



Legislation Details (With Text)

**File #:** 20-0447      **Version:** 1      **Name:** 4/6/20 - Administrative Consent Order for Sanitary Sewer Overflows

**Type:** Resolution      **Status:** Passed

**File created:** 4/6/2020      **In control:** City Council

**On agenda:** 4/6/2020      **Final action:** 4/6/2020

**Enactment date:** 4/6/2020      **Enactment #:**

**Title:** Resolution to Approve Administrative Consent Order for Sanitary Sewer Overflows with the Michigan Department of Environment, Great Lakes and Energy (\$45,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2020-3-25 - ACO-05354.pdf

Date	Ver.	Action By	Action	Result
4/6/2020	1	City Council	Approved	Pass

Resolution to Approve Administrative Consent Order for Sanitary Sewer Overflows with the Michigan Department of Environment, Great Lakes and Energy (\$45,000.00)

Your approval is requested for signature and approval of an Administrative Consent Order for Sanitary Sewer Overflows with the Michigan Department of Environment, Great Lakes and Energy (\$45,000.00)

Since 2016, the City has experienced several Sanitary Sewer Overflows (SSOs). While these SSOs are never desirable, City Staff have rapidly responded to each of these incidents to address immediate cleanup concerns, as well as evaluating long term maintenance needs, as well as the financial impacts. City Staff has internally been completing an Asset Management Plan for the Sanitary Sewer Collection System to address and optimize maintenance needs, including rehabilitation recommendations, and repair/replace recommendations for the entire Sanitary Sewer Collection System. This Plan is nearly complete, and implementation has already started in the Public Works Unit, as preventative maintenance recommendations are being integrated into daily work orders and assignments. Potential budget impacts have been integrated into the existing and future budget forecast models.

Based on the 2017 American Water Works Association (AWWA) Utility Benchmarking: Performance Management for Water and Wastewater Report, the City of Ann Arbor has considerably less SSOs than the National average per year. (National average is 2.5 SSOs per 100 miles of pipe; Ann Arbor is 1.1 SSOs per 100 miles of pipe).

In May of 2019, the Michigan Department of Environment, Great Lakes and Energy (EGLE) contacted the City of Ann Arbor with the intent to enforce an Administrative Consent Order (ACO) upon the City, based on the multiple Sanitary Sewer Overflows (SSOs) that have occurred since 2016.

The attached Administrative Consent Order (ACO) document results from allegations by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division. EGLE alleges that the City of Ann Arbor, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.3101 et seq.; Part 41, Sewerage Systems, of the NREPA, MCL 324.4101 et seq.; the Sewerage Systems Rules, Michigan Administrative Code, R 299.2901 et seq., as amended; and the National Pollutant Discharge Elimination System Permit MI0022217.

This ACO will require the City to implement a myriad of management, operations and maintenance activities, so as to reduce the risk of SSOs occurring within the Sanitary Sewer System. In addition, the ACO includes financial penalties of \$45,000.00. City Staff has been diligently working with EGLE to ensure that the ACO is comprehensive and addresses the needs of both the City and the State.

The Systems Planning Unit will be the lead on the implementation and compliance for the Administrative Consent Order. However - there are many shared responsibilities and activities across the entire Public Services Area:

Specific activities are as follow:

- Plan to manage high volume wastewater plant flows (WWTP)
- Plan for implementation schedule to evaluate the remainder of the sewage collection system (Public Works)
- Complete evaluation of the sewage collection system (Public Works)
- Structural impairment report (what the issue is, locations, corrective actions and timeline) (Public Works)
- Written report detailing the total number of miles of sewage collection system that have been cleaned and inspected since 2016 (Public Works)
- Asset Management Plan (Systems Planning)
- Asset Management Program - Maintenance Staff (Public Works)
- Asset Management Program - Collection System Map (Systems Planning)
- Asset Management Program - Inventory and Assessment of Fixed Assets (Systems Planning/WWTP)
  - Pipes: completed
  - Lift stations: not started (NOTE: some are already slated for replacement)
- Asset Management Program - Operation, Maintenance and Replacement Budget and Rate Sufficiency for the Sewage Collection Systems and Treatment Works (Systems Planning/Public Service Area Administration/Finance)
- Written report that summarizes asset management activities completed during the previous year and planned for the upcoming year- Annual Submittal (Systems Planning)

It is important to note that City Staff have already been working on these submittal elements, as they are components of the City's Asset Management Program. Public Works staff is already implementing many of the preliminary recommendations from the Asset Management Plan.

Budget and Fiscal Impact: Funding for the financial penalty is available in the FY20 approved Sanitary Sewer Fund Operations and Maintenance budget and ACO required activities are included in annual operation and maintenance budget requests.

Sustainability Framework: The proposed work completed under this project furthers the Sustainable Systems, Clean Air and Water, and Healthy Ecosystems goals of the City's Sustainability Framework.  
Prepared by: Jennifer E. Lawson, Water Quality Manager, Public Services  
Reviewed by: Craig Hupy, Public Services Area Administrator  
Approved by: Tom Crawford, Interim City Administrator  
Whereas, The City has experienced several Sanitary Sewer Overflows (SSOs) since 2016;

Whereas, The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division. EGLE alleges that the City of Ann Arbor, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.3101 et seq.; Part 41, Sewerage Systems, of the NREPA, MCL 324.4101 et seq.; the Sewerage Systems Rules, Michigan Administrative Code, R 299.2901 et seq., as amended; and the National Pollutant Discharge Elimination System Permit MI0022217;

Whereas, The Michigan Department of Environment, Great Lakes and Energy (EGLE) contacted the City of Ann Arbor with the intent to enforce an Administrative Consent Order (ACO) upon the City, based on the multiple Sanitary Sewer Overflows (SSOs) that have occurred since 2016;

Whereas, This ACO will require the City to implement a myriad of management, operations and maintenance activities, so as to reduce the risk of SSOs occurring within the Sanitary Sewer System;

Whereas, The ACO includes financial penalties of \$45,000.00;

Whereas, The City's Asset Management Program addresses a majority of the required submittals and programmatic components of the ACO;

Whereas, City Staff has been diligently working with EGLE to ensure that the ACO is comprehensive and addresses the needs of both the City and the State;

Whereas, Funding for the financial penalties is available in the approved FY20 Sanitary Sewer Operations and Maintenance budget; and

Whereas, Funding for ACO activity requirements, is included in annual operation and maintenance budget requests;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Agreement with the Department of Environment, Great Lakes, and Energy (EGLE) after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the City shall enter into an Administrative Consent Order to address Sanitary Sewer Overflows (SSOs);

RESOLVED, That the City shall pay a fine of \$45,000.00; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution.