
From: London, Bob (DEQ)
Sent: Thursday, November 13, 2014 4:20 PM
To: Mike Glowinski (michael.glowinski@unitedwater.com)
Cc: Bloemker, Jon (DEQ); Shekter Smith, Liane (DEQ)
Subject: FW: Discontinuation of Service

Mike,

I forwarded your question to Jon Bloemker. His response is shown below. He asked me to forward it to you. The bottom line is that there are no provisions in the SDWA or Administrative Rules that specifically authorize DEQ to require the City to continue water service. There is a more general provision in the Act that could be construed to grant us authority if we deemed the termination of water service to be a public health threat.

Bob London

From: Bloemker, Jon (DEQ)
Sent: Thursday, November 13, 2014 9:33 AM
To: London, Bob (DEQ)
Cc: Shekter Smith, Liane (DEQ)
Subject: RE: Discontinuation of Service

Bob:

There is nothing in Michigan Safe Drinking Water Act granting the DEQ the authority to mandate the city continue water service to the township. However, a liberal reading of §325.1015 (3) may be construed that the department may issue an emergency order with or without hearing to protect public health. If the situation degrades to the point where the city is about to turn the valve off to the township, the DEQ administration and/or politicians want to employ this clause or other legal remedies to protect public health. For the most part, the issues between the city and township are contractual and political disputes, which are best handled by the court system. A better solution would require both sides to be reasonable and reach a more equitable temporary and preferably a permanent solution.

Please keep in mind the disputes between DWSD and the most of S.E. Michigan. Numerous threats were made by both sides. One of the tools used was the capacity assessment requirements. Even with the Flint and Genesee County dispute with DWSD, a temporary fix was reached between the county and Detroit. Unfortunately for the township, we would be asking them about their plans to provide a reliable source of water to their customers under our capacity development clauses.

I attempted to call Liane Shekter Smith yesterday about this issue and finally made contact a few minutes ago. She will bring our administration up to date.

Jon

From: London, Bob (DEQ)
Sent: Thursday, November 13, 2014 8:44 AM
To: Bloemker, Jon (DEQ)
Subject: FW: Discontinuation of Service

This is a political/sensitive issue. Also, you have more history with this system than I do. Could you respond to Mike or point me in the right direction?

Bob London

From: Glowinski, Michael [<mailto:Michael.Glowinski@UnitedWater.com>]

Sent: Thursday, November 13, 2014 8:37 AM

To: London, Bob (DEQ)

Subject: Discontinuation of Service

Hi Bob

You are aware that the City of Alpena is involved in legal action against Alpena Township related to their refusal to pay the water and sewer rate increases. In the Township's Requests for Admissions, they assert that the City has voluntarily continued to provide water service to them even though they refuse to pay imposed rate increase. In the past we have had guidance from the MDEQ that water service cannot be discontinued to the Township as this would be a criminal offense. Please know that we would never advise the city to take such action which would clearly compromise public health.

The City Attorney has asked that I find out what statute or law gives the MDEQ the authority to take legal action against the City if service to Alpena Township was shut off. Any guidance that you could provide would be appreciated.

Thanks,

Mike Glowinski
Operations Manager

UNITED WATER
210 Harbor Drive
Alpena, MI 49707
Ph: 989-354-1401
Fax: 989-354-8472



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