STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SURFACE WATER QUALITY DIVISION

In the matter of administrative proceedings against:

ACO-SW02-030
Date Entered: 1-9-2004

City of Lansing
124 West Michigan Avenue
Lansing, Michigan 48933

ADMINISTRATIVE CONSENT ORDER

This enforcement action results from allegations by the Water Division (WD) of the Department of Environmental Quality ("DEQ"). The DEQ alleges that the City of Lansing ("Lansing"), which owns and operates the Lansing Wastewater Treatment Plant located at 1625 Sunset Avenue, Lansing, County of Ingham, State of Michigan, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.3101 et seq.; and the rules promulgated under Part 31. Lansing and the DEQ agree to resolve the violations set forth in the Findings section of this Consent Order and to terminate this enforcement action by entry of this Consent Order.

I. STIPULATIONS

Lansing and the DEQ stipulate as follows:

1.1 The Natural Resources and Environmental Protection Act, 1994 PA 451, ("NREPA"), MCL 324.101 et seq is an act that controls pollution to protect the environment and natural resources in the State.

1.2 Article II, Pollution Control, Part 31, Water Resources Protection, of NREPA ("Part 31"), MCL 324.3101 et seq, and rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the State.

1.3 Section 3109 (1) of Part 31 states: "A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to: the public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters; to the value or utility of riparian

2.10 Lansing conducts project performance certification (PPC) flow monitoring in areas separated by the Combined Sewer Overflow (CSO) Control Program. This monitoring is used to project the performance of the newly separated system during the design rainfall condition. If the PPC projection shows that the system will operate during a 25-year, 24-hour storm during the growing season, without causing basement backups or SSOs, the performance is determined to be acceptable. To date, PPC projections have found that performance in the CSO separation areas is acceptable through Phase II, Segment 4 (CSO Subarea 022 West). Project performance flow monitoring has begun as of fall 2002 for Phase III, Segments 1 and 2, Northeast Interceptor and Red Cedar areas G/H and K.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT Lansing will take the following actions to prevent violations of Part 31 of NREPA:

3.1 **Design Criteria** - SSO's must be prevented for collection, storage and treatment of flows generated during any rainfall event less than or equal to a 25-year event occurring during the growth season and for normal soil moisture conditions. The growth season is defined as the period from May 1 to October 31. The dormant season is defined as the period from November 1 through April 30. Attachment A provides the 25-year rainfall depth–duration curve as defined in Bulletin 71, Rainfall Atlas of the Midwest, for Ingham County Michigan.

3.2 Lansing shall continue with its short-term investigation of inflow and infiltration (I/I) problem areas of the sewer system. A work plan for these Investigations shall be submitted for Department approval by within 60 days of the execution date of this ACO

3.3 Lansing shall submit to the DEQ an approvable work plan to address short-term SSO control measures in the SLI and TRPS areas. Upon approval, the work plan shall be incorporated into this ACO by reference. Lansing shall complete construction of short-term SSO control measures in the SLI and TRPS areas by November 30, 2005.

Attachment A.

25-Year Rainfall Interval Frequency Data for Ingham County, Michigan (Bulletin 71)

INCHES OF RAIN	DURATION (HR.)	(MIN.)	(DAYS)
0.49	0.083	5	
0.86	0.17	10	
1.10	0.25	15	
1.51	0.5	30	
1.92	1	60	
2.37	2		
2.62	3		
3.07	6		
3.56	12		
3.84	18		
4.09	24		1
4.50	48		2
4.95	72		3
5.57	120		5
6.81	240		10