

Alliance of Downriver Watersheds

DRAFT Meeting Notes

January 22, 2009 9:30 am



Allen Park
Belleville
Berlin Township
Brownstown Township
Dearborn Heights
Ecorse
Flat Rock
Gibraltar
Grosse Ile Township
Huron Township
Inkster
Lincoln Park
Melvindale
Riverview
Rockwood
Romulus
Southgate
South Rockwood
Sumpter Township
Taylor
Van Buren Township
Wayne County
Wayne County
 Airport Authority
Westland
Woodhaven
Woodhaven-Brownstown
 School District
Wyandotte

- 1) Welcome: Craig Lyon from the City of Taylor opened the meeting.
In attendance were:

Designated or Alternate Community Representative:

- Mark Gahry, Brownstown Township
- James Gorris, City of Gibraltar
- Kurt Heise, WCDOE
- Mark Kowalewski, City of Wyandotte
- Rick Lang, City of Allen Park
- Craig Lyon, City of Taylor
- Roy Schrameck, City of Rockwood
- Bryan Wagoner, Wayne County Airport Authority
- Tim Walsh, Village of South Rockwood
- Tom Wilson, City of Romulus
- Eric Witte, City of Melvindale
- Brent Florek, Grosse Ile Township (alternate)
- Mark Gaworecki, S. Rockwood (alternate)
- Noel Mullett, WCDOE (alternate)

Other Interested Parties:

- Jack Franzil, Dearborn Heights
- Rick Miner, METCO Services for Sumpter
- Dan Brooks, Wade Trim for Dearborn Heights
- Robert Burns, Friends of Detroit River
- Ric Lawson, HRWC
- Patrick McCauley, Giarmarco, Mullins, & Horton, for Taylor and Dearborn Heights
- Kelly McRobb-Ackland, Wade Trim for Allen Park
- Vicki Putala, OHM
- Michelle LaRose, OHM for Huron Township
- Betsy Nightingale, MDEQ

OFFICIAL ACTIONS of the ADW taken at the meeting are shown in bold capitalized letters. *Action Items* for the future are shown in bold italics.

1) **Welcome and Introductions**

- a. Role Call of Alliance Members and Alternates Present – role call was performed and a quorum was present.
- b. Addition or Changes to Draft Agenda – there were no proposed changes to the agenda
- c. Approval of October 8, 2008 meeting notes – **ACTION:** there was a motion by Brownstown to accept the October 8, 2008 meeting notes. The motion was 2nd by Rockwood. Passed unanimously.
- d. Election of New Officers
 - Elections are supposed to occur in January but it was suggested to postpone until the next meeting. Anyone who is interested in an officer position (Chair, Vice-Chair, Secretary, Treasurer) or would like to nominate someone should contact Vicki Putala or Michelle LaRose.
 - **ACTION:** There was a motion by Brownstown to postpone election of officers until the next ADW meeting. The motion was 2nd by Allen Park. Passed unanimously.
- e. ADW Officers meeting
 - The bylaws state that the ADW should be adopting the budget annually, but it has been done on a bi-annual basis, which seems to be working for the group. If the group wants to continue doing it this way, it may be beneficial to modify the bylaws to reflect it.
 - The contract for facilitation services is coming to an end. The ADW Officers can choose to extend the existing contract or send out a RFP.
 - Wayne County is interested in continuing as fiduciary, but there is some required paperwork to make that happen.
 - **ACTION:** A motion was made by Gibraltar to schedule the ADW Officers meeting to discuss the above items. The motion was 2nd by Grosse Ile. Passed unanimously.
 - *Craig Lyon will schedule the ADW Officers meeting.*

2) **ADW Budget Status**

- a. Current Status of Total ADW Budget
 - A handout with the budget status was distributed.
 - The IDEP and PEP are in good shape. The Progress Evaluation task is getting close to reaching the budget. The facilitation services budget is not in good shape.
 - The current budget is scheduled through May 2009, and the grant extends through November 2009. It needs to be determined how to handle the transition. This will be discussed at the upcoming Officers meeting.
- b. Status of Facilitation Services Budget
 - A handout was provided showing the status of the current facilitation budget. The handout summarizes the effort to date, estimated effort to complete through the end of April, and additional budget required.
 - A suggestion was made for OHM to put together a proposal for the additional requested amount.

- Patrick McCauley stated that continuation of the contested case requires technical advice beyond that which the attorneys can provide.
 - Eric Witte, Melvindale, raised the question of what value the consultants can bring to the contested case.
 - Kurt Heise, Wayne County, stated that a lot of technical work was already done by Wayne County and the Jim Ridgeway of the ARC. The issues have been laid out and presented to MDEQ.
 - Betsy Nightingale stated that the MDEQ is looking for specific alternative options the ADW and ARC want to pursue. It is unclear if the existing work that was done includes enough detail to satisfy the MDEQ. The MDEQ needs to know specifically how alternatives would be implemented, who would be involved, etc.
 - Vicki Putala stated that she envisioned OHM would work with Patrick McCauley to review legal documents and make sure they are technically accurate. OHM could also help to determine how ADW is complying with the current permit and putting the activities into alternative options for the MDEQ.
 - Bryon Wagoner, WCAA, asked if we are wasting our time developing alternatives if the MDEQ is not going to approve them.
 - Patrick McCauley stated that everyone at the January 6th meeting agreed to bring back alternatives for review, which was reported to the Administrative Law Judge.
 - Charlie Dunn and Beth Kudla will be meeting to discuss how the ADW can collaborate with the ARC.
 - There was extensive discussion at the Tech/PE meeting about handling the overages in the facilitation services budget. The Tech/PE committee proposed to take unused funds from the watershed specific funding of the CDR and EC to cover the additional costs.
 - **ACTION:** A motion was made by Melvindale to approve a budget amendment of \$7,419 for OHM to pay for overages in Tasks 1-5. The motion was 2nd by Brownstown. Passed unanimously.
 - **ACTION:** A motion was made by Melvindale to give authority to the ADW Officers to authorize \$5,000 to OHM for assistance with the contested case after review and approval of a proposal from OHM for such services. The proposal will be sent to all ADW members for review, and the Officers will make the final decision of approval. The motion was 2nd by Romulus. Passed unanimously.
- c. New Budget Recommendations
- New budget recommendations were discussed at the Technical/Public Education Committee meeting on January 15, 2009. The Tech/PE Committee recommended a motion to keep dues at the current assessment.
 - Invoicing will begin now so the group is ready to move forward by June 2009. Communities may pay the dues all at once or in 2 installments.
 - The Finance Committee will begin preparation of the new budget. The plan is to develop another 2-year budget and keep the framework (main budget items) as is shown in the current budget.
 - The Finance Committee will bring the new budget to the ADW for approval in May 2009.

- **ACTION:** A motion was made by Romulus to move forward with the Finance Committee meeting and development of the new budget. The motion was 2nd by Melvindale. Passed unanimously.

3) Update on Contested Permit

a. Progress Report - provided by Patrick McCauley

- Summary of January 6, 2009 meeting with the MDEQ:
 - On January 6, 2009, Patrick and 4 other attorneys met with the MDEQ. Concerns were well-received by the MDEQ.
 - The attorneys mentioned that it is unclear what is acceptable to the MDEQ, and a one-size-fits-all approach is not best for all communities.
 - The MDEQ said communities haven't focused on alternative options and/or collaborative efforts. They did acknowledge that they recognize the ADW activities to be valuable.
 - The MDEQ did not present options they thought to be acceptable, rather they asked the communities to develop this. The attorneys stated that the communities want a good faith promise from the MDEQ that the alternatives would truly be considered, that they are not wasting their time.
 - The concern was also raised that shifting gears at this point would nullify all the work done by the Watershed Alliances. The MDEQ stated that, as long as the communities can show collaborative effort and progress toward the six minimum measures, they would consider all alternatives.
 - The MDEQ was concerned that some communities were not pulling their weight. They want to audit the results of each individual community, not just the alliance.
 - The Wayne County IDEP program was mentioned as an acceptable alternative.
 - MDEQ mentioned that the following items allow alternative options: TMDL, PEP, IDEP, Post construction stormwater control, progress reporting, and SWPPI submission.
- Conclusions:
 - Alternative Options are to be submitted to MDEQ
 - There are some items that the MDEQ and communities are not likely to agree on, such as mapping of discharge points.
 - The list of alternative options is due to the MDEQ in writing by March 13. The attorneys will meet with MDEQ before the end of March to discuss, and the results will be reported back to the Administrative Law Judge.
 - ***Patrick will look into alternative options proposed by other communities in Michigan and if they were accepted or declined.***

b. Next Steps

- The Technical/Public Education Committee recommended a subcommittee from the ADW work with the ARC to develop alternative options.
- **ACTION:** A motion was made by Melvindale to form a subcommittee to work with the ARC. The motion was 2nd by Gibraltar. Passed unanimously.
- Eric Witte, Melvindale, suggested we submit a FOIA request to the MDEQ to find out if any alternatives were submitted to the MDEQ, and if/why they were denied.
- Patrick McCauley stated that Bill Creal, MDEQ, said an implementation committee was formed to evaluate what is or isn't an acceptable alternative to provide consistency.

4) **Update on CMI/319 Applications**

- Two CMI/319 applications were submitted – one for planning and one for implementation.
- Betsy Nightingale, MDEQ, stated that they are aiming to make a decision on the applications by March.
- Wayne County submitted an application for IDEP/non point source, targeting the ADW Ecorse Creek.

5) **Status Reports**

a. Monitoring

- Ric Lawson and Noel Mullett are working on analysis of the flow monitoring results. Six flow stations were installed with water level sensors, and then the data is processed.
- A handout was provided with monitoring results in the Lower Huron River watershed.
 - Woods Creek – This site had good measurements
 - Bancroft-Noles – Anything below 0.5 ft for the water level is essentially no flow. This site only has high flows after heavy rain. It may be difficult to monitor, and other sites should be considered.
- Wayne County is currently processing flow data but so far has seen high flashy flows.
- The flashiness index on the HRWC data indicates how natural the flow is. The 1st quartile is the most natural; the 4th quartile is the flashiest. This is a MDEQ classification based on statewide analysis of USGS flow data. Streams in Michigan were not as bad as they could be. As implementation and monitoring continues, the flashiness index can be monitored to see if there is improvement in the Lower Huron watershed.

b. Green Infrastructure Analysis

- Leaf-off imagery was received from Sanborn at the end of 2008. Wayne County is working on analysis of the data. Land cover is expected to be classified by the end of March, and then City Green will be used to determine impervious land cover.

c. Grow Zones

- Ten of the 11 sites are moving forward and received approval from MDEQ.
- Plant procurement is in progress and will be followed by a notification for bids.

6) **Standing Committee Reports**

a. Finance – nothing to report

b. Ecorse Creek Watershed Advisory Group – nothing to report

c. Combined Downriver Watershed Advisory Group – nothing to report

d. Lower Huron River Watershed Advisory Group

- Ric Lawson reported that the group discussed planning public education and developing a strategic plan for the Lower Huron.
- There was a recommendation from the Lower Huron group to develop an ADW-wide strategic plan targeting public education.

7) **Other Items and Announcements**

- Kurt Heise, Wayne County, reported on the following DWSD activities:
 - There is a universal settlement for the DWSD lawsuit which may result in dismissal of the 1977 case.
 - Judge Feikens is meeting with the Directors Council, which consists of

