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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

September 19, 2011

CERTIFIED MAIL

Mr. Darryl Latimer, Deputy Director
Detroit Water and Sewerage Department
735 Randolph Street
Detroit, Michigan 48226

VN No. VN-005040

Dear Mr. Latimer:

SUBJECT: Violation Notice
DWSD DRO-2 Construction Site

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) staff inspected the DWSD DRO-2 Construction Site, located at 9300 West Jefferson, Detroit, Michigan 48209 on August 19, 2011, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* and the Administrative Rules promulgated there under being 2006 AACRS R 323.2101 *et seq.*, as amended.

The purpose of the inspection was to determine if groundwater from the DWSD DRO-2 construction site was being discharged to the Rouge River. This inspection was prompted by reports from DEQ WRD and Air Quality Division staff that water from the DRO-2 access shaft was flowing into a storm water catch basin on West Jefferson Avenue. Inspection participants were James Urbanik and Catherine Willey for DWSD and Jodi Peace for DEQ WRD. A copy of the inspection report is provided as an attachment to this Notice.

On July, 16, 2008 the Detroit Water and Sewerage Department (DWSD) submitted an application for a National Pollutant Discharge Elimination System (NPDES) permit to DEQ for the discharge of groundwater from the DRO-2 construction site to the Rouge River. The permit application indicated that the groundwater contained hydrogen sulfide and proposed a treatment system to meet the anticipated permit limits for Hydrogen sulfide. On December 3, 2008, DEQ issued NPDES Permit No. MI0058551 to DWSD for the DWSD DRO-2 Construction Site.

On December 10, 2009, DWSD submitted a letter requesting termination of NPDES permit No. MI0058551 because the construction project for which the permit was issued had been canceled. At that time it was our understanding that there was no discharge from the facility. The termination was issued December 18, 2009. The termination notice included the following statement: "There shall be no surface water discharge from this facility without applying for and obtaining a new NPDES permit."

On August 19, 2011 DEQ WRD staff observed the discharge of ground water from the DWSD DRO-2 Construction Site to the Rouge River. The DWSD does not have a permit for this discharge. This unauthorized discharge is a violation of Part 31 of the NREPA.

Other concerns identified as a result of the inspection are as follows:

1. In addition to the groundwater from the DRO-2 tunnel access shaft, DEQ staff identified a second source of water contributing to the overflow. Water was also coming from a pipe with a broken valve located between the DRO-2 shaft and the fence along West Jefferson Avenue. DWSD staff did not know the source of the water in the pipe. It is expected that stopping the flow of water from the pipe will reduce the rate of discharge from the site.

Required Action: DWSD should take immediate action to turn off the water or cap the pipe with the broken valve at the DRO-2 site.

2. At the time of the inspection DWSD Security was unable to open the locks on the gates to access the site. The Detroit Wastewater Treatment Plant's Rouge River Outfall (Outfall 050A) is also located on this site.

Required Action: DWSD should take appropriate action to ensure that DWSD staff can access the site to inspect and maintain the facilities on the site.

3. DWSD and DEQ staff were able to enter the site and conduct the inspection because vandals had opened one section of the security fence along West Jefferson Avenue.

Required Action: DWSD should take appropriate action to ensure that its facilities at this site are properly secured.

The violation identified in this Violation Notice is continuing.

The violation identified in the Violation Notice is a violation of Part 31 of the NREPA

The DWSD shall take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Please submit a corrective action plan to this office by **October 24, 2011**. At a minimum, the response shall include:

1. A description of the actions DWSD has taken or will take to stop the unauthorized discharge of groundwater from this site.
2. The date by which the unauthorized discharge will be stopped.
3. Verification that the required actions identified in items 1 through 3 above have been completed.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

Mr. Darryl Latimer
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We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact me at 586-753-3783; peacej@michigan.gov; or Department of Environmental Quality, 27700 Donald Court, Warren, Michigan 48092-2793.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodi Lynn Peace".

Jodi Lynn Peace
Senior Environmental Quality Analyst
Southeast Michigan District Office
Water Resources Division
586-753-3783

Enclosure: Reconnaissance inspection form with attachments.

cc: Mr. Samuel A. Smalley, Assistant Director WWOOG, Detroit WWTP
Mr. Daniel Schechter, Superintendent of Engineering, WWOOG, Detroit WWTP
Mr. Barry Selden, Enforcement Unit, WRD
Mr. Charles Hill, Acting District Supervisor, WRD