

*To: MAKE BELLING*



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING DISTRICT OFFICE



RECEIVED  
DAN WYANT  
DIRECTOR  
OCT 15 2012  
BY:

October 9, 2012

CERTIFIED MAIL 7009 2820 0001 9804 1618

Supervisor's Office

OCT 12 2012

Received

Mr. Robert J. Cannon, Supervisor  
Charter Township of Clinton  
Civic Center  
40700 Romeo Plank Road  
Clinton Township, Michigan 48038-2900

Dear Mr. Cannon:

SUBJECT: Charter Township of Clinton (Township) Sixth Amendment No. AACO-000012  
(Amendment) to Administrative Consent Order AFO-SW10-007 (ACO)

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

In accordance with Section III of the ACO, Compliance Program, the DEQ is anticipating the completion of the agreed upon items by no later than the dates contained in paragraphs 22 through 27.

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](mailto: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  
517-373-3473  
Fax: 517-373-2040

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-000012

Date Entered: 10-5-12

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

**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, and Fifth Amended Consent Order AFO-SW10-007 entered on August 31, 2010, 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 AFO-SW10-007 shall be amended as specified below:

22. 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**.

- 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. Not later than **120 days** after receiving the DEQ's written approval of the report, 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 construction project built 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**.
- 23f. Not later than **May 1, 2013**, the Township shall submit 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 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.

- 23g. 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.
- 23h. Not later than **December 31, 2016**, the Township shall complete construction of the projects in the approved report submitted in accordance with paragraph 23f. of this Consent Order.
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 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 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.
27. If the Township does not certify that the engineering and structural improvements the Township has completed 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**.

**GENERAL PROVISIONS**

All other terms and conditions of ACO-SW00-002 and all subsequent amended 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**

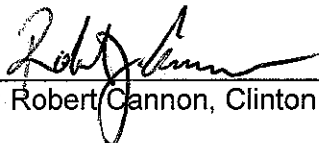
The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Amended Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
\_\_\_\_\_  
William Creal, Chief  
Water Resources Division

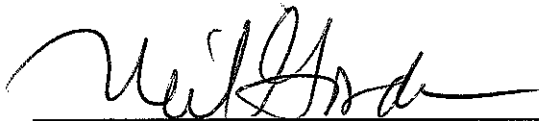
10-5-12  
Date

**CHARTER TOWNSHIP OF CLINTON**

  
\_\_\_\_\_  
By: Robert Cannon, Clinton Township Supervisor

8/28/12  
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