



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

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webpage*

November 21, 2007

Mr. Thomas C. Phillips  
Miller, Canfield, Paddock, and Stone, PLC  
One Michigan Avenue, Suite 900  
Lansing, Michigan 48933

Dear Mr. Phillips:

SUBJECT: Second Amended Administrative Consent Order (AFO) AFO-SW07-006  
Charter Township of Clinton (Township)

Enclosed is a fully executed original copy of the AFO entered between the Township and the Department of Environmental Quality. The AFO became effective on November 21, 2007.

Thank you for your cooperation in this matter. Please contact me if you have any questions.

Sincerely,

Rick D. Ruz, Enforcement Specialist  
Enforcement Unit  
Field Operations Division  
Water Bureau  
517-335-4709

Enclosure

cc/enc: Mr. Phillip Argiroff, DEQ  
Mr. Tom Knueve, DEQ

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STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER BUREAU

In the matter of:

AFO-SW07-006  
Date Entered: 11-21-07

Charter Township of Clinton  
40700 Romeo Plank Road  
Clinton Township, Michigan 48038-2900

ACO-SW00-002  
AFO-SW02-001  
\_\_\_\_\_ /

**SECOND AMENDED ADMINISTRATIVE CONSENT ORDER**

Administrative Consent Order (Consent Order) ACO-SW00-002 entered on March 3, 2000, and Amended Consent Order AFO-SW02-001, entered on January 7, 2002, between the Department of Environmental Quality (DEQ), Water Bureau (WB), and the Charter Township of Clinton (Township) 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, it is hereby AGREED AND ORDERED:

**COMPLIANCE PROGRAM**

The dates contained in paragraphs 22 through 27 of AFO-SW02-001 shall be amended as specified below:

22. The Township continues to annually rehabilitate its sanitary sewer system and shall use its best efforts to complete negotiations with the Detroit Water and Sewerage Department (DWSD) to obtain additional treatment capacity from DWSD and/or arrange for an exchange in volume utilizing the Mt. Clemens Wastewater Treatment Plant (WWTP). If these negotiations are successful, the Township shall on or before **December 31, 2009**, have completed construction of any necessary sewer connections and/or implemented any other necessary measures to secure and begin using such additional treatment capacity from the DWSD or the Mt. Clemens WWTP.
23. If the Township cannot obtain additional treatment capacity from DWSD or the Mt. Clemens WWTP or identify another feasible alternative that provides sufficient treatment capacity by **May 31, 2008**, then the Township shall on or before **December 31, 2010**, or such other date agreed to by the parties under the terms of this Consent Order, complete

the appropriate engineering and structural improvements to its sewer system (provided the appropriate Part 41 permits are obtained for the project as required), to meet all applicable state and federal laws pertaining to SSOs.

24. On or before **July 1, 2010**, the Township shall submit to the DEQ 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 implemented meet all applicable state and federal laws pertaining to SSOs.
25. On or before **November 30, 2010**, the Township shall have initiated the Sanitary Sewer System PPC Program in accordance with the approved work plan. The Township shall notify the Department, in writing, of compliance with this requirement by **December 15, 2010**. The PPC program shall be conducted for a period no less than one year.
26. On or before **December 31, 2011**, the Township shall submit to the Department 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 implemented meet all applicable state and federal laws pertaining to SSOs, then the Township shall submit an approvable Corrective Action program work plan to the Department on or before **July 31, 2012**.

#### **EXTENSIONS**

The Township and the DEQ agree that the DEQ may grant the Township a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WB, Enforcement Unit Chief, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909-7773, and the DEQ, Southeast Michigan District, Public Wastewater and Drinking Water Unit Supervisor, 27700 Donald Court, Warren, Michigan 48092-2793 no later than ten business days prior to the pertinent deadline, and shall include:

- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
- b. A detailed description of the circumstances that will prevent the Township from meeting the deadline(s).
- c. A description of the measures the Township has taken and/or intends to take to meet the required deadline.
- d. The length of the extension requested and the specific date on which the obligation will be met.

The district supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

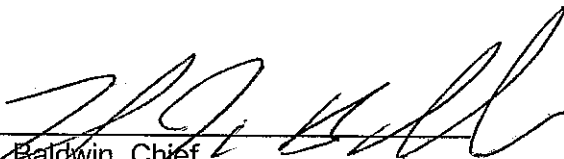
#### **GENERAL PROVISIONS**

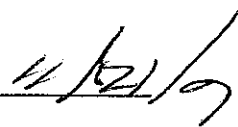
All other terms and conditions of ACO-SW00-002, and AFO-SW02-001 shall remain in full force and effect and are not altered by this Second Amended Administrative Consent Order, except as specifically prescribed in this document. The effective date of this Second Amended Administrative Consent Order shall be the date upon which the chief of the DEQ, WB, Field Operations Division signs 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.

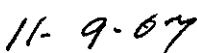
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
\_\_\_\_\_  
Frank J. Baldwin, Chief  
Field Operations Division  
Water Bureau


  
\_\_\_\_\_  
Date

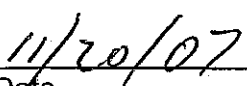
**CHARTER TOWNSHIP OF CLINTON**

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

  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
By: Alan F. Hoffman, Assistant Attorney General  
For: S. Peter Manning, Chief  
Environment, Natural Resources, and Agriculture Division  
Michigan Department of Attorney General

  
\_\_\_\_\_  
Date