

From: [Busch, Stephen \(DEQ\)](#)
To: [Craig, John \(DEQ\)](#)
Cc: [Prybyl, Mike \(DEQ\)](#); [Benzie, Richard \(DEQ\)](#); [Monosmith, Carrie \(DEQ\)](#)
Subject: Re: Bray Road
Date: Tuesday, February 04, 2014 1:06:06 PM
Importance: High

John,

My understanding is that the Bray Road lagoon facility would have been created in the mid 1960's, if not earlier, as part of the original water treatment plant construction. Obviously this predates most of our modern environmental regs like the clean water act, and I'm not as familiar with what requirements would have been part of Act 98 or the old water resources commission.

The authorization for disposal comes in a general form, from the issuance of a construction permit under Act 399, or back then Act 98. The issues related to operation of the facility and management of sludge accumulations within the lagoon are handled through the inspection (sanitary survey) process by staff in the drinking water program. Limited ability to handle the waste produced would be a limitation on the system capacity. However, I would say a thorough review of the wasting process at most drinking water treatment plants rarely occurs, given the greater focus the drinking water treatment process and protection of public health during the inspections.

We do have some more recent, late 1990's/early 2000's, records relating to Bray Road but I'm not sure we (DEQ or Record Center) have documents related to the original construction. That would probably need to be obtained from any historical City of Flint records.

In my recent discussions with the City regarding Bray Road, we took the position that the facility has fallen into a dilapidated condition which no longer meets the standards of its original construction and therefore no longer falls under the purview of a 2210 discharge without permit R323.2210, subrule (o), and any further discharge would be in violation of the Part 22 Rules. In order for the City to regain the ability to discharge without permit under 2210, the City would need to obtain an Act 399 Construction Permit for reconstruction of the facility, and they have retained an engineering consultant to do just that.

I hope that helps but let us know if you still have questions.

Regarding the ACO, I worked on portions of Section 3, Compliance Program, with Jim, but did not see the rest of the draft order. There are some other issues regarding the language in Section 2, Finding, that should be addressed before ODWMA gives any blessing to the order.

Stephen Busch, P.E.
Lansing and Jackson District Supervisor
Office of Drinking Water and Municipal Assistance
MDEQ
517-643-2314

From: Craig, John (DEQ)
Sent: Monday, February 03, 2014 4:30 PM

To: Arduin, Jim (DEQ)
Subject: Bray Road
Importance: High

Jim, I have a some questions that you may need to talk with Steve Busch about. I need this information to complete the review of the draft consent order.

1. What historical authorization, if any, did the City of Flint have to place the lime from its water treatment plant at the Bray Road site?
2. What conditions in the authorization, if any, require the City of Flint to remove the historically-placed lime for disposal or authorized use? If the authorization is in the form of a permit or other written authorization, identify the document by name and date issued or entered, and provide a copy of the document. If the authorization is by statute or administrative rule, cite the section(s) or rule number(s) giving the authorization and any conditions regarding the ultimate management (i.e., disposal or authorized use) of the water treatment residuals (i.e., lime).

Thanks. John