

Rennaker, Joanne (DEQ)

From: Arduin, Jim (DEQ)
Sent: Friday, March 14, 2014 11:06 AM
To: Busch, Stephen (DEQ)
Subject: FW: Bray road consent order
Attachments: SGR5COPIER14031408250.pdf

Steve,

You may want to look at the Statement of Purpose section to see if you can live with Mike's proposed changes.

Jim

James Arduin
Senior Geologist
Michigan Department of Environmental Quality
Office of Waste Management and Radiological Protection
(517) 284-6652

From: Robinson, Michael [<mailto:MRobinson@wnj.com>]
Sent: Friday, March 14, 2014 8:28 AM
To: Arduin, Jim (DEQ); Brim, Richard (DEQ)
Subject: Bray road consent order

Here is the draft consent order with the City's comments. Jim, I will call you in about 20 minutes. You should focus on Sections 1-3.

Privileged and Confidential Settlement Communication

This document is for the purpose of settlement and is subject to the privilege that applies to communications made in settlement negotiations. It is provided solely for the consideration and use of the intended recipient(s), their principals, and their legal counsel. It should not be disclosed to any other person without the express consent of the Department of Environmental Quality.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION

In the matter of the
administrative proceedings against
City of Flint, doing business at
5200 Bray Road, Genesee Township,
Genesee County, Michigan

OWMRP Order No. 115-____ - ____

CONSENT ORDER

*had unauthorized water
discharges*

This proceeding results from unresolved allegations specified in the Letters of Warning, (LOWs) issued on April 9, 2001, and February 14, 2002, and Compliance Communications, dated April 15, 1997, April 19, 2002, September 8, 2003, October 28, 2003 and January 18, 2011, by the Department of Environmental Quality ("DEQ"). (Attachment 1). The DEQ, Office of Waste Management and Radiological Protection ("OWMRP") alleges that the city of Flint ("Respondent") at 5200 Bray Road, Genesee Township, Genesee County, Michigan (the "Site"), placed or allowed the placement of solid waste in an Open Dump at the Site,

abandoned solid waste in place of other disposal in an Open Dump at the Site, or otherwise

violated ~~engaged in the disposal of solid waste at the Site in violation of Part 115, Solid Waste~~ *and 31*

Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Michigan Compiled Laws ("MCL") 324.101 *et seq.* ("NREPA"), and the administrative rules promulgated under Part 115. The Respondent and the DEQ agree to resolve the alleged violations set forth in the above-referenced LOWs and Compliance Communications by entry of this Consent Order.

and 31.

*and in this
Consent Order*

STATEMENT OF PURPOSE

In entering into this Consent Order, the mutual objectives of the Respondent and the DEQ are to address the Open Dump created at the Site, eliminate the surface water discharge from the Site to the Cornwell Drain, ~~and~~ allow the Respondent to reconstruct the system used to manage drinking water treatment plant (WTP) residuals at the Site, *and to continue to manage lime residuals from the WTP at the Site.*