jay	Bloomfield Hills	<input type="checkbox"/>	
Cureton Lloyd	Walled Lake	<input type="checkbox"/>	
Davis Paul	Rochester Hills	<input type="checkbox"/>	
DeMaria Annette	ECT	<input type="checkbox"/>	
Dombrowski Tony	Pontiac	<input type="checkbox"/>	
Domine Wayne	Bloomfield Township	<input checked="" type="checkbox"/>	<i>WD</i>
El-Gharib Ramzi	Wayne	<input type="checkbox"/>	

Meeting Date: 9/9/10

Name	Community	Attended	Initials
Faas Tim	Canton Township	<input checked="" type="checkbox"/>	TF
Fannon Richard	Commerce Township	<input type="checkbox"/>	
Fellrath Patrick	Plymouth Township	<input type="checkbox"/>	
Gallogly James	Northville	<input type="checkbox"/>	
Gruzowski Laura	Village of Franklin	<input type="checkbox"/>	
Gruzowski Laura	Bloomfield Hills	<input type="checkbox"/>	
Gruzowski Laura	Village of Beverly Hills B'ham	<input checked="" type="checkbox"/>	Ing
Guest Connie	Commerce Township	<input type="checkbox"/>	
Gushman Kevin	Farmington	<input type="checkbox"/>	
Hagaman Kathryn	Bingham Farms	<input checked="" type="checkbox"/>	ICPH
Harnos Brian	Westland	<input type="checkbox"/>	
Harvey Dave	Garden City	<input type="checkbox"/>	
Howell Michael	Wixom	<input checked="" type="checkbox"/>	MPA
Johnson Ron	Inkster	<input type="checkbox"/>	
Keenan Shawn	Auburn Hills	<input type="checkbox"/>	
Keough Shawn	Plymouth	<input type="checkbox"/>	
Ketai Don	Bingham Farms	<input type="checkbox"/>	
Knepper Todd	Van Buren Township	<input type="checkbox"/>	
Kramarz Kristina	Dearborn Heights	<input type="checkbox"/>	
Lakhani Muzaffar	Inkster	<input type="checkbox"/>	
LaManes Paul	Melvindale	<input type="checkbox"/>	
Lawson Jennifer	ECT	<input type="checkbox"/>	
Maillard Kevin	Livonia	<input type="checkbox"/>	
McCallum Gerry	Orchard Lake Village	<input type="checkbox"/>	
McCulloch John	Oakland County	<input type="checkbox"/>	
McGill Lisa	Walled Lake	<input checked="" type="checkbox"/>	
Mekjian Gary	Southfield	<input checked="" type="checkbox"/>	

Meeting Date: 9/9/10

Name	Community	Attended	Initials	
Melchert	Ron	Auburn Hills	<input type="checkbox"/>	
Meszler	Tom	Village of Beverly Hills	<input checked="" type="checkbox"/>	TM
Moore	Roger	Rochester Hills	<input checked="" type="checkbox"/>	RM
Mueller	Jeff	Lathrup Village	<input checked="" type="checkbox"/>	JM
Mullett	Noel	WCDPS	<input type="checkbox"/>	
Murray	Jim	Dearborn	<input type="checkbox"/>	
O'Meara	Paul	Birmingham	<input type="checkbox"/>	
Overholt Green	Janet	Orchard Lake Village	<input type="checkbox"/>	
Puuri	Steve	Washtenaw County Road Commis	<input type="checkbox"/>	
Rickard	Jill	Northville Township	<input type="checkbox"/>	
Ridgway	Jim	ECT	<input checked="" type="checkbox"/>	JR
Schneck	Allen	Pontiac	<input type="checkbox"/>	
Schueller	Derrick	Romulus	<input type="checkbox"/>	
Selmi	John	Redford Township	<input checked="" type="checkbox"/>	JS
Siedlaczek	Brandy	Southfield	<input checked="" type="checkbox"/>	BS
Sincock	Paul	Plymouth	<input type="checkbox"/>	
Smith	Paul	Farmington	<input checked="" type="checkbox"/>	PS
St. Henry	Paul	Livonia	<input checked="" type="checkbox"/>	SPH
Staup	Aaron	Novi	<input type="checkbox"/>	
Stoppels	Jon	Village of Franklin	<input type="checkbox"/>	
Sullivan	Patrick	Northville	<input type="checkbox"/>	
Swallow	Dan	Van Buren Township	<input type="checkbox"/>	
Szczygiel	Larry	Dearborn	<input type="checkbox"/>	
Vandette	Steven	Troy	<input checked="" type="checkbox"/>	SV
Wagoner	Bryan	Wayne County Airport Authority*	<input type="checkbox"/>	
Weaver	Don	Northville Township	<input type="checkbox"/>	
Wilson	Tom	Romulus	<input type="checkbox"/>	

Meeting Date: 9/9/10

<i>Name</i>		<i>Community</i>	<i>Attended</i>	<i>Initials</i>
Wineka	Jim	Oakland County	<input type="checkbox"/>	
Witte	Eric	Melvindale	<input checked="" type="checkbox"/>	<u>EW</u>
Yee	Kevin	Oak Park	<input type="checkbox"/>	
Zorza	Gary	Farmington Hills	<input checked="" type="checkbox"/>	<u>GRZ</u>

Meeting Date: 9/9/10

Name	Community	Attended	Initials
Karen Mondora	OHM	<input checked="" type="checkbox"/>	KM
Laura L. Drabczyk	VOP M-DEARBORN	<input checked="" type="checkbox"/>	ldf
Angela Myers	Servey	<input checked="" type="checkbox"/>	AM
BARR AYLESWORTH	ESD	<input checked="" type="checkbox"/>	BA
JOAN SEYMOUR	SOUTHFIELD	<input checked="" type="checkbox"/>	JS
RALPH WILLIAMS	CITIZEN	<input checked="" type="checkbox"/>	REW
Elaine J. Horigian	CITIZENS	<input checked="" type="checkbox"/>	EJH
Cory Barton	HRC	<input checked="" type="checkbox"/>	CB
Eric W. Witzel	MILWAUKEE	<input checked="" type="checkbox"/>	EW
Fred Dupuis	MILWAUKEE	<input checked="" type="checkbox"/>	FD
Tracy Kecskemeti	MDNRE	<input checked="" type="checkbox"/>	TK
MIKE BUITEN	WAYNE	<input checked="" type="checkbox"/>	MB
Tom MacDonnell	City of Wayne	<input checked="" type="checkbox"/>	TM
Howard W. Furr	Ben Hills	<input checked="" type="checkbox"/>	
Hae-Jin Yoon	MDNRE	<input checked="" type="checkbox"/>	HJY
Jay Garrison	OC WRC	<input checked="" type="checkbox"/>	JG
Sally Petrela	FOFR	<input checked="" type="checkbox"/>	SP
Jan B. Swartz	Farm Hills	<input checked="" type="checkbox"/>	JS
Paul St. Henry	City of Livonia	<input checked="" type="checkbox"/>	PSH
Paulina Appel	City of Livonia	<input checked="" type="checkbox"/>	PA
Meghan Bourque	Washington County	<input checked="" type="checkbox"/>	
Steve Vandette	Troy	<input checked="" type="checkbox"/>	SV
Lisa Appel	Cranbrook Institute of Science	<input checked="" type="checkbox"/>	LA
Lillian Dean	SOCWA	<input checked="" type="checkbox"/>	LFD
Dima El-Gamal	Stantec	<input checked="" type="checkbox"/>	DSF

SEMCOG . . . Equipping local government leaders now and for the future

Southeast Michigan Council of Governments • 535 Griswold Street, Suite 300 • Detroit, Michigan 48226-3602 • 313-961-4266 • Fax 313-961-4869
www.semcog.org

August 2, 2010

U.S. Environmental Protection Agency
Docket ID No. EPA-HQ-OW-2010-0464

Subject: Southeast Michigan Response to Proposed EPA Rulemaking on SSOs and Peak Flows

Overall Comments

The Southeast Michigan Council of Governments (SEMCOG), a local government organization representing 164 members (about half the population of the state) and the region's lead agency for local water quality planning under the Clean Water Act, submits the following comments regarding the proposed sanitary sewer overflow (SSO) and Peak Flows rulemaking by the U.S. Environmental Protection Agency (EPA). These comments were prepared by a workgroup of county and community staff responsible for managing sewer systems.

- When determining what to include in developing the rule, EPA should focus on the extent to which various policies support the following two desired outcomes:
 - **Protecting and/or improving water quality.** Any new Policy should recognize the watershed approach as the preferred mechanism for implementing SSO control and for restoring and protecting water resources. It should be recognized that SSOs are one part of wet weather water pollution management, and wet weather water pollution management is but one part of improved water quality. Furthermore, any SSO policy needs to be consistent with other federal urban policies both within and outside of EPA (e.g., federal urban redevelopment initiatives), as well as orders and directives from Federal and/or State Courts.

Embracing the watershed approach allows permittees to focus on identifying the problems in the resource and then developing innovative mechanisms to solve these problems either through independent or cooperative approaches, whichever is more efficient and cost-effective.

- **Fiscal sustainability.** Resources available to finance water quality infrastructure are scarce and will continue to be so, especially in shrinking areas such as Southeast Michigan. In order to minimize time spent in legal challenges, EPA needs to assure that SSO policy allows for fiscal sustainability. Any new SSO regulations or policies should include flexibility for priority setting and implementation schedules based on financial capability of state and local governments.

- **One size does not fit all.** Understanding the site specific nature of the resource and the area is essential to achieve the desired outcomes of protected/improved water quality and fiscal sustainability. For example, in Southeast Michigan we have several regional sewer systems composed of elements operated by different agencies, as well as some systems which are entirely owned by individual communities. The rule must be flexible enough to accommodate implementation based on a variety of infrastructure configurations, so as to allow for cost-efficient management of our water resources.

A policy which allows for customized approaches could be perceived as being more burdensome on regulatory agencies, especially at a time when state and local government fiscal resources are historically stressed. However, a program which allows flexibility and locally-tailored solutions can be administered efficiently by focusing on desired outcomes for local governments. These outcomes should be protecting/improving water quality and fiscal sustainability.

- Any new policy or rule on SSOs should accommodate and accept State programs that have already been developed to address the desired outcomes, and should not compel States to change their programs unless they are inadequate or are not being implemented to reduce SSOs.

The State of Michigan, for example, has developed and implemented an SSO program based on state policy. The Federal requirements should not create additional burden or bureaucracy for States like Michigan that are already implementing an effective program. As an example, including basement back-ups in the definition of an SSO at the federal level would create unnecessary bureaucracy and legal impediments in Michigan without contributing to the achievement of water quality standards.

- SEMCOG urges EPA to convene local governments in a dialogue for the purpose of seeking convergence on how best to move the nation forward in addressing SSOs and Peak Flow issues. We commit to participating and supporting such a process.

Specific Comments Addressing EPA Published Questions

Below are more specific comments on EPA's list of questions and corresponding ideas.

SSO Reporting and Recordkeeping

The State of Michigan already has a statute and program requiring reporting of SSOs. This reporting is fully accessible by the public. States should not be compelled to create a new reporting program if an adequate one already exists.

Reporting needs to be approached very carefully to avoid misinterpretation of data. Our experience with Michigan's database for SSO and combined sewer overflow (CSO) discharges confirms that the media, interest groups and other stakeholders often misunderstand and/or misuse this information to advance their own agenda. As a result, municipalities are often

unfairly accused of “raw sewage discharges” even though the wet weather discharges are actually effectively treated and authorized by NPDES permits.

EPA’s Policy should restrict reporting to include only untreated sewage discharges (i.e., exclude wastewater that has received treatment and which is authorized to be discharged by an NPDES Permit). The Policy should establish a reportable threshold (i.e. a minimum reportable volume).

Providing immediate notification to parties “with a reasonable potential for exposure” is impractical, unmanageable, and unnecessary. In Michigan, local health departments are notified of SSO discharges and determine what actions are necessary to protect the public.

A necessary part of this discussion is the definition of SSOs. Any policy from EPA should focus solely on discharges of untreated sanitary sewage to surface water bodies. EPA should not define the discharge of treated wastewater as an SSO if the effluent receives less than secondary treatment. The new SSO regulations should be limited to those situations where untreated sanitary sewage is actually discharged to a receiving body of water, and should not deal with situations where sanitary sewage is spilled onto the surface of the ground with no discharge to surface waters.

Also, basement backups should not be classified as an SSO. Michigan has a specific statute addressing the occurrence and liability for basement backups which would be in conflict with the proposed EPA SSO definition and reporting policies. Furthermore, basement backups are often caused by problems directly associated with privately owned homeowner leads.

Capacity Management Operation and Maintenance (CMOM)

EPA’s prior attempt to develop CMOM regulations and guidance in the Wayne County Downriver System was fraught with too much detail. The mapping and inventory process alone constituted a significant financial burden on already strapped local public works operations.

Nonetheless, we recognize that a CMOM program is an important aspect of managing sewer systems. EPA should encourage such programs, but should not require them as a permit condition. Many parts of a federally prescribed CMOM program may be unnecessary for some communities. EPA should describe the characteristics of a sound CMOM program and/or best practices in their SSO Toolbox and then allow communities to choose those CMOM activities that are most appropriate and beneficial.

The State of Michigan’s use of “historical system maintenance” as one of the criteria in determination of enforcement discretion is an example of an effective tool for wastewater system management that does not rely on embodiment of CMOM into NPDES permits. This practice focuses more attention on the effectiveness of a community’s CMOM activities rather than on a checklist of activities.

Permitting Municipal Satellite Collection Systems

The issuance of NPDES permits for all satellite sewer systems would substantially increase the workload and administrative burden on the permitting agencies at a time when they are already

hard pressed to manage the existing permits. Expanding the permit program to cover satellite sewer systems seems inappropriate and unnecessary. It is unclear what benefit, if any, would accrue from issuing these types of permits.

Taken as a whole, the State of Michigan's programs provide an example of how system capacity requirements and SSOs from satellite systems can be regulated and enforced, if necessary, without the need for additional NPDES permits for satellite sewer systems.

Clarification that the entire system needs to be managed may be beneficial in the policy. In situations where the existing NPDES permit agency is adequately coordinating and managing the system, no further permitting is required. Where that is not occurring, clarify that individual permits can and will be issued by the regulatory agency.

We also encourage EPA to consider the implications of a blanket requirement for permitting satellite collection systems. One outcome of such a requirement would be discouraging comprehensive analysis and management of the system and also discourages watershed-based approaches. Ironically, comprehensive analysis and watershed-based approaches are encouraged in many EPA policies.

Furthermore, it is unclear whether there is sufficient statutory authority in the Clean Water Act to proceed with a permit program for non-discharging municipalities.

Unauthorized SSOs Caused by Exceptional Circumstances

This is an issue where appropriate policy guidance from EPA would be helpful. We urge EPA to establish policy recognizing that no matter how conservative a design standard selected by states (25 year/24 hour in Michigan) there is always the possibility that a bigger storm will occur. Thus, EPA policy should not only allow, but encourage the use of enforcement discretion by states based on factors such as:

- Whether or not the SSO was preventable,
- The frequency of SSO occurrences,
- Climatic conditions (during and preceding the event),
- Design capacity, and/or
- Historical system maintenance.

Michigan has an SSO Control Strategy that acknowledges that "enforcement discretion" may be used if SSOs result from wet weather events larger than a 25-year 24-hour "design storm" since it would impractical and cost prohibitive to design and build sewer systems to transport flows arising from very large, infrequent events. Any new national policy should similarly consider establishing a threshold event above which SSOs may occur.

Where some corrective action is determined to be necessary, the schedule of implementation should include consideration of costs and affordability.

Peak Flow Diversions/Blending

There is merit to EPA issuing a policy which establishes a nationally consistent policy for authorizing wet weather flow blending provided that the following issues are addressed:

- There should be a clear and unequivocal exemption for a permittee whose sewer system is wholly or partially configured as a combined sewer system (i.e. EPA's wet weather blending policy should not apply to systems like the Wayne County Downriver System which is partially combined);
- Permitting agencies should be able to issue an NPDES Permit which authorizes wet weather blending if there is "no feasible alternative". The policy should explicitly acknowledge that the existence of an EPA approved Federal Consent Decree (or comparable Court Orders) constitutes an affirmative demonstration that there is no feasible alternative if that Federal Consent Decree already authorizes wet weather blending. There should be no "second bite at the apple" for state and federal permitting agencies to undermine approved Federal Consent Decrees; and
- The authorization of wet weather flow blending should be broad enough to encompass intermittent bypasses of either the primary or secondary processes, provided that all influent flow receives treatment and disinfection and meets the effluent limits established for the facility.

Balance Water Quality Issues

EPA posed the question, "How should municipalities balance all the needs to meet water quality requirements?" By implication the question recognizes that there are various water quality needs that need to be attended to as part of the process of achieving standards. We concur, noting that water quality protection/restoration is a shared outcome and responsibility of multiple governmental jurisdictions. Therefore, the more appropriate question is, "How should municipalities, states, and EPA balance all the needs to meet water quality requirements?"

As indicated in our overview comments, balancing of these needs should be implemented by assessing the extent to which two outcomes are supported: improving water quality and fiscal sustainability. This method is consistent with EPA's support for watershed approaches and a recognition that SSOs are but one part of wet weather management, and that wet weather management is one part of water quality protection. SSOs cannot realistically be regulated and controlled without also considering the existing regulatory strategy which is being implemented for other wet weather discharges (e.g., stormwater discharges and CSOs).

"Balancing" necessitates that different decisions will be made in differing places based on a variety of local circumstances. We recognize that this could be a more time-intensive program to implement as compared to a more standard command and control program. The solution is to focus local governments accountability based on outcomes and for EPA and states to strategically use their resources (including enforcement discretion where appropriate), and focusing on the areas with the most significant problems.