



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

April 19, 2022

CERTIFIED MAIL 7021 2720 0001 5752 0430

Robert Hilty, Chairman
Lake Mitchell Sewer Authority Board
3161 South Lake Mitchell Drive
Cadillac, Michigan 49601

Dear Robert Hilty:

SUBJECT: Lake Mitchell Sewer Authority, Administrative Consent Order

Enclosed for your review is a draft copy of the proposed Administrative Consent Order (ACO) between the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD) and the Lake Mitchell Sewer Authority (LMSA). Entry of the ACO is needed to resolve the violations identified in the Enforcement Notice issued by the WRD on August 17, 2021, and detail a plan to upgrade the sanitary sewer collection system owned and operated by the LMSA.

The WRD is requesting that you review the draft ACO and respond with any comments no later than **May 20, 2022**. If you would like to schedule a meeting to discuss the draft ACO or have any questions, please contact me at 517-331-6571; SchoenK@Michigan.gov; or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958; no later than **May 13, 2022**, to make arrangements. Thank you for your prompt attention to this matter.

Sincerely,

Kailey Schoen, Enforcement Analyst
Enforcement Unit
Water Resources Division

Enclosure

cc: Sheila Hill, LMSA
Amy Lounds, EGLE
Luis Saldivia, EGLE
Brian Jankowski, EGLE
David Pingel, EGLE
Donal Brady, EGLE

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**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION**

In the matter of:

ACO-05741

Date Entered: _____

Lake Mitchell Sewer Authority
3161 South Lake Mitchell Drive
Cadillac, Michigan 49601

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD). EGLE alleges the Lake Mitchell Sewer Authority (LMSA), that operates and maintains a sanitary sewer collection system and contributes sanitary wastewater to the city of Cadillac's wastewater treatment plant, and whose office building is located at 3161 South Lake Mitchell Drive, Cadillac, Michigan 49601, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.3101 *et seq.* (Part 31), and the Part 31 administrative rules; and Part 41, Sewerage Systems, of the NREPA, MCL 324.4101 *et seq.* (Part 41), and the Part 41 administrative rules. The LMSA is a person, as defined by Section 301 of the NREPA, MCL 324.301. The LMSA and EGLE agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

I. STIPULATIONS

The LMSA and EGLE stipulate as follows:

- 1.1 The NREPA, MCL 324.101 *et seq.*, is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Part 31 and the rules promulgated pursuant thereto provide for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 Part 41 and the rules promulgated pursuant thereto provide for the proper planning, construction, and operation of sewerage facilities to prevent unlawful pollution of the water resources of the state.

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- 1.4 EGLE is authorized by Sections 3106 and 3112(4) of Part 31, MCL 324.3106 and MCL 324.3112(4), and Section 4111 of Part 41, MCL 324.4111, to enter orders requiring persons to abate pollution or otherwise cease or correct activities in violation of a specific part. The director of EGLE may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).
- 1.5 The LMSA consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of EGLE and is enforceable as such under Section 3112(4) of Part 31 and Section 4111 of Part 41. The LMSA agrees not to contest the issuance of this Consent Order and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the director of the WRD, delegate of the director of EGLE, pursuant to Section 301(b) of the NREPA.
- 1.6 The LMSA and EGLE agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the LMSA that the law has been violated.
- 1.7 The signatory to this Consent Order certifies that he/she is fully authorized by the LMSA to enter into the terms and conditions of this Consent Order and to execute and legally bind the LMSA to this document. The LMSA hereby agrees to comply with the requirements of this Consent Order to resolve the violations stated in Section II of this Consent Order and agrees to achieve compliance with Part 31, Part 41, and the administrative rules promulgated hereto, by fulfilling the terms of Section III of this Consent Order.

II. FINDINGS

- 2.1 The LMSA owns and operates a sanitary sewer collection system that services approximately 890 customers around Lake Mitchell in three Townships in Wexford County and transports collected sanitary wastewater to the city of Cadillac's wastewater treatment system. The LMSA comprises users in the Townships of Selma, Cherry Grove, and Clam

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- Lake. The sanitary sewer collection system, that was installed in the 1970s, includes 205 grinder stations, 9 pump stations, over 8 miles of force main and station discharge piping, and over 1 mile of gravity sewer.
- 2.2 On August 11, 2017, EGLE issued the LMSA Violation Notice (VN) No. VN-007294 in response to two illicit sanitary sewer overflows (SSOs) to waters of the state that occurred on May 23, 2017, and July 13, 2017, in violation of Part 31. The discharges occurred at Sewage Pump Station (SPS) 1B located near 1754 East Lake Mitchell Drive and released approximately 5,000 gallons and 8,000 gallons of sewage, respectively. A list of SSOs attributed to deficiencies in the LMSA sanitary sewer collection system are detailed in **Exhibit A** of this Consent Order.
- 2.3 VN-007294 requested a response from the LMSA by October 16, 2017, to include a corrective action plan for preventing future SSOs at SPS 1B; a plan to design and install a permanent generator for SPS 1B; and a plan to document SPS 1B performance. A second response from the LMSA was requested by April 16, 2018, to include a power reliability study for all of the equipment within the LMSA sanitary sewer collection system.
- 2.4 Responses to VN-007294 by the LMSA were received by EGLE on October 16, 2017, and April 27, 2018. A two-week extension was requested by the LMSA and granted by EGLE for the latter submittal citing an expansion of the power reliability study. On July 12, 2018, EGLE sent a follow-up letter to the responses requesting that the submitted SBS 1B infiltration and inflow plan be revised and completed; additional information related to power reliability be submitted; and an Asset Management Plan (AMP) be submitted. The July 12, 2018, follow-up letter also identified two additional SSO events (listed in **Exhibit A** of this Consent Order) that occurred in September and October 2017 after VN-007294 was issued. Responses to EGLE's July 12, 2018, letter were received on February 1, 2019, and July 3, 2019.
- 2.5 On March 10, 2020, EGLE issued Compliance Communication (CC) No. CC-002514 in response to an SSO report from the LMSA detailing a 600-gallon discharge of sewage

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onto the ground from a broken pipe at the Grinder Pump Station designated as 53A and in response to SSOs that occurred in 2019. CC-002514 also included a table detailing work that the LMSA had already completed to cease SSOs and work that the LMSA had previously identified to be completed in roughly the next five years. A list of corrective actions completed or proposed by the LMSA to date is detailed in **Exhibit B** of this Consent Order.

- 2.6 From May 2020 to May 2021, the LMSA reported 7 SSO events ranging from 10 gallons to 1,325 gallons of raw or partially treated sewage discharged to the land or waters of the state. These SSOs (listed in **Exhibit A** of this Consent Order) occurred at two different pump stations, five different grinder stations, and were attributed to various electrical or mechanical issues. EGLE notified the LMSA of these violations to Part 31 in VN 011933 that was issued on August 3, 2021. VN 011933 requested a response be submitted by September 20, 2021, and to include an update of the progress for the proposed work submitted by the LMSA previously (detailed in **Exhibit B** of this Consent Order); identification of stations normally operating with only one pump; a plan for additional pump monitoring; and a contingency plan for maintaining service after a single SPS failure. The LMSA submitted a timely response to VN-011933 on September 20, 2021.
- 2.7 In August 2021, the LMSA reported five SSO events of raw or partially treated sewage to the ground or waters of the state over a two-day period (listed in **Exhibit A** of this Consent Order). These SSOs occurred at three different pump stations and one grinder station and were attributed to a surge in flow after a power outage. EGLE issued a Second Violation Notice (SVN) and Enforcement Notice (EN) on December 21, 2021, to notify the LMSA of these violations and to inform the LMSA that the recurring violations alleged since 2017 and any violations discovered in the future must be resolved with a legally enforceable document.
- 2.8 On January 12, 2022, staff members from the LMSA, Mika Meyers PLC, Wade Trim, and the WRD attended a virtual meeting to discuss the following: information outlined in the SVN and EN, resolving the aforementioned violations administratively with a Consent

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Order, Part 41 permitting, and steps moving forward. The LMSA indicated it would be interested in resolving the violations with a Consent Order.

- 2.9 Since the SVN and EN was issued December 21, 2021, two additional SSO events onto the land of the state have been reported by the LMSA in violation of Part 31 (listed in **Exhibit A** of this Consent Order). The first occurred on January 21, 2022 and resulted in a 100-gallon discharge from Grinder Station 40B. The second occurred on March 2, 2022, and resulted in an 800-gallon discharge from a gravity sewer line across the road from 143 Davidsen Avenue. The discharges were attributed to a cracked discharge line and an accidental piercing of the gravity line, respectively.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT the LMSA shall take the following actions to comply with and prevent further violations of Parts 31 and 41:

- 3.1 No later than **December 31, 2022**, the LMSA shall submit and implement a construction and startup schedule to the WRD for the grinder pump station improvements and gravity main cleaning and televising project and the pump station upgrades at submersible pump stations 1B, 2B, 1A, 2A, and 1C through 5C project to be built in accordance with the February 4, 2022, Part 41 permit No. P41003590 (**Exhibit C** of this Consent Order). If additional information is requested by the WRD, the LMSA shall provide that information within **30 days** after the request. The construction of the complete upgrade and improvement project identified by and associated with the aforementioned permit No. P41003590 shall be completed in accordance with the submitted construction and startup schedule. The completion dates for sanitary sewer collection system upgrade construction and startup shall not be amended unless specifically requested and approved per the requirements in Paragraph 5.1 of this Consent Order.
- 3.2 No later than **December 31, 2022**, the LMSA shall submit an AMP to the WRD for review and approval. An approvable AMP shall contain a schedule for the development and

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implementation of an asset management program that meets the requirements outlined below in Subparagraphs 3.2(a) through 3.2(d).

- a. **Maintenance Staff:** The LMSA shall provide adequate staffing to carry out the operation, maintenance, repair, and testing functions of its sanitary sewer collection system. The level of staffing needed shall be determined by accounting for the work involved in operating the sanitary sewer collection system, planning for and conducting maintenance, and complying with this Consent Order. The asset management program shall quantify and/or estimate: the frequency of operation, maintenance, repair, inspection, and testing tasks required for the sanitary sewer collection system; level of staffing required to complete the tasks; and the current level of staffing. The program shall describe how any differences in staffing needs and current staff will be addressed.
- b. **Sanitary Sewer Collection System Map:** The LMSA shall complete a map of the sanitary sewer collection system it owns and operates. The sanitary sewer collection system information shown on the map shall be based on current conditions and shall be kept up -to -date and available for review by the WRD. Such map(s) shall include, but not be limited to, the following:
 - i. All sanitary sewer lines and related manholes.
 - ii. All known or suspected connections between the sanitary sewer collection system and storm drain systems.
 - iii. All connections to municipal and/or regional sewer systems not owned/operated by the permittee, and any known overflows.
 - iv. All pump stations, grinder stations, force mains, and related structures.
 - v. All surface waters (labeled).

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- vi. Other major appurtenances such as inverted siphons and air release valves.
 - vii. A numbering procedure which uniquely identifies manholes, pipes and appurtenances.
 - viii. The scale and a north arrow.
 - ix. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.
 - x. The manhole interior material, rim elevation (optional), and invert elevations.
- c. Inventory and assessment of assets: The LMSA shall complete an inventory and assessment of sanitary sewer collection system and operations -related assets. The inventory and assessment shall be based on current conditions and shall be kept up -to -date and available for review by the WRD. The asset inventory shall include the following:
- i. A brief description of the asset, its design capacity (e.g., pump gallons per minute), its level of redundancy, its tag number if applicable; a list of addresses for homes flowing to each grinder station, and a list of the grinder stations flowing to each pump station.
 - ii. The location of the asset.
 - iii. The year the asset was installed.
 - iv. The present condition of the asset (e.g., excellent, good, fair, poor).
 - v. The current asset (replacement) cost in dollars for year specified in accordance with approved schedules.

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The asset assessment shall also include a business risk evaluation that combines the probability of failure of the asset and the criticality of the asset, as follows:

- i. Rate the probability of failure of the asset on a scale of 1 to 5 (low to high) using criteria such as maintenance history, failure history, and remaining percentage of useful life (or years remaining).
 - ii. Rate the criticality of the asset on a scale of 1 to 5 (low to high) based on the consequence of failure versus the desired level of service for the facility.
 - iii. Compute the Business Risk Factor of the asset by multiplying the failure rating by the criticality rating.
- d. Operation, Maintenance and Replacement Budget and Rate Sufficiency Analysis:
The asset management program shall include an assessment of its user rates and replacement fund including the following:
- i. Beginning and end of fiscal year dates.
 - ii. Value of the LMSA's replacement fund for the year specified.
 - iii. Replacement fund value for all assets with a useful life (moving forward from present year) of 20 years or less.
 - iv. Fiscal year expenditures for maintenance, corrective action, and capital improvement.
 - v. Fiscal year operation, maintenance, and replacement budget.
 - vi. Rate calculation demonstrating sufficient revenues to cover operation, maintenance, and replacement budget.

3.3 No later than **30 days** after receiving EGLE's approval of the AMP, the LMSA shall develop and implement the EGLE-approved AMP.

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3.4 No later than **December 31, 2022**, the LMSA shall develop and submit an overflow response plan to the WRD for review and approval. The plan shall detail specific actions to be undertaken by the LMSA to identify, mitigate, and remove infiltration and inflow from the LMSA's sanitary sewer collection system and to eliminate SSOs or basement backups in the future in order to meet the requirements of Part 31, Part 41, and the WRD's SSO Policy and Clarification Statement. The overflow response plan shall document infiltration and inflow investigation and removal activities completed since 2017. The overflow response plan shall also identify both ongoing and additional activities needed to adequately address infiltration and inflow. The overflow response plan shall also include, but not be limited to, the following:

- a. Smoke testing grinder stations.
- b. Inspecting homes for illegal connections.
- c. Removing or verifying removal of identified illegal connections.
- d. Developing a procedure for customers to report overflows and backups to the LMSA and for tracking overflows and backups. Alternatively, the LMSA's existing procedure for receiving and tracking reports shall be described.
- e. Developing a procedure for quantifying and tracking sanitary sewer collection system flows and for collecting rainfall and lake elevation measurements. Average and peak flows, during dry and wet weather, from sanitary sewer collection system meters and from each of the nine pump stations shall be measured and recorded. Rainfall measurements shall be collected with recording rain gauges. Lake elevations shall be referenced to a United States Geological Survey benchmark. Alternatively, the LMSA's existing procedure for tracking sanitary sewer collection systems flows, rainfall, and lake elevations shall be described.
- f. Evaluating the effectiveness of the pump and grinder stations alarms and alarm notifications to operations staff.

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- g. Evaluating the effectiveness of pump and grinder station controls and the ability of the operation staff to respond to high flows, power outages, and problem grinder stations.
 - h. Evaluating further adjustment to pump stations 2B and 1B pump and motor belts and sheaves to increase flow.
 - i. Developing a procedure for estimating or measuring the remaining infiltration and inflow and determining what potential methods are available to remove/reduce this flow component.
 - j. Developing a long-term plan for infiltration and inflow investigation and removal.
 - k. A schedule for all the proposed work including infiltration and inflow removal activities.
- 3.5 No later than **30 days** after receiving EGLE's approval of the overflow response plan, the LMSA shall develop and implement the plan in accordance with the approved schedule.
- 3.6 No later than **December 31, 2022**, the LMSA shall submit an Operation and Maintenance (O&M) manual to WRD for review and approval. The manual shall include, but not be limited to, the following:
- a. A wet weather operation plan discussing additional sanitary sewer collection system monitoring and adjustments to be completed during periods of high flow.
 - b. Detailed control settings for delayed or phased start of select grinder stations after a power outage, to better ensure that downstream facilities are not hydraulically overloaded when power is restored.
 - c. Procedures for operations, sanitary sewer collection system monitoring, and re-start to be implemented during and immediately after a power outage.

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- d. Identification of grinder stations with a history of repeated problems (e.g. with wipes or tampering) and procedures for additional monitoring of those stations.
- e. Procedures for calibrating sanitary sewer collection system flow meters.
- f. Grinder and pump station pump manufacturer flow/head curves.
- g. Manufacturer specifications, drawings, and manuals for the pumps and pump level and pressure controls.
- h. Specifications, electrical diagrams, and manuals for the pump control panels.
- i. An evaluation of force main velocities and description of controls and procedures for periodically increasing velocities to flush mains, as necessary.
- j. Procedures for tracking pump station pump flow and pressure performance.
- k. A detailed routine maintenance, preventative maintenance, and inspection schedule for sanitary sewer collection system components, including schedules for exercising valves, inspecting pump station pumps, inspecting grinder station pumps, and inspecting mains. In general, those areas with the most severe defects and the greatest impact resulting from a failure should be inspected more frequently. Areas with minimal impact and few if any defects should be inspected less frequently. The evaluation of potential impact needs to incorporate quantity of flow, transportation impact, business impact, environmental impact, public health impact, and the difficulty of emergency repair.
- l. Description of the procedure to be used for generating operator maintenance and inspection work orders/schedules and tracking tasks completed.
- m. Pump and grinder station personnel entry procedures.
- n. A spare-parts inventory.

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- l. Proposed adjustments to the sanitary sewer collection system alarms/controls.
 - m. Any proposed revisions to the approved AMP or overflow response plan schedules.
 - n. Revisions to the O&M manual.
- 3.8 The LMSA shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to their MiWaters account and, if required, to the WRD, Cadillac District Office supervisor, at EGLE, 120 West Chapin Street, Cadillac, Michigan 49601-2158. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. EGLE APPROVAL OF SUBMITTALS

- 4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to EGLE by the LMSA, the following process and terms of approval shall apply.
- 4.2 All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.
- 4.3 In the event EGLE disapproves a work plan, proposal, or other document, it will notify the LMSA, in writing, specifying the reasons for such disapproval. The LMSA shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for EGLE's disapproval. If the revised work plan, proposal, or other document is still not acceptable to EGLE, EGLE will notify the LMSA of this disapproval.
- 4.4 In the event EGLE approves with specific modifications a work plan, proposal, or other document, it will notify the LMSA, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the

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specific reasons for such modifications. EGLE may require the LMSA to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to EGLE, EGLE will notify the LMSA of this disapproval.

- 4.5 Upon EGLE approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
- 4.6 Failure by the LMSA to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the LMSA to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in Paragraph 9.3 of this Consent Order.
- 4.7 Any delays caused by the LMSA's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the LMSA's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by EGLE regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the LMSA will be construed as relieving the LMSA of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

- 5.1 The LMSA and EGLE agree that EGLE may grant the LMSA 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 WRD, Enforcement Unit supervisor, at EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958, and the WRD, Cadillac District Office

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supervisor at the address provided in Paragraph 3.8 of this Consent Order, 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 LMSA from meeting the deadline(s).
- c. A description of the measures the LMSA 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 WRD, Cadillac District Office supervisor or a designee, in consultation with the WRD, Enforcement Unit supervisor, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from EGLE, and if applicable, signed by both parties.

VI. REPORTING

- 6.1 The LMSA shall verbally report any violation(s) of the terms and conditions of this Consent Order to the WRD, Cadillac District Office supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The LMSA shall report any anticipated violation(s) of this Consent Order to the above--referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

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- 7.1 Upon request by an authorized representative of EGLE, the LMSA shall make available to EGLE all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to the NREPA or its rules. All such documents shall be retained by the LMSA for at least a period of five years from the date of generation of the record unless a longer period of record retention is required by the NREPA or its rules.

VIII. RIGHT OF ENTRY

- 8.1 The LMSA shall allow any authorized representative or contractor of EGLE, upon presentation of proper credentials, to enter upon the premises of the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of EGLE to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

IX. PENALTIES

- 9.1 Within 30 days after the effective date of this Consent Order, the LMSA shall pay to the State of Michigan [REDACTED] **DOLLARS** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made in accordance with Paragraph 9.5 of this Consent Order.
- 9.2 Within 30 days after the effective date of this Consent Order, the LMSA shall pay to the State of Michigan a civil fine of [REDACTED] **DOLLARS** for the violations specified in Section II of this Consent Order. Payment shall be made in accordance with Paragraph 9.5 of this Consent Order.
- 9.3 For each failure to comply with a provision contained in Section III of this Consent Order, the LMSA shall pay a stipulated penalty of **\$5,000**. If, after 30 days from the original deadline, the LMSA has not fully corrected the violation, the LMSA shall pay stipulated penalties of \$200 per violation per day for one to seven days of violation, \$300 per violation

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per day for eight to 14 days of violation, and \$500 per violation per day for each day of violation thereafter. Payments shall be made in accordance with Paragraph 9.5 of this Consent Order.

- 9.4 For each failure to comply with any provision of this Consent Order other than the provisions contained in Section III of this Consent Order, the LMSA shall pay stipulated penalties of **\$200** per violation per day for one to seven days of violation, **\$300** per violation per day for eight to 14 days of violation, and **\$500** per violation per day for each day of violation thereafter. Payments shall be made in accordance with Paragraph 9.5 of this Consent Order.
- 9.5 The LMSA shall pay all stipulated penalties within 30 days after receipt of the demand for payment of stipulated penalties from EGLE. The LMSA agrees to pay all funds due pursuant to this Consent Order by check made payable to the State of Michigan and delivered to the Accounting Services Center, Cashier's Office for EGLE, P.O. Box 30657, Lansing, Michigan 48909 8157, or hand delivered to the Accounting Services Center, Cashier's Office for EGLE, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WRD60131.**
- 9.6 The LMSA agrees not to contest the legality of the civil fine or costs paid pursuant to Paragraphs 9.1, and 9.2, above. The LMSA further agrees not to contest the legality of any stipulated penalties assessed pursuant to Paragraphs 9.3 or 9.4, above, but reserves the right to dispute the factual basis upon which a demand by EGLE for stipulated penalties is made.
- 9.7 EGLE reserves its rights to seek interest on any unpaid sums due pursuant to the terms of the Consent Order. Subject to the other provisions of this Section IX, EGLE may waive, in its unreviewable discretion, any portion of stipulated penalties and interest that has accrued pursuant to this Consent Order. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal, and

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calculated from the due date for the payment until the delinquent payment is finally made in full.

X. FORCE MAJEURE

- 10.1 The LMSA shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of the LMSA's obligations under this Consent Order in accordance with this section.
- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of the LMSA, such as: an Act of God, untimely review of permit applications or submissions by EGLE or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the LMSA's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of the LMSA's actions or omissions.
- 10.3 The LMSA shall notify EGLE, by telephone, within 48 hours of discovering any event that may cause a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by the LMSA to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The LMSA shall adopt all reasonable measures to avoid or minimize any such delay. Nothing in this paragraph obviates the need to report violations as required by Paragraph 6.1 of this Consent Order.
- 10.4 Failure of the LMSA to comply with the notice requirements and time provisions under Paragraph 10.3 shall render this Section X void and of no force and effect as to the

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particular incident involved. EGLE may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of Paragraph 10.3, above.

- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of the LMSA, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, EGLE is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The burden of proving that any delay was beyond the reasonable control of the LMSA, and that all the requirements of this Section X have been met by the LMSA, rests with the LMSA.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that the LMSA qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XI. GENERAL PROVISIONS

- 11.1 With respect to any violations not specifically addressed and resolved by this Consent Order, EGLE reserves the right to pursue any remedies to which it is entitled for any failure on the part of the LMSA to comply with the requirements of the NREPA and its rules.
- 11.2 EGLE and the LMSA consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Parts 31 and 41.
- 11.3 This Consent Order in no way affects the LMSA's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.4 The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is

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precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.

- 11.5 The parties agree to diligently and in good faith pursue informal negotiations to resolve any disputes arising out of this Consent Order prior to resorting to judicial enforcement. Such negotiations shall proceed in a timely manner.
- 11.6 Nothing in this Consent Order is or shall be considered to affect any liability the LMSA may have for natural resource damages caused by the LMSA's ownership and/or operation of the Facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.7 In the event the LMSA sells or transfers the Facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the LMSA shall also notify the WRD, Cadillac District Office supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD, Cadillac District Office supervisor within 30 days of assuming the obligations of this Consent Order.
- 11.8 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.9 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.
- 11.10 The effective date of this Consent Order is the date it is signed by the director of the WRD.

XII. TERMINATION

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12.1 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by EGLE. Prior to issuance of a written TN, the LMSA shall submit a request consisting of a written certification that the LMSA has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. A suggested form for providing the required written certification is appended as **Exhibit D** of this Consent Order. Specifically, an acceptable certification shall include:

- a. The date of compliance with each provision of the compliance program in Section III of this Consent Order, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the WRD, Cadillac District Office supervisor.
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the Facility.

EGLE may also request additional relevant information. EGLE shall not unreasonably withhold issuance of a TN.

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Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Teresa Seidel, Director
Water Resources Division

Date

LAKE MITCHELL SEWER AUTHORITY

By: Robert Hilty
Title: Chairman

Date

APPROVED AS TO FORM:

By: Neil D. Gordan, Assistant Attorney General
For: Robert P. Reichel, Division Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Date

Exhibit A

Lake Mitchell Sewer Authority (LMSA) Sanitary Sewer Overflows (SSO)

Date	SSO Location	SSO Cause	Volume (gals) - Impact
May 23, 2017	Pump Station 1B	Heavy rains (1.5 inches over 2 hours)*, wet weather flow, and power outage	5,000 – Land and wetland
July 13, 2017	Pump Station 1B	Heavy rains (1.5 inches over 2 hours)*, wet weather flow	8,000 - Land and wetland
August 11, 2017	<i>EGLE issues Violation Notice (VN) VN-007294</i>		
Sept. 24, 2017	Grinder Station 16B	Broken discharge line	1,000 - Land
October 23, 2017	Pump Station 1B	Heavy rains (2.5 inches)*, wet weather flow	41,000 – Land and wetland
July 13, 2018	<i>EGLE letter requesting additional action and Asset Management Plan (AMP)</i>		
July 20, 2019	Pump Station 1A	Electrical problem	50 - Land
Sept. 1, 2019	Grinder Station 4A	Pump malfunction due to wipes and grease	25 - Land
October 26, 2019	Grinder Station 10A	Electrical problem	25 - Land
October 30, 2019	Grinder Station 57B	Cracked discharge line	900 - Land
Feb. 22, 2020	Grinder Station 53A	Broken discharge line	600 - Land
March 10, 2020	<i>EGLE issues Compliance Communication (CC) CC-002514</i>		
May 18, 2020	Pump Station 1B	Heavy rains (3.74 inches over 2 days)*, wet weather flow	1,325 – Land and wetland
June 3, 2020	Grinder Station 27A	Electrical problem	300 - Land
July 16, 2020	Grinder Station 44A	Wipes binding pump	40 - Land
July 19, 2020	Grinder Station 32A	Wipes binding pump	50 - Land
Dec. 13, 2020	Pump Station 2A	Electrical problem, only one pump operational due to piping deterioration	200 - Land
April 19, 2021	Grinder Station 9A	Electrical problem	10 - Land
May 11, 2021	Grinder Station 15C	Leak during valve and line repair	30 - Land
August 3, 2021	<i>EGLE issues VN-011933</i>		
August 10, 2021	Pump Station 1B	Heavy rains*	300 – Land and wetland

August 11, 2021	Pump Station 1A	Surge of flow after power outage ended combined with inflow*	200 - Land
August 11, 2021	Grinder Station 44A	Power outage combined with continued water use/wastewater flow from homes with generators combined with inflow*	400 - Land
August 11, 2021	Pump Station 2B	Surge of flow after power outage ended	500 - Land
August 11, 2021	Pump Station 1B	Surge of flow after power outage ended	2,500 – Land and wetland
Dec. 21, 2021	<i>EGLE issues Second Violation Notice and Enforcement Notice</i>		
January 21, 2022	Grinder Station 40B	Cracked discharge line	100 – Land
March 2, 2022	Across the road from 143 Davidsen Ave	Electric company drove guy wire anchor through gravity line	800 - Land
April 11, 2022	Grinder Station 32B	Broken discharge line	250 – Land
April 14, 2022	Force main near 1870 East Lake Mitchell Drive and Grinder Station 32B	Force main damaged during nearby construction work	1,350 - Land

*Rainfall amounts included in the above table were reported by LMSA on SSO reports. Based on SSO reports and independent review of local weather station data it did not appear that the SSOs were caused by rain exceeding the 25-year, 24-hour storm event.

Exhibit B

Activities Completed or Proposed by the Lake Mitchell Sewer Authority

Goal	Task	Status
Prevent future SSOs from Pump Station 1B	Smoke tested homes and grinder stations contributing to Station 1B (approximately 200+ homes and 50 grinder stations) Monitored run times (flow) of select stations	Completed 2017
	Identified 91 priority homes that may be sources of inflow	
	Notice sent to homeowners regarding illegal connections (sump pumps, foundation drains, other sources of clean water)	Completed 2017
	Station alarms reprogrammed and emergency procedures modified to improve response times	Completed 2017
Identify and Eliminate Inflow	Inspected station rim elevations Identified 22 high-priority stations subject to inflow from surface flooding Extended/raised the rim elevations of the 22 high priority stations	Completed 2019
	Modify township sewer ordinances to allow for enforcement related to illegal connections and to allow for inspections	LMSA regulations amended December 9, 2020
	Inspect 91 high priority homes identified as potential sources of inflow during 2017 testing and monitoring	Inspection program developed and posted on LMSA website, 91 high priority homes plus and additional 102 homes were inspected in 2020

	Smoke test additional grinder stations (total of 205 grinder stations in system, approximately 50 tested in 2017)	To complete testing of approximately 50 stations per year from 2021 through 2024 or complete during grinder station replacement project (2021-2022). 2021 inspections scheduled for October/November
	Extend/raise the rim elevations of other grinder stations (as required)	Complete during grinder station replacement project (2021-2022), A total of 54 rims raised in 2018-2020 (including the 22 high priority stations identified above)
	Inspect remaining homes (approximately 887-91 = 796 homes)	To complete a % each year starting in 2021 through 2024, 150 home inspections planned for fall of 2021
	Eliminate illegal connections and/or verify illegal connections eliminated	To complete a % each year starting in 2021 through 2025, illegal connections (~12) found during 2020 inspections removed and homes re-inspected
Address Aging Infrastructure and Future Operation and Maintenance	User rate increase to approximately \$250 per quarter	Completed 2018 to 2021
	Apply for EGLE Part 41 application for pump station 1A and 2A upgrades	Application sent to EGLE August 2019 and permit approved in January 2020

	<p>Apply for Rural Development funding for grinder station replacement project (project to include permanent generators for pump stations)</p>	<p>Completed 2020 Part 41 application for project submitted to EGLE in May 2021, project anticipated to bid in winter of 2022</p>
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MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT FOR CONSTRUCTION OF WASTEWATER SYSTEMS

SITE NAME:	Lake Mitchell Sewer Authority (former Wexford Co DPW) CM
PERMITEE CONTACT NAME:	Bob Hilty
PERMITEE CONTACT PHONE NUMBER:	231-775-0155
PERMITEE CONTACT EMAIL:	hilty904@acegroup.cc
SITE COUNTY:	Wexford

PERMIT NUMBER:	P41003590 v. 1
PERMIT ISSUED DATE:	February 4, 2022
ISSUED TO:	Lake Mitchell Sewer Authority
PROJECT NAME:	Wastewater Collection System Improvements, Contracts 1 and 2
PROJECT LOCATION:	Selma Township, Cherry Grove Township, and Clam Lake Township

APPLICATION SUBMISSION NUMBER: HP8-B7G9-DY10E

REQUIRED NOTIFICATIONS: The permittee shall provide Startup Notification (just prior to excavation) and Completion Notification (upon completion of the project) per the permit schedules in MiWaters.

**ISSUED UNDER THE AUTHORITY OF THE DIRECTOR
OF THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)**

Issued By:

Insert Signature 
Name Donal Brady, P.E. Title Environmental Engineer

Reviewed By:

Insert Signature 
Name Donal Brady, P.E. Title Environmental Engineer

cc: District Health Department #10
cc/enc: Wade Trim (plans and specifications)

GENERAL PERMIT CONDITIONS

- a. This **PERMIT** only authorizes the construction, alteration, addition, or improvement of the wastewater system as described herein and is issued solely under the authority of Part 41 of Act 451.
- b. Issuance of this **PERMIT** does not authorize any violation of federal, state, or local laws or regulations, nor does it obviate the need to obtain other permits or approvals from EGLE or other units of government as may be required by law.
- c. This **PERMIT** expires two (2) years after the above date of issuance unless construction starts prior to the expiration date in accordance with R 299.2939(2) of the Part 41 Administrative Rules.
- d. Any portion of the herein described facilities constructed prior to the date of issuance is not authorized by this **PERMIT** and is a violation of Act 451.
- e. No sewer shall be placed into service unless and until the outlet sewer has been constructed, tested, and placed into service.
- f. Failure to meet any condition of this **PERMIT** or any requirement of Act 451 constitutes a violation of Act 451.
- g. The applicant must provide notice of impending construction to public utilities and comply with the requirements of the Underground Facility Damage Prevention and Safety Act, PA 174 of 2013, as amended (MISS DIG).
- h. All earth changing activities must be conducted in accordance with Part 91, Soil Erosion and Sedimentation Control, of Act 451.
- i. All construction activity, including groundwater dewatering, impacting wetlands shall be conducted in accordance with Part 303, Wetlands Protection, of Act 451.
- j. If water withdrawal, via dewatering activities, is associated with this project, authorization under Part 327 is required for new or increased large quantity withdrawals over 100,000 gallons per day. A Part 327 permit is required for new or increased large quantity withdrawals over 2,000,000 gallons per day.

SPECIAL PERMIT CONDITIONS

1. The construction of the Lake Mitchell Sewer Authority (LMSA) Wastewater Collection System Improvements, Contracts 1 and 2 project, authorized by this PERMIT, shall be in accordance with: the PLANS and SPECIFICATIONS, received by EGLE via MiWaters on May 19, 2021; the revised Sheet 4 for the Contract 1 PLANS, received via email on January 11, 2022; the revised Contract 2 PLANS received via email on January 11, 2022; and the Contract 2 SPECIFICATIONS sections 26 3213 and 26 3623 received via email on January 11, 2022. These PLANS and SPECIFICATIONS are attached to this PERMIT.
2. Any changes to the construction of the sanitary sewer facilities authorized and described by this PERMIT, shown on the PLANS, and described in the SPECIFICATIONS, must be approved by the WRD, Cadillac District office. Changes requiring WRD approval include, but are not limited to, replacement or installation of new pump station wet wells, new pump station valve chambers, or new grinder station wet wells.
3. The following supplement or correct the PLANS and SPECIFICATIONS.
 - A. Each grinder station serving more than one home or building will be equipped with two pumps.
 - B. New pump station control panels, electrical distribution/service/switch panels, generator enclosures, wet well hatches, and valve chamber hatches shall be locked.
 - C. Grinder station control panels, electrical distribution/service/switch panels, and newly installed grinder station covers shall be locked.
 - D. Hour meters shall be provided for each pump station (stations 1A, 2A, 1C, 2C, 3C, 4C, and 5C) and each grinder station.
 - E. New pump station pumps shall be equipped with seal failure alarms.
 - F. Lag pump running shall be an alarm condition for each pump station (stations 1A, 2A, 1C, 2C, 3C, 4C, and 5C) remotely transmitted to operation staff.

- G. Loss of line power shall be an alarm condition for each pump station, remotely transmitted to operations staff. Generator low oil pressure, high temperature, and other generator faults shall be alarm conditions for each station and will be remotely transmitted to operations staff.
 - H. Pump station metal wastewater piping and valves shall be painted or coated with corrosion resistant materials suitable for sanitary sewer system applications.
 - I. The sections of the existing pump station force main modified for bypass pumping and then restored for normal operation will be visually leak tested for a period of one hour (of normal operation) before being covered with backfill.
 - J. Grinder station discharge piping, inside and outside of the grinder stations, shall have a wall thickness equivalent to or exceeding the thickness of SDR 21 pipe.
4. All new pump and grinder station electrical components shall be rated and fully compliant for use in National Electric Code (NEC) Class 1, Division 1, Group D locations (i.e. shall be explosion proof and/or intrinsically safe per the NEC).
- A. All wiring, cable, and conduit in the stations shall fully comply with NEC requirements for Class 1, Division 1, Group D locations.
 - B. Gas-tight conduit seals shall be provided, per NEC requirements, between the stations and control panel for all conduit, cable, and wiring.
 - C. If any junction box will be used either inside the stations or on the hazard side of a gas-tight conduit seal, then that junction box (and its associated internal connectors, connections, wiring, components, etc.) shall be explosion proof and rated for NEC Class 1, Division 1, Group D locations. Placement of junction boxes relative to gas-tight conduit seals shall be in accordance with NEC requirements.
 - D. When a junction box is either inside or exposed to the NEC Class 1, Division 1, Group D hazardous location, the electrical designer shall certify to EGLE in writing that the junction box type and its location/placement complies with the NEC for Class 1, Division 1, Group D locations. The certification(s) shall be provided to the EGLE, WRD along with the as-builts required by condition #10 below.
5. The LMSA shall notify the WRD at BradyD6@michigan.gov of any existing potable water supply wells, identified during project construction, that are within 10 horizontal feet of LMSA gravity sanitary sewer mains or within 50 feet of LMSA pressure sanitary sewer mains.
6. The LMSA shall notify the WRD at BradyD6@michigan.gov of any existing LMSA sanitary sewer mains, grinder stations, or pump stations identified during project construction to be outside existing LMSA/Township easements or rights-of-way.
7. During the project, when the existing pump station pumps are removed, the LMSA shall determine and record the pump tag information for pump stations 1A, 2A, and 1C to 5C. The LMSA shall obtain the manufacturer pump performance curves corresponding to actual pumps/pump tags. The pump tag information and performance curves shall be forwarded to WRD at BradyD6@michigan.gov.
8. It is the responsibility of the LMSA and/or the LMSA's contractors to properly comply with other state or local codes and standards governing the installation of sanitary sewer system equipment and construction of sanitary sewer system components. The WRD expects the LMSA and/or the LMSA's contractors to work with other state and local authorities to ensure the sanitary sewer system installation/construction is in accordance with the other applicable state or local codes and standards, including but not limited to the following: electric (including the National Electric Code and the National Fire Protection Association standard 820), mechanical, plumbing, flammable/combustible liquids, building and fire codes, and worker safety.

9. The LMSA shall provide the following information to the WRD at BradyD6@michigan.gov upon receipt of the information from the construction contractors.
 - A. Details or cut sheets for grinder station check valves.
 - B. Details or cut sheets for new grinder station covers.

10. Within 6 months of project construction completion, the LMSA shall provide the following to the WRD at BradyD6@michigan.gov.
 - A. As-built or record drawings. The as-built drawings shall show any fittings/appurtenances installed for bypass pumping that were not removed.

FACILITIES DESCRIPTION

Rehabilitation of seven (7) existing submersible pump stations (stations 1A, 2A, 1C, 2C, 3C, 4C, and 5C), each with two (2) new submersible pumps, slide rails, station piping, controls, lining existing wet wells with Spectra Shield concrete lining system (or similar system), and new valve vault piping and valves. Each station will have an emergency generator for back-up power. The proposed design points of all stations are the same as the original design points of the existing stations. The design point for Station 1A is 170 gpm at a TDH of 65'. The design point for Station 2A is 96 gpm at a TDH of 55'. The design point for Station 1C is 198 gpm at a TDH of 44'. The design point of Station 2C is 153 gpm at a TDH of 60'. The design point of Station 3C is 130 gpm at a TDH of 29'. The design point of Station 4C is 112 gpm at a TDH of 27'. The design point of Station 5C is 74 gpm at a TDH of 39'. Station 1A is located on the east side of the intersection of West Lake Mitchell Drive and Peninsula Drive. Station 2A is located along the west side of South Lake Drive approximately 1400-feet southeast of the intersection of South Lake Drive and West Lake Mitchell Drive. Station 1C is located on the south side of Locust Lane, approximately 100-feet west of the east intersection of Locust Lane and M-55. Station 2C is located on the north side of E. 40 1/2 Road, approximately 300-feet northwest of the intersection with M-55. Station 3C is located on the south side of E. 40 1/2 Road, approximately 320-feet east of the intersection with 33 1/2 Road. Station 4C is located at the intersection of 33 1/2 Road and Flora Avenue, on the northwest side of the intersection. Station 5C is located along Birch Drive, 330-feet east of the intersection with Woodland Drive.

The project also involves installation of emergency generators for stations 1B and 2B.

The project also involves the rehabilitation of 205 existing grinder pump stations, each with new grinder pumps, station covers, access hatches, slide rails, station piping, controls and panels, electric service entrance panels, ball valves, and check valves. New redundant check valves are also proposed near the connection of the service leads to the force main, along with new curb stops and boxes. The proposed design conditions match that of the original system design as discussed with EGLE.



Exhibit D

Michigan Department of Environment, Great Lakes, and Energy
Water Resources Division

ADMINISTRATIVE CONSENT ORDER TERMINATION REQUEST

The completion of this form is voluntary and is intended to be used as guidance for persons that are eligible to request EGLE to issue a Termination Notice of their Administrative Consent Order (ACO). However, it may not be relied upon as being legally sufficient to cover all potential issues related to the specific requirements of the ACO. EGLE does not assume any liability for the use of this document and encourages the user to seek independent legal advice before using this form to draft its certification and request for Termination of its ACO.

PLEASE TYPE OR PRINT

1. ACO	ADMINISTRATIVE CONSENT ORDER NUMBER:		
2. Facility Owner or Legally Authorized Representative	Facility Owner/Legally Authorized Representative Who Signed the ACO:		
	Address:	Address 2 or P.O. Box:	
	City:	State:	Zip Code:
	Telephone:	Fax:	E-mail address:
3. Compliance Section	<p><i>Summarize each completed requirement in the Compliance Section of the ACO give the completion date. Please use additional sheets if necessary:</i></p>		



Exhibit D

Michigan Department of Environment, Great Lakes, and Energy
Water Resources Division

ADMINISTRATIVE CONSENT ORDER TERMINATION REQUEST

3. Certification	<p>I, enter the name of owner or legally authorized representative, hereby certify that each requirement of the ACO that was entered into with the Department of Environment, Great Lakes, and Energy (EGLE) on enter the date has been complied with and completed including paying all money required by the ACO including but not limited to costs, civil fines, stipulated fines and fees. I also certify that all information that I am required to report to EGLE, enter District Office District Office Supervisor has been reported and that all records I am required to maintain pursuant to the ACO are being maintained at the facility (or other location as specified in Section 12 of the ACO). I hereby request that EGLE issue a Termination Notice, formally terminating the ACO in recognition of the resolution of the matters therein. I certify under penalty of law that this certification is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of a fine for having knowledge of violations and certifying that there are none.</p> <p>Print Name _____ Title _____</p> <p>Signature _____ Date _____</p>
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Please mail this completed form to EGLE, Water Resources Division, District Office that is listed in Section III of the ACO the Owner/Legally Responsible Representative entered into with EGLE. Addresses for the district offices are listed below.

Bay City District Office
401 Ketchum Street, Suite B
Bay City, Michigan 48708

Jackson District Office
301 E. Louis Glick Highway
Jackson, Michigan 49201-1556

Cadillac District Office
120 West Chapin Street
Cadillac, Michigan 49601-2158

Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5026

Gaylord District Office
2100 West M-32
Gaylord, Michigan 49735-9282

Lansing District Office
525 West Allegan Street (Constitution Hall, 1S)
P.O. Box 30242
Lansing, Michigan 48909-7742

Grand Rapids District Office
State Office Building, 5th Floor
350 Ottawa Avenue NW, Unit 10
Grand Rapids, Michigan 49503-2341

Marquette District Office
1504 West Washington Street
Marquette, Michigan 49855

Warren District Office
27700 Donald Court
Warren, Michigan 48092-2793