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R-361-8-03 APPROVED

RESOLUTION TO APPROVE ADMINISTRATIVE CONSENT ORDER WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING ELIMINATION OF SANITARY SEWER OVERFLOWS

Whereas, Some time ago, the Water Division of the Michigan Department of Environmental Quality ("MDEQ") brought allegations that the City of Ann Arbor was in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.3101 et seq.; and the rules promulgated under Part 31 because of instances of Sanitary Sewer Overflows ("SSOs");

Whereas, The City does not admit that it has violated the law, but has determined that it is in the City's best interest to resolve this matter by entering into an Administrative Consent Order ("ACO") with the MDEQ;

Whereas, City staff have negotiated the terms of the an ACO;

Whereas, The ACO imposes requirements on the City to undertake programs to work toward the elimination of SSOs and prevent future violations of Part 31 of NREPA, including the Footing Drain Disconnection Program already undertaken by the City, and modification of the City's current Offset-Mitigation Program to enhance the removal of flow, and development of a work plan for improvements to the Swift Run Trunk sewer necessary to work toward the elimination of SSOs and to correct capacity issues at the Wastewater Treatment Plant;

Whereas, The ACO requires the City to pay negotiated civil fines totaling \$10,000.00;

Whereas, The ACO imposes reporting and other requirements on the City; and

Whereas, The terms of the ACO are reasonable and in the City's best interest;

RESOLVED, That entry into the Administrative Consent Order be approved in a form substantially similar to the one on file in the City Clerk's Office, subject to approval as to form by the City Attorney, that the Mayor and Clerk be authorized to sign the Administrative Consent Order, and that the City Administrator be authorized to take all steps necessary to implement the terms of the Administrative Consent Order, including but not limited to payment of the civil fines agreed to therein.

Council Member Woods moved, seconded by Council Member Easthope that the resolution be adopted.

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On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Higgins, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, Council Member Easthope, 1.

The Mayor declared the motion carried.

R-362-8-03 APPROVED

RESOLUTION TO OFFSET DEVELOPMENT SEWAGE FLOWS THROUGH SANITARY FLOW REMOVAL OR MITIGATION PRACTICES

Whereas, City Council approved a resolution (R-401-8-00) on August 7, 2000 that directed city staff to explore options to limit the potential for exacerbating sanitary sewer backups;

Whereas, The Michigan Department of Environmental Quality (MDEQ) and the City of Ann Arbor have negotiated an Administrative Consent Order (ACO) to resolve alleged violations of the Natural Resources and Environmental Protection Act, 1994 PA 451; and

Whereas, Compliance with the ACO stipulates requirements for an Offset-Mitigation Program to reduce sanitary sewer flows for new connections to the sanitary system;

RESOLVED, That all property developments within the City of Ann Arbor requiring site plan submissions must offset-mitigate estimated sewage flows from the development;

RESOLVED, That all property developments within the City of Ann Arbor requiring application for a Part 41 Permit must offset-mitigate estimated sewage flows from the development;

RESOLVED, That County, public schools, colleges, universities and other government facilities on properties located

within the City of Ann Arbor must offset-mitigate estimated sewage flows for new development;
RESOLVED, That offset-mitigation for new sanitary system connections into capacity constrained sewage districts must be offset or mitigated in the collection system upstream of the capacity constrained location;

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RESOLVED, That properties requiring site plan submissions must disconnect on-site footing drains from the sanitary sewer if an approved discharge location exists;

RESOLVED, That properties annexing into the city must disconnect on-site footing drains from the sanitary sewer if an approved discharge location exists;

RESOLVED, That new sanitary system connections for parcels currently using on-site sewage disposal systems shall be exempt from offset-mitigation requirements;

RESOLVED, That new sanitary system connections for flow additions less than the equivalent flow from a duplex residential unit and not requiring a Part 41 Permit application shall be exempt from offset-mitigation requirements;

RESOLVED, That in locations where Ann Arbor Township, Pittsfield Township or Scio Township contribute flow and adequate transport capacity within the city has not been purchased by the township or constructed, the townships must agree to institute a policy equivalent to the City's policy for offset-mitigate of new sanitary sewer flow;

RESOLVED, That the Water Utilities Director has the authority to implement the Development Sewage Flow Offset-Mitigation Program and to modify calculation tables and factors to meet the ACO requirements; and

RESOLVED, That City Council authorize the City Administrator to take necessary administrative actions to implement this resolution.

Council Member Woods moved, seconded by Council Member Easthope that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.
