

Fishbeck, Thompson, Carr & Huber, Inc.



## City of Grand Ledge Negotiating an Administrative Consent Order

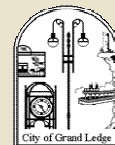
ftc&h



## City Background

- Population – 7,813
- Located on Saginaw Highway about four miles west of Lansing
- Wastewater system serves the City of Grand Ledge and portions of Oneida and Eagle Townships
- Home to the Ledges
- Backdrop for portions of the remake of the film Red Dawn

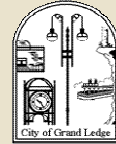
ftc&h



## System Background

- WWTP capacity 1.5 MGD
- Originally a combined system
- Separation completed in the mid-90's
- Two outfalls remain that discharge diluted raw sewage into the Grand River during extreme rain events

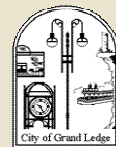
fi&h



## Sanitary Sewer Overflows

- 14 total events since 2000 with a combined discharge of approximately 26 million gallons
- 3 were caused by third parties
- Most were during dormant season
- Some were caused by very unusual events

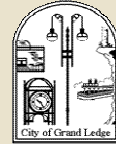
fi&h



## Proactive Approach to I & I

- Since 1994, the City has replaced approximately
  - 60 manholes
  - 14,000 lf of sanitary sewer
  - 10,000 lf of laterals
- In November 2006, the City received a S2 grant to prepare a SRF project plan for WWTP improvements including a SSES.

fi&h

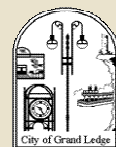


## Key S2 Grant Requirement

- The grant must be repaid if....

“The Grantee is unable to or decides not to proceed with constructing the SRF or SWQIF project or opts to finance construction by means other than a loan from the SRF or SWQIF”

fi&h



## Meanwhile.....

- December 2006 – MDEQ informed the City that they will likely be pursuing enforcement action.
- February 2007 – City requests and attends a meeting with the MDEQ to proactively discuss the issue
- May 2007 – MDEQ sends a draft ACO for the City to consider

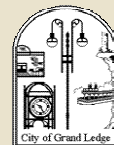
fi&h



## Draft ACO

- Critical issues for the City
  - Waiver of judicial review
  - Coordination with S2 Grant

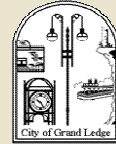
fi&h



## Consent Order – Critical Issue

- Judicial review/dispute resolution
  - MDEQ wanted the City to waive their right to judicial review
  - No explanation was given by MDEQ

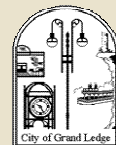
fi&h



## Consent Order – Critical Issue

- S2 grant/ACO requirements
  - S2 grant required the City to wait to complete the project until SRF funding became available
  - As part of the ACO, MDEQ wanted the City to commit to a specific date to complete the project without consideration for funding availability

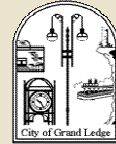
fi&h



## Draft ACO – Minor Issues

- City wanted to address the SSO issue through the NPDES permit
- Most of the SSOs occurred on events that exceeded the MDEQ's design parameters
- City wanted several terms better defined
- City wanted to offset penalties with a SEP
- MDEQ wanted fully defined scheduled prior to study being completed

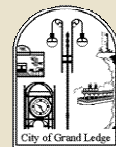
fi&h



## City's Response

- Could not agree with ACO as written
- Compromise on minor issues
- Stand firm on main issues
  - Judicial review
  - Coordination with S2 grant
- Continue moving forward with project plan application

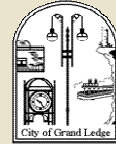
fi&h



## Progress with MDEQ

- Met with MDEQ 5 times
- Exchanged more than 15 letters
- As of November 2008, good progress on minor issues
- No progress on two main issues

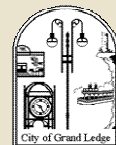
fi&h



## Meanwhile....

- Completed SRF project plan and submitted on June 27, 2008
- Based on initial ranking, not anticipated to be within the fundable range
- On November 17, the City was notified that a large project dropped out and that we were now fundable within the fourth quarter
- Construction anticipated to start spring 2010

fi&h



## Final Negotiations

- First main item resolved with receipt of SRF funding
- Resolved judicial review issue
- ACO signed on April 21, 2009

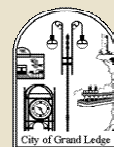
fi&h



## Lessons Learned

- Put first things first – Focus on the main issues
- Compromise on minor issues, where appropriate
- Be proactive – Moving forward with the SRF project **was key** in resolving the critical issues

fi&h



## Points to Ponder

- Tough to commit to a long-term schedule prior to knowing what you need to build and how much it will cost
- Lots of uncertainty in the process
- There has to be a better way

fi&h

