

**NOTICE OF MEETINGS**  
**DRAINAGE BOARD FOR THE FOLLOWING DRAINS:**

1. Acacia Park CSO
2. Bloomfield Village CSO
3. George W. Kuhn Drain
4. Clinton River Water Resource Recovery Facility
5. City of Pontiac Wastewater Treatment Facility
6. Robert J. Evans Relief Drain
7. Owens Relief Drain
8. Varner Relief Drain
9. McCulloch Drain
10. Northwest Oakland Sanitary Sewer
11. Wilmont Drain
12. Evergreen-Farmington Sanitary Sewer Drain

NOTICE IS HEREBY GIVEN THAT MEETINGS OF THE DRAINAGE BOARD FOR THE ABOVE-MENTIONED DRAINS WILL COMMENCE IN THE OAKLAND COUNTY PUBLIC WORKS BUILDING, ONE PUBLIC WORKS DRIVE, WATERFORD, MICHIGAN, AND VIA **MICROSOFT TEAMS** AT 2 P.M., ON **TUESDAY, NOVEMBER 28, 2023**, TO CONDUCT NECESSARY AND APPROPRIATE BUSINESS OF THE DRAINAGE BOARDS. THOSE WHO WISH TO PARTICIPATE REMOTELY MAY FOLLOW THE INSTRUCTIONS ATTACHED TO THIS NOTICE. ALL BOARD MEMBERS WILL BE PARTICIPATING IN-PERSON.

DURING THE MEETING, THERE WILL BE AN AGENDA ITEM FOR PUBLIC COMMENT, DURING WHICH THE PUBLIC MAY PROVIDE INPUT OR ASK QUESTIONS OF THE BOARD. IN THE EVENT A MEMBER OF THE PUBLIC WOULD LIKE TO SUBMIT THEIR INPUT OR QUESTIONS TO BE READ AT THE MEETING BY THE BOARD CHAIRPERSON, PLEASE PROVIDE THE INPUT OR QUESTIONS IN WRITING TO STEPHANIE LAJDZIAK AT [LAJDZIAKS@OAKGOV.COM](mailto:LAJDZIAKS@OAKGOV.COM). PERSONS WITH DISABILITIES WHO NEED ASSISTANCE PARTICIPATING IN THE MEETING SHOULD CONTACT STEPHANIE LAJDZIAK AT [LAJDZIAKS@OAKGOV.COM](mailto:LAJDZIAKS@OAKGOV.COM).

JIM NASH  
Oakland County Water Resources Commissioner  
Telephone: 248-858-0958

Posted by: November 22, 2023

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# Microsoft Teams meeting

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**Chapter 20 Drainage Board Meeting**  
Regular Meeting – Tuesday, November 28, 2023

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**1. Acacia Park CSO**

## **AGENDA**

### **DRAINAGE BOARD FOR THE ACACIA PARK CSO DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of October 24, 2023
3. Public Comments
4. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$11,315.64
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn



**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE ACACIA PARK CSO DRAIN**

October 24, 2023

A meeting of the Drainage Board for the Acacia Park CSO Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of October 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held September 26, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

A request for approval of reimbursement of the Evergreen Farmington Fund in the amount of \$103,519.26 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the reimbursement of the Evergreen Farmington Fund in the amount of \$103,519.26.

ADOPTED: Yeas - 3  
Nays - 0

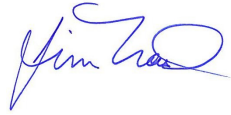
A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$34,469.61 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$34,469.61.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Jim Nash", is positioned above a horizontal line.

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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Acacia Park CSO Drain, Oakland County, Michigan, held on the 24<sup>th</sup> day of October 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Acacia Park CSO Drain Drainage District.



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Jim Nash, Chairperson

Dated: October 23, 2023

MEMO TO: Mr. Jim Nash, Chairman  
of the Drainage Board for the ACACIA PARK CSO DRAIN

FROM: Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting

*For Shawn Phelps*

DATE: November 28, 2023

SUBJECT: Request for Approval of Invoices

The following is a detail of Maintenance charges paid from the Drain Revolving Fund and Invoices  
for the period ending November 20, 2023

| G/L Date   | Ref No.          | Paid To                      | For   | Amount       |
|------------|------------------|------------------------------|---|--------------|
| 11/20/2023 | V # SINV00223547 | ICS Integration Services LLC | Invoice # 2867 - Contracted Services - Proj 1-7343  | \$ 2,380.00  |
|            |                  |                              | Subtotal Project 1-7343                             | \$ 2,380.00  |
| 11/7/2023  | V # SINV00221363 | Marine Pollution Control     | Invoice # 40992 - Contracted Services - Proj 1-3543 | \$ 8,935.64  |
|            |                  |                              | Project # 1-3543 Total                              | \$ 8,935.64  |
|            |                  |                              | Total   | \$ 11,315.64 |

## **2. Bloomfield Village CSO**

## **AGENDA**

### **DRAINAGE BOARD FOR THE BLOOMFIELD VILLAGE CSO DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of October 24, 2023
3. Public Comments
4. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$61,149.64
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE BLOOMFIELD VILLAGE CSO DRAIN**

October 24, 2023

A meeting of the Drainage Board for the Bloomfield Village CSO Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of October 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held September 26, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

A request for approval of reimbursement of the Evergreen Farmington Fund in the amount of \$140,973.00 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the reimbursement to the Evergreen Farmington Fund in the amount of \$140,973.00.

ADOPTED: Yeas - 3  
Nays - 0

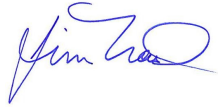
A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$1,691.75 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$1,691.75.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Jim Nash", is positioned above a horizontal line.

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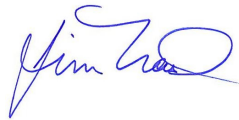
Jim Nash, Chairperson



STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Bloomfield Village CSO Drain, Oakland County, Michigan, held on the 24<sup>th</sup> day of October 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for Bloomfield Village CSO Drain Drainage District.



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Jim Nash, Chairperson

Dated: October 24, 2023

MEMO TO: Mr. Jim Nash, Chairman  
of the Drainage Board for the BLOOMFIELD VILLAGE CSO DRAIN

FROM: Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting

*FOR SHAWN PHELPS*

DATE: November 28, 2023

SUBJECT: Request for Approval of Invoices

The following is a detail of Maintenance charges paid from the Drain Revolving Fund and Invoices  
for the period ending November 20, 2023

| G/L Date   | Ref<br>No.       | Paid To                      | For  | Amount       |
|------------|------------------|------------------------------|--|--------------|
| 10/18/2023 | V # SINV00217042 | Brehob Corporation           | Invoice # 221898 - Material and Supplies - Proj 1-7322 | \$ 13,273.64 |
|            |                  |                              | Total Project 1-7322                                   | \$ 13,273.64 |
| 11/7/2023  | V # SINV00221362 | Great Lakes Pump & Supply Co | Invoice # 73747 - Material and Supplies - Proj 1-7381  | \$ 47,876.00 |
|            |                  |                              | Total Project 1-7381                                   | \$ 47,876.00 |
|            |                  |                              | Total  | \$ 61,149.64 |

### **3. George W. Kuhn Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE GEORGE W. KUHN DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of October 24, 2023
3. Public Comments
4. Present Memorandum from Jen Cook, P.E., Civil Engineer III, dated November 28, 2023, requesting the Board to approve the use of the Drainage District's reserve fund for an amount not to exceed \$1 million and to approve Hubbell, Roth, & Clark's proposal in the amount not to exceed \$117,000
5. Present Construction Estimate No. 3 for Dan's Excavating for Construction of the I-75 Tunnel Pump Station Alternate Outlet in the amount of \$48,439.72
6. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$37,024.27
7. Other business
8. Approve pro rata payment to Drainage Board members
9. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE GEORGE W. KUHN DRAIN**

October 24, 2023

A meeting of the Drainage Board for the George W. Kuhn Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of October 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held September 26, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

A memorandum from Lynne Seymour, P.E., Chief Engineer, dated October 24, 2023, requesting the Board accept the terms of the Agreement and authorize the Chairman, on behalf of the District, to allow the Clinton River Watershed Council to administer the RainSmart Rebates Equity Grant was presented. It was moved by Markham, supported by Woodward to accept the terms of the Agreement and authorize the Chairman, on behalf of the District, to allow the Clinton River Watershed Council to administer the RainSmart Rebates Equity Grant as presented.

ADOPTED: Yeas - 3  
Nays - 0

A memorandum from Lynne Seymour, P.E., Chief Engineer, dated October 24, 2023, requesting the Board authorize an additional \$80,000 to the original project planning budget to complete the program development, promotion, and implementation activities necessary for the successful implementation of the RainSmart Rebates Pilot Program was presented. It was moved by Markham, supported by Woodward, to authorize an additional \$80,000 to the original project planning budget to complete the program development, promotion, and implementation activities necessary for the successful implementation of the RainSmart Rebates Pilot Program as presented.

ADOPTED: Yeas - 3

Nays - 0

A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$397,342.10 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$397,342.10.

ADOPTED: Yeas - 3  
Nays - 0

A motion was made by Markham, supported by Woodward, to enter into closed session at 2:19 p.m. to discuss a memorandum with the Drainage District's attorney, which is exempt from disclosure as subject to attorney-client privilege pursuant to section 13(1)(g) of the Freedom of Information Act.

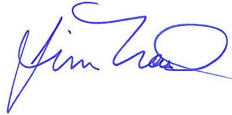
ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash declared the closed session ended at 3:28 p.m.

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.




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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the George W. Kuhn Drain, Oakland County, Michigan, held on the 24<sup>th</sup> day of October 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for George W. Kuhn Drain Drainage District.



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Jim Nash, Chairperson

Dated: October 24, 2023

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER****MEMORANDUM**

**TO:** Jim Nash, Chairman  
George W. Kuhn Drain Drainage Board

**FROM:** Jen Cook, P.E., Civil Engineer III

**SUBJECT:** Backflow Installation Pilot Program

**DATE:** November 28, 2023

It is well recognized that public health, safety, and welfare are promoted by reducing or eliminating the risks of basement flooding. It is also well recognized that basement flooding incidents have proliferated recently throughout Oakland County as the number of intense localized rain events have increased. The office of the Oakland County Water Resources Commissioner (WRC) is introducing a pilot program to mitigate basement flooding from sewer backups after such large rain events. This will be accomplished by installing backflow prevention valves and sump pumps on the private sewer leads of a limited number of eligible households in the City of Berkley.

Berkley was chosen as the pilot community because it is located within the George W. Kuhn Drain Drainage District which will cover most of the \$1,200,000 pilot project costs. A portion of this budget, \$200,000, is expected to be covered through a one-time appropriation from Oakland County of American Recovery Plan Act (ARPA) State and Local Fiscal Recovery Funds. The overall budget is anticipated to cover several activities including:

- Initial administrative set-up of the program;
- Marketing design and materials to promote the program to Berkley residents;
- Design parameters for valves, pumps, and related appurtenances;
- Development of a Request for Qualifications and selection of approved contractors;
- Coordination with the City of Berkley homeowners and contractors to install equipment;
- Installation cost for an initial sample number of homes (anticipated up to 100); and
- Consulting engineering to support the development and execution of the program for a not-to-exceed fee of \$117,000.

Once installed, the backflow prevention system will prevent or reduce basement flooding by blocking wastewater from entering residential homes during significant rain events.

The attached proposal from Hubbell, Roth & Clark, Inc. (HRC) outlines the second phase of their services to support the WRC with this pilot. Phase 1 of HRC's services included a not-to-exceed budget of \$56,000 which has been nearly exhausted through initial efforts to define the pilot approach, as well as to coordinate with communities served by the WRC, notably the City of Berkley.

HRC's Phase 2 services would be completed under the terms and conditions of the WRC's existing professional services contract with HRC for a not-to-exceed budget amount of \$117,000.



The pilot program is proposed to be completed within approximately 12 months following authorization to proceed. The overall project duration will depend heavily on the level of interest from homeowners. Initial program setup and marketing is anticipated to be completed by Spring of 2024 with installation of backflow prevention systems beginning at that time.

**Requested Actions:**

**Motion to approve the use of George W. Kuhn Drain Drainage District reserve funds for an amount not to exceed \$1,000,000.**

**Motion to approve Hubbell, Roth & Clark proposal for an amount not to exceed \$117,000.**



September 18, 2023

Oakland County Water Resources Commissioner  
One Public Works Drive  
Waterford, Michigan 48328

Attn: Ms. Jennifer Cook, P.E.  
Engineer – Construction Projects Unit

HRC Job No. 20220384

Re: Engineering Services Proposal  
OakChamp – Phase 2

Dear Ms. Cook:

Thank you for the opportunity for Hubbell, Roth & Clark, Inc. (HRC) to submit this proposal for engineering services related to the subject project. Our scope of services for the project is based on our prior efforts, meetings, recent conversations, and direction for the Oakland County Water Resources Commissioner (WRC) and the local community (Berkley) in developing the next phase of this exciting project.

Our Phase 1 scope of services, as outlined in our May 9, 2022 proposal is almost complete. Some of the proposed tasks were not required at this time (Grant Applications) but others took more time (Meetings) and due to Berkley's interest in participating in the next phase, we pulled ahead some of the effort that we originally thought would be in the next phase. These were communicated to WRC. Currently, we are still under the approved budget and can continue to move the project forward until the next phase, as described below, is considered by the Drainage Board.

The next phase of the program is to field pilot a small area to evaluate, modify, and improve the processes developed in Phase 1. The City of Berkley has volunteered to assist. The pilot program area of 300-500 homes with an install goal of 50-60 homes will allow WRC to further determine and refine the scale, scope, roles, and benefit of the OakChamp program prior to rolling out to larger areas. Plus, the analytics and successes of the pilot program can be used to attract future grant funding.

## **PHASE 2 SCOPE OF SERVICES**

**Task 1 – Complete Program Documents:** HRC will complete the overarching program document describing the scope, vision and mission, program information, and general workflows and processes. HRC will develop OakChamp program specific documentation focused on the pilot program area based on current program processes including maps of the pilot area. This will be a working document that is revised/supplemented as the field pilot proceeds with reviews by WRC as needed.

**Estimated cost = \$12,000 (80 hours)**

**Task 2 – Homeowner Information:** HRC will develop a series of documents that describe the program for the homeowner in a step-by-step fashion. These will be posted to the project website (by others) and made available at public meetings, inspections, and other points of resident contact. We anticipate that WRC public engagement staff will review and edit for content, graphics, and consistency with other materials generated. This will include templates for the application on the Program website, informational materials about the site inspections and work to be done by the plumbers, and a participant survey at the completion of the work. We believe each homeowner piece will take several iterations with WRC staff.

**Estimated cost = \$20,000 (150 hours)**

**Task 3 – Program Technology Development:** HRC will develop an ESRI Arc GIS system to facilitate the management of this program, track work, and perform analytics during and after the project. Specifically, this system will include geographically tracking individual properties from their application to the program (links on the website or hardcopy application), through the desktop and field eligibility evaluations, plumbing quotes, periodic inspection reports, to final as built documents. By creating this system, the program team can easily query the status of each application, track interest in and out of the pilot area, and support future grant applications.

We will create mobile data collection interfaces to be used in the field by Program staff during the initial inspection that have the applicant information and desktop review findings available. Then we will create an inspection form for the program staff to fill out that includes questions, results of sewer line televising, other pertinent details, and the ability to upload the contractor quote on site or when received later. As the program workflow progresses, we will generate periodic inspection templates for program staff to use as they monitor the work and close out the project.

The desktop version of the program will have additional fields in a dashboard setup to assist the project manager with tracking the assignment of plumbers and inspectors, approval of quotes, and documents produced throughout the project such as City permits and approvals as well as customer surveys. Utilizing the ArcGIS analytical tools within project dashboards, insightful data visualizations and reporting can be displayed in real time so program staff can ensure timely communication and decision making.

We note that should this project be rolled out to more areas, a more robust project management software package or integration into the WRC's CityWorks system may be warranted. As we proceed to build this system, we will work with WRC staff to determine ways this phase can be done to streamline future integration.

We anticipate this development task will be iterative with HRC testing and WRC commenting and providing feedback on the functionality over 2-3 meetings from development to testing.

**Estimated cost = \$30,000 (160 hours set up and testing, 60 hours support throughout)**

**Task 4 – Plumber/Contractor Request for Qualifications (RFQ):** Using WRC's Quality Based Selection (QBS) forms, general conditions, agreement documents, and standard specifications, HRC will create a Request for Qualifications (RFQ) with the intention of attracting highly qualified contractors/plumbers to provide the required services. We envision selecting 2-3 companies, if possible, for coverage, comparison of processes, and evaluating program effectiveness. HRC will provide 50% and 90% drafts for WRC review and comment. We envision 2-3 meetings to discuss your comments and work through the final selection criteria, weights, and priorities. We will work with WRC on posting the RFQ, informing contractors, hosting a pre-bid meeting, responding to questions including issuing addenda, and tabulating the responses. Further, we will support and participate in the review process with a selection committee including WRC and Berkeley staff.

**Estimated cost = \$13,000 (100 hours)**

**Task 5 – Support Services During Pilot:** It is envisioned that once the program is launched WRC staff will be the lead. However, our staff will be called upon to attend homeowner meetings to review the process, update the tracking system, and generally be available to support WRC staff. Further, WRC public engagement staff will lead the marketing plan strategy and implementation, but HRC will be called upon to provide technical assistance as needed. This task will also include general program meetings and subtasks directed by WRC staff.

**Estimated cost = \$30,000 (200 hours)**

**Task 6 – Pilot Program Report:** HRC will monitor the project as it proceeds to facilitate any modifications that are needed. Once complete, HRC will prepare a report of findings, successes, challenges overcome, and suggestions should the program be rolled out to a larger area. This will be based off of WRC and City staff feedback, homeowner surveys, and analytics. Suggestions may include improvements to the workflow/processes, marketing plan, technology, actual items of work in the homes, plumber qualifications or number of needed contractors, and program management systems. This report would be available as a basis for a future grant application.

**Estimated cost = \$12,000 (80 hours)**

### **SCHEDULE**

HRC is prepared to begin immediately and meet WRC's schedule as laid out previously or quicker as the program comes together.

### **FEES AND PERSONNEL**

We would propose to complete these Phase 2 services under the terms and conditions of our existing Professional Services Contract No. 006484. **Based on the scope of services described above, and our understanding of the necessary effort and WRC's expectations, we propose to perform this project for a not-to-exceed budget amount of \$117,000.** As this project is still being developed and revised, we will closely monitor each budget above and immediately report deviations so adjustments can be made.

This project will be managed by Jamie Burton, Vice President, with assistance by Greg Bajuk. As-needed project oversight and QA/QC would be provided by Daniel Mitchell, President. Additional staff from HRC would be utilized as warranted.

If this proposal is accepted, please sign and return a scanned copy of this proposal which will serve as our formal authorization to proceed. We look forward to this opportunity to be of service to the WRC. Please feel free to contact me should you have any questions or comments on this proposal.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



James F. Burton, P.E.  
Vice-President

**Please sign the following to indicate acceptance of the scope of work and proposed fees.**

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Jim Nash, Oakland County Water Resources Commissioner  
George W. Kuhn Drainage District  
For Construction of the I-75 Tunnel Pump Station Alternate Outlet  
Madison Heights, MI  
Oakland County, Michigan**

Construction Estimate No. 3

6/30/2023 to 10/30/2023

Department No. : CCN6010101  
Fund No. : FND58520  
Project No. : PRJ-12847

Account No. : 730373  
Program No. : PRG149999  
Activity : PRJ-12847-1-STANDARD

Contractor :  
Dan's Excavating, Inc.  
12955 23 Mile Road  
Shelby Township, MI 48315

Vendor No. : 30060  
Contract No. : CON9917  
Date of Contract : 11/3/2021  
Completion Date : 9/30/2024

Original Contract Amount: \$484,397.18

Previous Change Order Numbers (none): \$0.00

Change Orders This Estimate Numbers (none): \$0.00

Total Net Change Orders: \$0.00

Adjusted Contract Amount: \$484,397.18

Subtotal To Date: \$484,397.18

Less Deductions to Date: \$0.00

Gross Estimate: (Work in Place) 100.00% \$484,397.18

Less Amount Reserved: (5% of Adjusted Contract Amount) \$24,219.86

Total Amount Allowed To Date: \$460,177.32

Less Previous Estimates: \$411,737.60

Net Payment Request To Be Paid To Contractor: \$48,439.72

Reserve Payment to Contractor \$0.00

Balance of Contract To Date \$0.00 Accounting Auditor:

Less Previous Transfers To Reserve: \$24,219.86

Amount of Current Transfer: \$0.00

Prepared by: Jason Say  
Jason Say - Project Engineer

Date: 11/14/2023

Recommended by: \_\_\_\_\_  
Ryan Wagar, P.E. - AECOM

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Gary Nigro, P.E. - Manager

Date: \_\_\_\_\_

Approved by Board on: \_\_\_\_\_

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the GEORGE W. KUHN DRAIN

**FROM:** Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting

*A for Shawn Phelps*

**DATE:** November 28, 2023

**SUBJECT:** Request for Board approval of payment of the following invoices:

| Payable To                       | Ref<br>No.       | For   | Amount              |
|----------------------------------|------------------|---|---------------------|
| Orchard Hiltz & McCliment Inc    | V # SINV00222366 | Invoice # 68670 - Professional Services - 09/16/23            | \$ 2,794.16         |
| Marine Pollution Control         | V # SINV00207810 | Invoice # 40995 - Contracted Services                         | 4,364.73            |
| SEMCOG/Southeast MI Council Govt | V # SINV00220326 | Invoice # INV01845 - Membership Dues                          | 23,076.44           |
|                                  |                  | <b>Total</b>  | <b>\$ 30,235.33</b> |
| ICS Integration Services LLC     | V # SINV00223526 | Invoice # 2855 Contracted Services - Proj 1-3437              | \$ 4,962.70         |
|                                  |                  | <b>Project 1-3437</b>   | <b>\$ 4,962.70</b>  |
| Hubbell, Roth, & Clark Inc       | V # SINV00221384 | Invoice # 211621 - Contracted Service - 9/30/23 - Proj 1-3484 | \$ 1,826.24         |
|                                  |                  | <b>Project 1-3484</b>   | <b>\$ 1,826.24</b>  |
|                                  |                  | <b>Total</b>  | <b>\$ 37,024.27</b> |

## **4. Clinton River Water Resource Recovery Facility**

## **AGENDA**

### **DRAINAGE BOARD FOR THE CLINTON RIVER WATER RESOURCE RECOVERY FACILITY**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of October 24, 2023
3. Public Comments
4. Present Memorandum from John Basch, Drainage District Legal Counsel, dated November 28, 2023, requesting the Board authorize the Chairperson to execute the attached consent agreement and accept a payment of \$50,000 as full satisfaction of the fine along with any reimbursable costs associated with this matter
5. Present Memorandum from Razik Alsaigh, P.E., Project Engineer, dated November 28, 2023, requesting the Board authorize the creation of a new project to move forward with the evaluating, designing, and bidding of Phase II of the Optimization Project and authorize \$4 million to implement the pre-construction activities for this project
6. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund from the Maintenance Fund in the amount of \$650,663.97
7. Other business
8. Approve pro rata payment to Drainage Board members
9. Adjourn



**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE CLINTON RIVER WATER RESOURCE RECOVERY FACILITY**

October 24, 2023

A meeting of the Drainage Board for the Clinton River Water Resource Recovery Facility was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of October 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held September 26, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

Engineering Work Order No. D461 (#1) for Jacobs Consulting Inc., for the Optimization Project for additional services to sections of Contract No. 00010103 for a not-to-exceed amount of \$2,544,839 was presented. It was moved by Markham, supported by Woodward, to approve Engineering Work Order No. D461 (#1) for Jacobs Consulting Inc., for the Optimization Project for additional services to sections of Contract No. 00010103 for a not-to-exceed amount of \$2,544,839 as presented.

ADOPTED: Yeas - 3  
Nays - 0

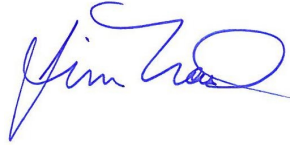
A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund from the Maintenance Fund in the amount of \$576,810.54 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund from the Maintenance Fund in the amount of \$576,810.54.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.



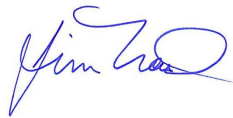
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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Clinton River Water Resource Recovery Facility, Oakland County, Michigan, held on the 24<sup>th</sup> day of October 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Clinton River Water Resource Recovery Facility.



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Jim Nash, Chairperson

Dated: October 24, 2023

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER****MEMORANDUM**

**TO:** Jim Nash, Chairperson, Clinton River Water Resource Recovery Facility Drainage District

**FROM:** John Basch, Drainage District Legal Counsel

**SUBJECT:** RJL Equity Holdings, LLC Consent Agreement

**DATE:** November 28, 2023

The attached consent agreement recognizes that RJL Equity Holdings, LLC, owner of a closed landfill on Lapeer Road in Auburn Hills, has resolved its violations of the Pontiac Sewer Use Ordinance, the Auburn Hills Sewer Use Ordinance, as well as the Industrial Pretreatment Program Regulations for discharge into the Clinton River Water Resource Recovery Facility (CRWRRF).

On October 3, 2022, the CRWRRF issued a third Notice of Violation to RJL for its failure to comply (or respond in any way) with two prior notices. The third Notice of Violation indicated that RJL has been responsible for at least 4,184 violations generating a fine of more than \$4 million. RJL was ordered to pay that fine within 45 days unless it entered into a binding consent agreement or otherwise resolved the matter.

Since that third notice was issued, RJL has participated in several fruitful meetings with staff and legal counsel and now is in full compliance with its permit. However, full compliance did not resolve the matter of the \$4 million fine.

The above-referenced ordinances allow the CRWRRF to enter into a consent agreement to resolve disputed claims associated with RJL's compliance status. It also allows the District to consider the gravity of the violations, the economic and competitive advantage benefits of noncompliance, and RJL's initial recalcitrance. I note that part of the reason for the initial delay in adequately addressing this matter in a timelier fashion was the fact that the landfill owner unexpectedly died leaving his widow to deal with the unresolved violations. During that time, the fine continued to accumulate at a rate of \$1,000 per day.

RJL is now in compliance and has taken all actions necessary to fully resolve the violations and has paid to the CRWRRF its reimbursable costs that have been billed to date. Therefore, after careful consideration and in consultation with CRWRRF staff including its chief, assistant chief, industrial pretreatment supervisor, and legal counsel, it is recommended that a \$50,000 fine be established as the full settlement amount and satisfaction of the violations. Full payment shall be made within 30 days of the effective date of the consent agreement.

**Requested Action: Authorize the chairperson to execute the attached consent agreement and accept a payment of \$50,000 as full satisfaction of the fine along with any reimbursable costs associated with this matter.**

**Clinton River Water Resource Recovery Facility Drainage District  
Industrial Pretreatment Program**

**In re RJL Equity Holdings, LLC,  
doing business at 4430 Lapeer  
Road, Auburn Hills, MI 48326**

**Nondomestic User Permit No. 2020-SIU-027**

**CONSENT AGREEMENT**

**(Control No.: RJL-11-13-23)**

**THE CLINTON RIVER WATER RESOURCE RECOVERY FACILITY DRAINAGE DISTRICT (“CRWRRF”) AND RJL EQUITY HOLDINGS, LLC (“RJL”) STATE AND AGREE AS FOLLOWS:**

1. These proceedings result from alleged violations by RJL as set forth by this Consent Agreement (“Consent Agreement”) of Article III (“Sewers”) of Chapter 118 (“Utilities”) of the Pontiac Municipal Code, as amended (the “Pontiac Sewer Use Ordinance” or “Pontiac SUO”); Subdivision 5 (“Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility”) of Division 1 (“Wastewater and Sewage Disposal”) of Article II (“Sewage and Wastewater Disposal Systems”) of Chapter 74 (“Utilities”) of the Auburn Hills Code of Ordinances (the “Auburn Hills Sewer Use Ordinance” or “Auburn Hills SUO”); and Nondomestic User Permit (Permit No. 2020-SIU-027) (“RJL’s Permit”) issued to RJL by the Clinton River Water Resource Recovery Facility (“CRWRRF”). (Unless otherwise expressly provided herein, the Pontiac Sewer Use Ordinance and the Auburn Hills Sewer Use Ordinance are referred to collectively in this Consent Agreement as the (“Sewer Use Ordinance.”))

2. This Consent Agreement is the result of a compromise and settlement reached between the CRWRRF and RJL and does not constitute an admission by the CRWRRF or RJL of any facts or law.

3. By entry of this Consent Agreement, and without any trial or adjudication of facts or law, the CRWRRF and RJL agree, subject to the terms, conditions, and requirements of this Consent Agreement, to fully resolve the violations, fines, costs, charges, and compliance issues as alleged herein by the CRWRRF.

**A. LEGAL AUTHORITY**

4. The Sewer Use Ordinance authorizes the CRWRRF to enter into a consent agreement with RJL to resolve disputed claims and address identified and potential deficiencies in RJL’s compliance status. (Pontiac SUO, Section 118-87.03(F); Auburn Hills SUO, Section 17.03(F).)

5. This Consent Agreement is entered between the CRWRRF and RJL under the authority of the Sewer Use Ordinance and applicable state and federal laws and regulations, including, without limitation, Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 *et seq.*, as amended (“Water Resources Protection”); the Michigan Industrial Pretreatment Rules, Michigan Administrative Code, R 323.1101 *et seq.*, as amended; the Federal

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 U.S.C. 1251, *et seq.*; and the Federal General Pretreatment Regulations (40 CFR part 403).

6. Any violation of the terms or conditions of a user permit is a violation of the Sewer Use Ordinance, subject to the fine, penalty, and other enforcement provisions of the Sewer Use Ordinance. (Pontiac SUO, Section 118-77.01(D); Auburn Hills SUO, Section 7.01(D).)

7. Any person who violates any provision of the Sewer Use Ordinance (including, without limitation, any notice, order, permit, decision, or determination promulgated, issued, or made by the CRWRRF) is, among other sanctions, responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction. (Pontiac SUO, Section 118-87.06; Auburn Hills SUO, Section 17.06.)

8. Each act of violation, and each day or portion of a day that a violation of the Sewer Use Ordinance (or of any permit, order, notice, or agreement issued or entered into under the Ordinance) exists or occurs constitutes a separate violation and is subject to fines, penalties and other sanctions as provided by the Ordinance. (Pontiac SUO 118-87.09; Auburn Hills SUO, Section 17.09.)

9. Any person who discharges to the POTW (including, but not limited to, any person who causes or creates a discharge that violates any provision of the Sewer Use Ordinance, or causes or contributes to a violation of any local, state, or federal law or regulation governing the POTW, whether any such act is intentional or unintentional) shall be liable to and shall fully reimburse the CRWRRF for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the CRWRRF as a result of any such discharge, violation, exceedence, noncompliance, or act. The costs that must be reimbursed to the CRWRRF shall include, but are not limited to, all of the following: All costs incurred by the CRWRRF in responding to, and enforcement in connection with, the violation or discharge; the full value of any City staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the CRWRRF’s legal counsel and any special legal counsel), associated with reviewing, responding to, investigating, verifying, and/or prosecuting any discharge, violation, or noncompliance, or otherwise incurred by the CRWRRF in administering and enforcing the requirements of the Sewer Use Ordinance. The failure by any person to pay any amounts to be reimbursed to the CRWRRF as required by the Sewer Use Ordinance shall constitute an additional violation of the Sewer Use Ordinance. (Pontiac SUO, Section 118-87.11; Auburn Hills Sewer User Ordinance, Section 17.11.)

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

**B. FINDINGS**

10. RJL discharges wastewater from the above-referenced premises (4430 Lapeer Road, Auburn Hills, MI ) to the CRWRRF's Wastewater Treatment Plant (the "WWTP").

11. RJL's discharges to the WWTP are authorized by RJL's Permit, subject to terms, conditions, and requirements specified by RJL's Permit, including, but not limited to, monitoring, sampling, and reporting requirements, and maximum limits on the levels of flow and pollutants that may be discharged.

12. On October 3, 2022, the CRWRRF issued a Notice of Violation and Order ("NOV/Order") to RJL (IPP NOV/Order No. 3) for RJL's failure to respond to or comply with two prior NOV/Orders issued by the CRWRRF to RJL.<sup>1</sup> The two prior NOV/Orders were known as "IPP NOV No. 01" issued on June 1, 2021,<sup>2</sup> and "IPP NOV No. 02" issued on November 12, 2021 (collectively, the "Prior NOVs").<sup>3</sup>

13. IPP NOV/Order No. 3 found, among other things, that RJL had failed to timely submit as required by and in violation of RJL's Permit and/or the Prior NOVs: (1) any of the required Periodic Compliance Reports ("PCRs") to the CRWRRF; (2) a PFAS Best Management Practices Plan ("PFAS BMPP"); and (3) an up-to-date non-domestic user survey. Further, IPP NOV/Order No. 3 found that RJL had otherwise failed to respond to and had not complied with any requirement of either of the Prior NOVs.

14. Based on the above, IPP NOV/Order No. 3 found that RJL was responsible for at least 4,184 violations and ordered RJL to pay to the CRWRRF fines in the amount of \$4,184,000.00 (4,184 times the minimum fine of \$1,000.00 per day per violation) within 45 days

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<sup>1</sup> A copy of IPP NOV/Order No. 3 is attached to this Consent Agreement as Attachment A.

<sup>2</sup> NOV No. 01 found the Company to be in violation for failure to comply with various requirements of RJL's Permit and ordered the Company to take certain actions and pay certain reimbursable costs within 30 days of the effective date of the NOV and to submit the 2021 Quarter 1 Periodic Compliance Report within 45 days of the effective date of the NOV. A copy of NOV No. 1 is attached to this Consent Agreement as Attachment B.

<sup>3</sup> NOV No. 2 repeated the findings, violations, and orders of NOV No. 01, added the violation for the Company's failure to comply with NOV No. 01, and added an additional assessment of reimbursable costs. NOV No. 2 ordered the Company to take certain actions and pay the total reimbursable costs within 30 days of the effective date of the of the NOV and to submit the 2021 Quarter 1 Periodic Compliance Report within 45 days of the effective date of the NOV. A copy of NOV No. 2 is attached to this Consent Agreement as Attachment C.)

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

of the effective date of the NOV/Order unless the parties entered into a binding Consent Agreement to otherwise resolve the proceedings.<sup>4</sup>

**C. ALLEGED VIOLATIONS**

15. The violations alleged by the CRWRRF against RJL in IPP NOV/Order No. 3 as set forth in Paragraphs 12 through 14 of this Consent Agreement are for purposes of this Consent Agreement collectively referred to as (the “Alleged Violations”). The term Alleged Violations does not include any violations by RJL of any notice, order, law or regulation (past, present, or future; known or unknown) other than the specific violations defined and identified in this paragraph as Alleged Violations.

**D. TOTAL OUTSTANDING AMOUNT**

16. As of the effective date of this Consent Agreement, the Total Outstanding Amount of assessed but unpaid fine amounts associated with the Alleged Violations as set forth in this Consent Agreement is \$4,184,000.00.

**E. COMPROMISE SETTLEMENT AMOUNT**

17. The CRWRRF has considered the nature and gravity of the Alleged Violations; the economic and competitive advantage benefits to RJL of noncompliance; RJL’s initial recalcitrance in responding to orders issued by the CRWRRF; RJL’s willingness to now resolve these proceedings pursuant to this Consent Agreement; RJL’s cooperation with CRWRRF since the IPP NOV/Order No. 3 was issued to bring RJL’s discharges into compliance with applicable standards and requirements and current willingness to continue to do so going forward; and other relevant factors as fairness and justice require.

18. Based on these considerations, the CRWRRF agrees to accept, as full settlement, satisfaction and resolution of the Alleged Violations as set forth in Section C of this Consent Agreement, and the Total Outstanding Amount of \$4,184,000.00 as set forth in Section D of this Consent Agreement, a payment by RJL in the total amount of \$50,000.00 (which amount is hereinafter referred to as (the “Compromise Settlement Amount”).

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<sup>4</sup> RJL was also ordered (1) to immediately, at the Company’s sole responsibility and cost, commence to take all actions as necessary to fully resolve the violations set forth in the NOV/Order and bring the Company into full compliance with all conditions and requirements of RJL’s Permit, the Sewer Use Ordinance, and all other applicable laws and regulations; and (2) to pay to the CRWRRF its reimbursable costs as provided by the NOV/Order (which costs were subsequently paid to the CRWRRF).



**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

19. RJL's payment of the Compromise Settlement Amount as required by this Consent Agreement does not affect RJL's responsibility to pay fines or other penalties for any violations other than the Alleged Violations; nor does RJL's payment of the Compromise Settlement Amount affect RJL's responsibility to fully and timely reimburse the CRWRRF for all costs, expenses, losses, or damages (direct or indirect) payable or incurred by the CRWRRF as a result of RJL's discharges to the POTW as may be required by this Consent Agreement, prior orders, RJL's Permit, the Sewer Use Ordinance, or other applicable laws or regulations.

**F. RELEASE AND COVENANT NOT TO SUE**

20. The CRWRRF releases and covenants not to sue or to take any other action against RJL (together with its directors, officers, or employees) under any law, regulation, ordinance, or common law, for any amounts to be paid by RJL to the CRWRRF in excess of the Compromise Settlement Amount for the Alleged Violations. This release and covenant not to sue extends only to the Compromise Settlement Amount to be paid by RJL under this Consent Agreement and does not apply in any way to any fines, penalties, or amounts associated with any other violations, past, present or future, known or unknown, resulting from or associated with RJL's discharges to the POTW under this Consent Agreement, RJL's Permit, the Sewer Use Ordinance, and/or other applicable local, state, and federal laws or regulations. This Consent Agreement, RJL's Permit, the Sewer Use Ordinance, and other applicable local, state, and federal laws or regulations are collectively referred to herein as ("Applicable Legal Requirements.") Further, this release and covenant extends only to RJL (together with its directors, officers, or employees) and does not extend to any other entity or person. Except as otherwise expressly provided by this Section E of this Consent Agreement regarding the Compromise Settlement Amount to be paid by RJL under this Consent Agreement, RJL (and its directors, officers, or employees) shall be subject to full enforcement remedies, including the imposition of fines and penalties, at all times prior to, during, and after the effective date of this Consent Agreement, for any violation of Applicable Legal Requirements. This release and covenant shall take effect upon the effective date of this Consent Agreement.

**G. RESERVATION OF RIGHTS**

21. Except as otherwise expressly provided by Paragraph 20 ("Release And Covenant Not To Sue") of this Consent Agreement, this Consent Agreement does not constitute a release from, nor a waiver of, any requirement of law, regulation, order, or agreement, and the CRWRRF reserves the right to seek all remedies and relief available to it under Applicable Legal Requirements relating to RJL's past, current, or future discharges, activities, and operations. Further, except as otherwise expressly provided by Paragraph 20, the CRWRRF expressly

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

reserves, and this Consent Agreement is without prejudice to, all matters, claims, and causes of action, administrative or judicial, civil or criminal, past or future, in law or in equity, including, but not limited to, all of the following:

(a) Claims to enforce this Consent Agreement between the CRWRRF and RJL or based on any failure by RJL to meet a requirement of this Consent Agreement.

(b) The CRWRRF's liability for fines and penalties arising from past, present, or future discharges by RJL to the POTW.

(c) Liability for any violation or failure on the part of RJL to comply with Applicable Legal Requirements.

(d) Liability for damages for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments caused, in whole or in part, by any discharge from RJL to the POTW, including, but not limited to, any such liability, damages, or costs caused, in whole or in part, by the Alleged Violations claimed against the CRWRRF by the Michigan Department of Environment, Great Lakes, and Energy ("EGLE"), the U.S. Environmental Protection Agency ("US EPA"), or by any other person or entity.

(e) Criminal liability.

(f) Liability for any expenses, costs, losses, fines, penalties, or damages (direct or indirect) payable or incurred by the CRWRRF in connection with any discharge, violation, exceedence, or noncompliance by RJL, including, without limitation, all costs which must be reimbursed to the CRWRRF by RJL as provided by Applicable Legal Requirements.

**H. CONSENT ORDER**

22. **Compliance - In General.** In addition to and notwithstanding any of the specific requirements of this Consent Agreement, RJL shall immediately, at RJL's sole cost, commence to take all actions necessary to bring all discharges from RJL to the POTW into compliance with all conditions and requirements of RJL's Permit, (including, but not limited to, implementation and adoption of procedures, best management practices, and/or maintenance activities; and installation and operation of pretreatment facilities to minimize to the fullest extent practicable, and, if possible, prevent, any further noncompliance with Applicable Legal Requirements).

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

23. Payment of Compromise Settlement Amount. Within 30 calendar days of the effective date of this Consent Agreement (and by no later than 5:00 p.m. of the 30th calendar day) RJL shall pay to the CRWRRF the total Compromise Settlement Amount of \$50,000.00. This payment (and any other payments made or required to be made by RJL, if any, by other paragraphs of this Consent Agreement) shall be made by check payable to the “Oakland County Treasurer” and shall be delivered personally or by certified mail within the specified deadline(s) to: Oakland County, Treasurers-Office-CASH ACCTG BLDG 12 E, 1200 N Telegraph Rd., Pontiac, MI 48341-0479.

24. Payment of Amounts Billed. RJL shall fully and timely pay all costs, amounts, fines, usage fees, and reimbursable costs that are assessed and billed to RJL by the CRWRRF subsequent to the effective date of this Consent Agreement in connection with RJL’s discharges to the POTW as provided by Applicable Legal Requirements.

25. Compliance with Consent Agreement. RJL shall fully comply with all requirements of this Consent Agreement. Failure to comply with any requirement of this Consent Agreement may result in stipulated penalties as provided by this Consent Agreement; and may also subject RJL to additional enforcement responses by the CRWRRF as provided by Applicable Legal Requirements.

**I. STIPULATED PENALTIES**

26. RJL shall be liable to the CRWRRF for stipulated penalties in the amount of \$1,000.00 per violation per day for RJL’s failure or refusal to fully and timely meet any requirement of Section H (“Consent Order”) of this Consent Agreement.

27. Stipulated penalties shall begin to accrue immediately and automatically, without any action required by the CRWRRF, on the day after full and timely compliance with any requirement of this Consent Agreement is due and shall continue to accrue through the final day that complete compliance with the requirement is achieved.

28. All stipulated penalties accruing under this Consent Agreement shall be due and payable to the CRWRRF within 30 calendar days of receipt by RJL of a demand from the CRWRRF for payment of the penalties. The payment of stipulated penalties as required by this Consent Agreement shall not alter in any way RJL’s obligation to complete the action required under this Consent Agreement or to pay any portion of the Compromise Settlement Amount as required by other sections of this Consent Agreement.

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

29. Notwithstanding any other provision of this Section, the CRWRRF may waive any portion of stipulated penalties that may accrue pursuant to this Consent Agreement, for good cause shown by RJL if determined sufficient by the CRWRRF.

**J. COST REIMBURSEMENT**

30. RJL's payment of the Compromise Settlement Amount as provided by this Consent Agreement or otherwise meeting RJL's obligations under this Consent Agreement shall not affect in any way RJL's responsibility to reimburse the CRWRRF for any costs incurred by the CRWRRF in connection with RJL's discharges to the POTW, including, but not limited to, any costs incurred by the CRWRRF in connection with these enforcement settlement proceedings, or as required to be reimbursed by Applicable Legal Requirements. RJL shall reimburse the CRWRRF for all such costs incurred by the CRWRRF. Such additional costs, if any, shall be paid in full by RJL to the CRWRRF upon the CRWRRF's written demand within 30 days of such written demand.

**K. ACTION TO COLLECT REQUIRED PAYMENTS  
OR REQUIRE PERFORMANCE**

31. RJL's failure or refusal to pay all or any portion of the Compromise Settlement Amount, stipulated penalties, reimbursable costs, or other amounts as required by this Consent Agreement, or RJL's failure or refusal to comply with any of the requirements of this Consent Agreement, may subject RJL to legal proceedings to collect the required payments, or to require performance of the required actions, plus attorney fees and costs. In any such collection action, the validity, amount, and appropriateness of the settlement amount, stipulated penalties, and/or reimbursable costs as required by this Consent Agreement shall not be subject to review by the court, and RJL shall pay the CRWRRF's attorney's fees and costs associated with the action. RJL reserves the right, however, to challenge the factual basis upon which the application of stipulated penalties is made.

**L. WAIVER**

32. Except as otherwise expressly provided by Paragraph 31, RJL knowingly and explicitly waives its right to an appeal to the Wastewater Board of Appeals under Division 18 of the Sewer Use Ordinance, and also waives its right to judicial review, regarding any matter resolved by this Consent Agreement, including, but not limited to, payment of the Compromise Settlement Amount, stipulated penalties, and reimbursable costs.

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

33. Notwithstanding Paragraph 32, RJL reserves its right to administrative appeal and/or judicial review regarding the payment of stipulated penalties as required by this Consent Agreement, provided that such reserved right of appeal shall be limited solely to the factual basis upon which the application of stipulated penalties is made.

**M. EFFECT OF ORDER**

34. Except as otherwise expressly provided by this Consent Agreement, nothing in this Consent Agreement shall be construed to limit in any way the ability, authority, or discretion of the CRWRRF to fully administer and enforce the terms and requirements of this Consent Agreement, Applicable Legal Requirements, prior orders issued by the CRWRRF, including, but not limited to, the assessment of fines and penalties, the issuance of additional orders, or termination of RJL's sewer service.

35. Except as otherwise expressly provided by this Consent Agreement, nothing in this Consent Agreement shall affect in any way RJL's responsibility and liability to fully comply with all Applicable Legal Requirements and/or prior orders issued by the CRWRRF associated with RJL's discharges to the POTW.

36. Nothing in this Consent Agreement shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Consent Agreement. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Consent Agreement may have under applicable law. The CRWRRF and RJL expressly reserve all rights, defenses, claims, demands, and causes of action that the CRWRRF or RJL may have against any person not a party to this Consent Agreement with respect to any matter, transaction, or occurrence relating in any way to RJL's discharges to the POTW.

**N. BINDING EFFECT**

37. The provisions of this Consent Agreement shall apply to and be binding upon the CRWRRF and RJL and their respective successors and assigns.

**O. EFFECTIVE DATE**

38. This Consent Agreement shall become effective and shall be deemed entered on the date it is signed by authorized representatives of both the CRWRRF and RJL, as provided below. This Agreement may be executed in any number of counterparts.

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

**P. TERMINATION**

39. This Consent Agreement shall continue in full force and effect until RJL is notified in writing by the CRWRRF that it has been terminated.

**Q. ORDER COMPLETE AND FINAL**

40. The CRWRRF and RJL agree to the issuance and entry of this Consent Agreement, and it shall be considered a complete and final order of the CRWRRF.

**FINAL ORDER AND AGREEMENT**

IT IS ORDERED AND AGREED, as set forth above.

*[The rest of this page is intentionally left blank.]*

**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

**SIGNATORIES**

The undersigned CERTIFY that they are fully authorized by the party they represent to enter into this Consent Agreement to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

**CRWRRF Drainage District**

By: \_\_\_\_\_  
Jim Nash

Title: Chairperson\_\_\_\_\_

Date: \_\_\_\_\_

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**Clinton River Water Resource Recovery Facility Drainage District**  
**Consent Agreement RJL-11-13-23**

**RJL Equity Holdings, LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*[The rest of this page is intentionally left blank.]*

*[End of Consent Agreement]*



**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**Clinton River Water Resource Recovery Facility  
Industrial Pretreatment Program**

**RJL Equity Holdings, LLC  
Permit No. 2020-SIU-027**

**Attachment A**

**NOV/Order No. 3**

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**Clinton River Water Resource Recovery Facility  
Industrial Pretreatment Program**

In re RJI Equity Holdings, LLC,  
doing business at 4430 Lapeer  
Road, Auburn Hills, Michigan,  
48326

Industrial User Permit No. 2020-SIU-027

**NOTICE OF VIOLATION  
AND ORDER**

**IPP NOV/Order No. 3**

**Legal Authority**

This Notice of Violation and Order (“NOV/Order”) is issued by the Oakland County Water Resources Commissioner (“WRC”) under the authority of Article III (“Sewers”) of Chapter 118 (“Utilities”) of the Pontiac Municipal Code, as amended (the “Pontiac Sewer Use Ordinance”); the WRC of Pontiac’s approved Industrial Pretreatment Program (“IPP”); Subdivision 5 (“Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility”) of Division 1 (“Wastewater and Sewage Disposal”) of Article II (“Sewage and Wastewater Disposal Systems”) of Chapter 74 (“Utilities”) of the WRC of Auburn Hills Code of Ordinances (the “Auburn Hills Sewer Use Ordinance”); and applicable state and federal laws and regulations, including, without limitation, Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA 324.3101 *et seq.*, as amended (“Water Resources Protection”); the Michigan Industrial Pretreatment Rules, Michigan Administrative Code, R 323.1101 *et seq.*, as amended; the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 U.S.C. 1251, *et seq.*; and the Federal General Pretreatment Regulations (40 CFR part 403). (The Pontiac Sewer Use Ordinance and the Auburn Hills Sewer Use Ordinance are referred to collectively in this NOV/Order as the “Sewer Use Ordinances.”)

As authorized by the Sewer Use Ordinances and other applicable laws and regulations, the WRC is empowered to administer and enforce the Sewer Use Ordinances and to take action with respect to violations of the Ordinances, including, without limitation, issuing notices of violation and orders requiring compliance with the Ordinances; assessing fines and penalties for violations of the Ordinances; instituting legal actions to obtain compliance with the Ordinances and any order issued under the Ordinances; and pursuing other necessary or appropriate relief and remedies.

*Fine, Penalties and Sanctions for Violations*

Any person who violates any provision of the Sewer Use Ordinance (including, without limitation, any notice, order, permit, decision, or determination promulgated, issued, or made by the WRC) is subject to civil and criminal proceedings for fines, penalties, costs, and damages; to compel compliance with the Ordinances; to revoke discharge permits; and to impose other sanctions and enforcement remedies.

Any person who violates any provision of the Sewer Use Ordinances (including, without limitation, any notice, order, permit, decision, or determination promulgated, issued, or made by the WRC under the Sewer Use Ordinances) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions. Increased fines may be imposed for repeat offenses. The fine for any offense that is a first repeat offense shall be not less than \$2,500.00 per day, plus costs. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00 per day, plus costs.

If a user violates or continues to violate any provision of the Sewer Use Ordinances (including, without limitation, any notice, order, permit, decision, or determination promulgated, issued, or made by the WRC under the Sewer Use Ordinances), the WRC may immediately, and without notice, sever, or suspend sewer and/or water service provided to the user. If severed or suspended, the sewer and/or water service shall recommence only after the user has satisfactorily demonstrated to the WRC the user's ability to comply with all applicable provisions of the Sewer Use Ordinances, and only at the user's sole expense.

Each act of violation, and each day or portion of a day that a violation of the Sewer Use Ordinances (or of any permit, order, notice, or agreement issued or entered into under the Ordinances) is permitted to exist or occur constitutes a separate offense and shall be subject to fines, penalties, and other sanctions as provided by the Ordinances.

#### *Reimbursement of WRC*

Any person who violates any provision of the Sewer Use Ordinances, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the WRC's publicly owned treatment works ("POTW"), or causes or contributes to a violation of any federal, state or local law governing the POTW, is liable to and must fully reimburse the WRC for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the WRC as a result of any such discharge, violation, exceedance or noncompliance.

#### **Findings**

1. RJL Equity Holdings, LLC (the "Company") discharges nondomestic wastewater containing pollutants into the WRC's sewer system ("POTW") for treatment and disposal by the Clinton River Water Resource Recovery Facility ("CRWRRF").

#### *Permit Requirements*

2. On August 7, 2020, the CRWRRF issued the Company a Wastewater Discharge Permit (Permit No. 2020-SIU-027) ("Permit") authorizing the Company to discharge process wastewater from "Outfall – 001" to the POTW effective August 07, 2020. (The Permit expires on December 31, 2022; and the Permit renewal application due date is October 2, 2022. Upon expiration of the Permit, the Company shall immediately terminate its discharge to the POTW and shall not thereafter recommence discharge without further authorization from the WRC.) (A copy of the Permit is attached to this NOV/Order as Attachment A.)



3. The Permit requires the Company to monitor for specified sample parameters at specified frequencies and report the results to the WRC at specified intervals each year, as follows.

a. The Permit requires the Company to sample for 53 specified parameters at a frequency of 4 times per year (quarterly); and to sample for 3 additional specified parameters at a frequency of 2 times per year (semi-annually). (Permit, Part 2, Section (A).)

*It is not known whether the Company has conducted any of the sampling as required by the Permit; as of the effective date of this NOV/Order, the Company has not submitted any sample results to the WRC.*

b. The quarterly sample results must be reported by the Company to the WRC 30 days after the end of each quarter, and must be received by the WRC no later than January 30, April 30, July 30, and October 30 of each year. The semi-annual sample results must be reported by the Company to the WRC 30 days after the end of each half year, and must be received by the WRC no later than January 30 and July 30 of each year. (Permit, Part 2, Section (A).) The quarterly and semi-annual sampling reports are also referred to as "Periodic Reports on Continued Compliance" ("Periodic Compliance Reports") (Permit, Part 3, Section (A)(3).)

*As of the effective date of this NOV/Order, the Company has not submitted any of the Periodic Compliance Reports to the WRC as required by the Permit for the following quarters: 2021 Quarter 1, Quarter 2, Quarter 3, and Quarter 4; and 2022 Quarter 1, Quarter 2, and Quarter 3.*

4. The Permit requires the Company to keep a written record of all samples, measurements, and analysis required by the Permit, including specified information for each sample or measurement. (Permit, Part 2, Section (L).)

*As of the effective date of this NOV/Order, it is not known whether the Company has kept such a written record including the required information for each sample or measurement.*

5. If required by the WRC, the Company must prepare and submit a sampling plan for the WRC's review and approval. (Permit, Part 2, Section (N).)

6. The Permit requires the Company, within 90 days of the effective date of the Permit (i.e., by no later than October 6, 2020), to develop and implement a PFAS Best Management Practices Plan to reduce or eliminate PFAS compounds from discharges from the Premises and to also provide the information requested by the WRC as detailed in Attachment C of the Permit. (Permit, Part 10, Section (E).)

*As of the effective date of this NOV/Order, the Company has not submitted the required PFAS Best Management Practices Plan to the WRC. Further, the Company has not submitted to the WRC the required information as detailed in Attachment C of the Permit.*

7. The Permit requires the Company to complete and submit to the WRC an up-to-date non-domestic (IPP) user survey. (Permit, Part 9, Section (D).) The 06/01/21 NOV/Order

ordered the Company to submit to the WRC a completed non-domestic user survey no later than February 8, 2021. (See, Finding 9 below.) (A copy of the non-domestic user survey form is attached as Attachment B to this NOV/Order.)

*As of the effective date of this NOV/Order, the Company has not submitted to the WRC a completed non-domestic user survey.*

8. The Permit requires the Company to keep the contact information (contact name, telephone numbers, and email address) as set forth on page 1 of the Permit fully accurate and up to date at all times. The Company is required to notify the WRC in writing of any changes to the contact information no later than 24 hours after the Company becomes aware of any such changes. (Permit, Part 9, Section (E).)

*As of the effective date of this NOV/Order, the contact information set forth on the Permit is out-of-date and incorrect. The Company has not notified the WRC of any changes to the contact information as required by the Permit.*

#### *Prior NOV/Orders*

9. On June 1, 2021, the WRC issued an NOV/Order to the Company (the “06/01/21 NOV/Order”) (also known as “IPP NOV No. 01”). The 06/01/21 NOV/Order found the Company to be in violation for failure to comply with various requirements of the Permit and ordered the Company to take certain actions and pay certain reimbursable costs within 30 days of the effective date of the 06/01/21 NOV/Order (i.e., by July 1, 2021) and to submit the 2021 Quarter 1 Periodic Compliance Report within 45 days of the effective date of the 06/01/21 NOV/Order (i.e., by July 16, 2021). (A copy of the 06/01/21 NOV/Order is attached to this NOV/Order as Attachment C.)

*As of the effective date of this NOV/Order, the Company has not submitted any response to or complied with any requirement of the 06/01/21 NOV/Order.*

10. On November 19, 2021, the WRC issued an additional NOV/Order to the Company (the “11/19/21 NOV/Order”) (also known as “IPP NOV No. 02”). The 11/19/21 NOV/Order repeated the findings, violations, and orders of the 06/01/21 NOV/Order, added the violation for the Company’s failure to comply with the 06/01/21 NOV/Order, and added an additional assessment of reimbursable costs. The 11/19/21 NOV/Order ordered the Company to take certain actions and pay the total reimbursable costs within 30 days of the effective date of the 11/19/21 NOV/Order (i.e., by December 19, 2021) and to submit the 2021 Quarter 1 Periodic Compliance Report within 45 days of the effective date of the 11/19/21 NOV/Order (i.e., by January 3, 2022) (A copy of the 11/19/21 NOV/Order is attached to this NOV/Order as Attachment D.)

*As of the effective date of this NOV/Order, the Company has not submitted any response to or complied with any requirement of the 11/19/21 NOV/Order.*

11. At all times since the WRC issued the Permit to the Company, the Company’s discharges to the POTW have been subject to the conditions and requirements of the Permit, the Sewer Use Ordinances, and/or other applicable laws and regulations.



12. The WRC and the CRWRRF continue to incur significant reimbursable costs attributable to the Company's discharges to the POTW in addition to those set forth in this NOV/Order. To the extent not paid pursuant to this NOV/Order, the WRC and/or the CRWRRF will bill the Company from time to time for these reimbursable costs as they are incurred by the WRC and/or the CRWRRF.

### **Notice of Violation**

1. Based on the above findings, and as shown in Table 1, the Company is hereby notified that the violations of its Permit and the Sewer Use Ordinance as set forth below in the Paragraph have occurred and continue to exist. For purposes of this NOV/Order, the WRC has used September 12, 2022, as the "cut-off" date for calculating the number of violations and the fines to be imposed for the Company's violations as set forth herein. However, as of the effective date of this NOV/Order, the violations set forth in this NOV/Order are continuing and the number of violations and corresponding fines will continue to increase until they are fully resolved. The Company may be subject to additional enforcement responses for all such additional violations.

(a) *PCRs*. The Company has failed to submit any of the required Periodic Compliance Reports ("PCRs") to the WRC as required by the Permit for the following quarters: 2021 Quarter 1, Quarter 2, Quarter 3, and Quarter 4; and 2022 Quarter 1, Quarter 2, and Quarter 3 (See, Finding 3(b)). Each day that a required report is late constitutes a separate violation subject to a fine of at least \$1,000.00 per day per violation. As of September 12, 2022, the following required Periodic Compliance Reports were late for the following numbers of days:

|     |                                       |                      |
|-----|---------------------------------------|----------------------|
| (1) | 2021 Quarter 1, due January 30, 2021: | <u>590</u> days late |
| (2) | 2021 Quarter 2, due April 30:         | <u>500</u> days late |
| (3) | 2021 Quarter 3, due July 30:          | <u>409</u> days late |
| (4) | 2021 Quarter 4, due October 30:       | <u>317</u> days late |
| (5) | 2022 Quarter 1, due January 30, 2022: | <u>225</u> days late |
| (6) | 2022 Quarter 2, due April 30, 2022:   | <u>135</u> days late |
| (7) | 2022 Quarter 3, due July 30, 2022:    | <u>44</u> days late  |

Total number of days late: 2,220

Minimum fine assessed for late reports: **\$2,220,000.00** (2,220 x \$1,000.00)

(b) *PFAS BMPP*. The Company has failed to submit to the WRC within 90 days of the effective date of the Permit (i.e., no later than October 6, 2020), a PFAS Best Management Practices Plan ("PFAS BMPP"). (See, Finding 6.) As of September 12, 2022, the PFAS Best Management Practices Plan was late for the following number of days: 706.

Total number of days late: 706

Minimum fine assessed for late reports: \$706,000.00 (706 x \$1,000.00)

(c) *Non-domestic User Survey.* The Company has failed to submit to the WRC an up-to-date non-domestic user survey by February 8, 2021. (See, Finding 7.) As of September 12, 2022, the updated non-domestic user survey was late for the following number of days: 584.

Total number of days late: 584

Minimum fine assessed for late user survey: \$584,000.00 (584 x \$1,000.00)

(d) *06/01/21 NOV/Order.* The Company has failed to respond to and has not complied with any requirement of the 06/01/21 NOV/Order. At the latest, the Company was required to respond to and comply with the 06/01/21 NOV/Order by July 16, 2021. (See, Finding 9.) As of September 12, 2022, the Company's response to and compliance with 06/01/21 NOV/Order was late for *at least* the following number of days: 426.

Total number of days late: 426

Minimum fine assessed for late response/compliance: \$426,000.00 (426 x \$1,000.00)

(e) *11/19/21 NOV/Order.* The Company has failed to respond to and has not complied with any requirement of the 11/19/21 NOV/Order. At the latest, the Company was required to respond to and comply with the 06/01/21 NOV/Order by January 3, 2022. (See, Finding 10.) As of September 12, 2022, the Company's response to and compliance with 11/19/21 NOV/Order was late for *at least* the following number of days: 252.

Total number of days late: 252

Minimum fine assessed for late response/compliance: \$252,000.00 (252 x \$1,000.00)

\* \* \*

*As of September 12, 2022, and based on paragraphs 1(a) through (e) of this Notice of Violation, there is a total of 4,188 violations (2,220 plus 702 plus 584 plus 426 plus 252 = 4,184) that have occurred and continue to exist.*

2. Each act of violation, and each day or portion of a day that a violation of the Permit or the Sewer Use Ordinances exists or occurs constitutes a separate violation subject to fines, penalties and other sanctions as provided by the Sewer Use Ordinances, including minimum fines of not less than \$1,000.00 per day per violation.

3. Accordingly, as of September 12, 2022, the Company is subject to the assessment by the WRC of potential fines in the minimum total amount of \$4,184,000.00 (4,184 violations x \$1,000.00).

### **Order**

Based on the above, the Company is hereby ordered as follows:



1. *In General; Compliance.* In addition to and notwithstanding any of the specific requirements of this Order, the Company shall immediately, at the Company's sole responsibility and cost, commence to take all actions as necessary to fully resolve the violations set forth in this NOV/Order and bring the Company into full compliance with all conditions and requirements of the Company's Permit, the Sewer Use Ordinances, and all other applicable laws and regulations.

2. *Payment of Fines.* Unless the WRC determines that it is appropriate to hold the enforcement of this portion of the NOV/Order partially in abeyance because the WRC and the Company in the interim have entered into a binding Consent Agreement to resolve these proceedings within 45 calendar days of the effective date of this NOV/Order, the Company shall within 45 calendar days of the effective date of this NOV/Order (by no later than 5 p.m. of the 45th day) pay to the WRC fines in the amount of **\$4,184,000.00**.

3. *Payment of Cost Reimbursement Amounts.* Within 30 calendar days of the effective date of this NOV/Order (by no later than 5 p.m. of the 30th day), the Village shall pay to the WRC by pay to the WRC reimbursable costs in the amount of **\$6,775.35** (see Table A, below).

**Table A**

**Reimbursable Costs to Be Paid By Company\***

|  |   |
|--|---|
| <b><u>WRC/CRWRRF Personnel</u></b><br>(Through September **, 2022)                                       | <b><u>NOV/Order 1:</u></b> \$657.48<br><b><u>NOV/Order 2:</u></b> \$496.86<br><b><u>This NOV/Order:</u></b> \$661.01<br><br><b><u>Subtotal Amount:</u></b> \$1,815.35 |
| <b><u>WRC Special Legal Counsel</u></b><br>Davis & Davis Law Offices PLC<br>(Through September **, 2022) | <b><u>Amount:</u></b> \$4,960.00  |
| <b>Total Reimbursable Costs: \$6,775.35</b>  |   |

\* This Table A includes only the specified reimbursable costs incurred by the WRC and/or the CRWRRF through the specified dates. It is not intended to be a complete and full accounting of all reimbursable costs that may subsequently be owed by the Company to the WRC/CRWRRF in connection with these proceedings or related proceedings. The WRC/CRWRRF fully reserves its right to bill the Company for any additional reimbursable costs as authorized by the Company's Permit and the Sewer Use Ordinances if and when such additional reimbursable costs are incurred by the WRC/CRWRRF.

4. *Written Submission Form; Compliance Plan.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall fully complete, certify, sign and submit to the WRC the "NOV/Order Written Submission Form attached to this NOV/Order as Attachment E, and shall also submit for the WRC's approval a detailed, proposed final Compliance Plan to permanently to bring the Company's facility into compliance with the Company's Permit, the Sewer Use Ordinances, and



all other applicable laws and regulations. The Compliance Plan submitted by the Company shall meet all the requirements of Attachment E to this NOV/Order.

5. *Required Sampling and Testing Results.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall submit all of the sampling and testing results as required by Part 2, Section (A) of the Permit (see, Finding 3(a) of this NOV/Order).

6. *Required Written Sampling and Analysis Records/Information.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall submit the written records of all samples, measurements, and analysis required by the Part 2, Section (L), of the Permit, including the required information specified for each sample or measurement (see, Finding 4 of this NOV/Order).

7. *Sampling Plan.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall prepare and submit a sampling plan for the WRC's review and approval as required by the Permit, Part 2, Section (N) (See, Finding 5 of this NOV/Order).

8. *PFAS Best Management Practices Plan.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall develop and implement a PFAS Best Management Practices Plan to reduce or eliminate PFAS compounds from discharges from the Premises and shall also provide the information required by the WRC as detailed in Attachment C of the Permit (Permit, Part 10, Section E). (See, Finding 6 of this NOV/Order).

9. *Non-domestic User Survey.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall complete and submit to the WRC an up-to-date non-domestic (IPP) user survey. (A copy of the non-domestic user survey form is attached as Attachment B to this NOV/Order.) (See, Finding 7 of this NOV/Order and Permit, Part 9, Section (D).)

10. *Up-to-date Contact Information.* Within 30 calendar days from the effective date of this NOV/Order (and by no later than 5 p.m. of the 30th calendar day), the Company shall complete and submit to the WRC updated contact information (Permittee contact name, telephone numbers, email address, mailing address, etc.) as set forth on page 1 of the Permit (See, Finding 8 of this NOV/Order and Permit, Part 9, Section (E).)

11. *Delivery of Payments.* All payments ordered by Paragraphs 2 and 3 of this NOV/Order above, shall be made by check payable to the "Clinton River Water Resources Recovery Facility Drainage District" and shall be delivered personally or by certified mail within the deadlines specified above to: Treasures-CASH ACCTG Bldg. 12 E, 1200 N Telegraph Rd. Pontiac, MI 48341-0479.

12. All written responses, documents, submittals, and information ordered by Paragraphs 4, 5, 6, 7, 8, 9, and 10 this NOV/Order, above, and any other written documents or

communications related to these proceedings shall be delivered personally or by certified mail within the deadlines specified above to: Kenneth Burch, Industrial Pretreatment Supervisor, Oakland County Water Resources Commissioner, 155 N. Opdyke Road, Pontiac, Michigan 48342.

\* \* \*

This NOV/Order extends only to the specific violations set forth herein and does not apply in any way to any other violation or noncompliance by the Company, past, present, or future, known or unknown. The WRC may amend this NOV/Order, or take additional enforcement action, regarding any such additional violations, as determined appropriate by the WRC.

Nothing in this NOV/Order shall be construed to limit in any way the ability, authority, or discretion of the WRC to fully administer and enforce the terms and requirements of this NOV/Order, the Company's Permit, the Sewer Use Ordinances, and/or the requirements of applicable laws and regulations.

The Company shall remain fully liable for fines (including escalated fines for repeat offenses and/or failure to fully and timely comply with the requirements of this NOV/Order), penalties, and/or other sanctions for violations by the Company of any requirement of the Company's Permit, NOV/Orders, the Sewer Use Ordinances, and other applicable state and federal pretreatment standards and requirements that occur or have occurred before or after entry of this NOV/Order, including during implementation of the Compliance Plan required by this NOV/Order.

This NOV/Order does not constitute a release from, or a waiver of, any previous notice, order, or action of any kind, and is without prejudice to all matters, claims, and causes of action, administrative or judicial, civil or criminal, past, current, or future, known or unknown, in law or in equity, resulting from, or related to, past, current or future, known or unknown, discharges, operations, and activities of the Company. The WRC expressly reserves the right to seek all remedies and relief available to it under the Sewer Use Ordinances and/or other applicable laws or regulations relating to such matters, claims, and causes of action.

Nothing in this NOV/Order shall affect in any way the Company's responsibility and liability to fully and timely comply with all applicable legal requirements that apply to the Company's discharges to the POTW.

*The Company's failure for any reason to fully and timely comply with any requirement of this NOV/Order shall constitute an additional violation by the Company of the Company's Permit and the Sewer Use Ordinances and may result in additional or escalated enforcement responses by the WRC. The additional enforcement or escalated responses may include, but are not limited to, the assessment of additional and/or increased fines and penalties, and/or termination of wastewater treatment services.*



**Requests for Additional Information**

Additional information regarding the contents or requirements of this NOV/Order may be obtained from the WRC. However, a request for additional information shall not extend the time for compliance with this NOV/Order or have any impact on its effective date.

**Administrative Review and Appeal**

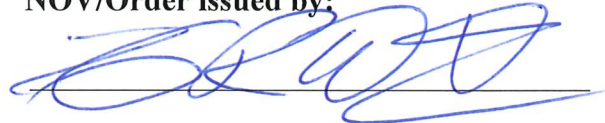
Any user aggrieved by a decision or enforcement action taken by the WRC under the Sewer Use Ordinance may request an appeal as provided by Division 18 ("Administrative Review and Appeals") of the Sewer Use Ordinances. The request for an appeal must be made in writing within 10 days of the date of the action being appealed.

If a request for administrative action or appeal is not properly and timely requested as provided by the Sewer Use Ordinance, the action is deemed final and the right to appeal shall be deemed waived. Please contact the WRC immediately if you have any questions regarding requests for administrative reviews and appeals.

**Issuance/Effective Date**

This NOV/Order shall be effective immediately upon issuance by the WRC.

**NOV/Order issued by:**



Kenneth Burch  
Industrial Pretreatment Supervisor  
Oakland County Water Resources  
Commissioner  
155 N. Opdyke Road  
Pontiac, Michigan 48342

**Date and time issued:**

10/03/2022

*[NOV/Order continued on next page]*

The person served by the WRC with this NOV/Order must sign and date the NOV/Order in the space provided below and promptly return the signed original copy to the WRC at the above address. Failure to comply with this requirement will not affect the time for compliance with this NOV/Order or its effective date.

**NOV/Order received by:**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position with company

\_\_\_\_\_  
Address at which NOV/Order received

\_\_\_\_\_  
Date and time NOV/Order received

*End of NOV/Order except for the following Attachments which are hereby incorporated as an integral and binding part of this NOV/Order:*

- Attachment A: R/L Discharge Permit No. 2020-SIU-027*
- Attachment B: Non-Domestic User Survey Form*
- Attachment C: 06/01/21 NOV/Order (NOV/Order No. 01)*
- Attachment D: 11/19/21 NOV/Order (NOV/Order No. 02)*
- Attachment E: Written Submission Form*

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**Clinton River Water Resource Recovery Facility  
Industrial Pretreatment Program**

**RJL Equity Holdings, LLC  
Permit No. 2020-SIU-027**

**Attachment B**

**06/01/21 NOV/Order (NOV/Order No. 1)**

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER  
Oakland Co-Pontiac Wastewater Treatment Plant**

**Industrial Pretreatment Program**

In re RJL Equity Holdings, LLC.,  
doing business at 4430 Lapeer Rd.,  
Auburn Hills, Michigan, 48326.

Industrial User Permit No. 2020-SIU-027.

**NOTICE OF VIOLATION**

IPP NOV No.: 01

**Legal Authority**

This Notice of Violation and Order (“NOV/Order”) is issued by the Oakland County Water Resources Commissioner (“WRC”) under the authority of Article III (“Sewers”) of Chapter 118 (“Utilities”) of the Pontiac Municipal Code, as amended (the “Sewer Use Ordinance”), the City of Pontiac’s approved Industrial Pretreatment Program (“IPP”), and applicable state and federal laws and regulations, including, without limitation, Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended (“Water Resources Protection”); the Michigan Industrial Pretreatment Rules, Michigan Administrative Code, R 323.1101 et seq., as amended; the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 U.S.C. 1251, et seq.; and the Federal General Pretreatment Regulations (40 CFR part 403).

As authorized by the Sewer Use Ordinance and other applicable laws, the WRC is empowered to administer and enforce the Sewer Use Ordinance and to take action with respect to violations of the Ordinance, including, without limitation, issuing notices of violation and orders requiring compliance with the Ordinance; assessing fines and penalties for violations of the Ordinance; instituting legal actions to obtain compliance with the Ordinance and any order issued under the Ordinance; and pursuing other necessary or appropriate relief and remedies.

*Fine, Penalties and Sanctions for Violations*

Any person who violates any provision of the Sewer Use Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the WRC) is subject to civil and criminal proceedings for fines, penalties, costs and damages; to compel compliance with the Ordinance; to revoke discharge permits; and to impose other sanctions.

Each act of violation, and each day or portion of a day that a violation of the Sewer Use Ordinance (or of any permit, order, notice or agreement issued or entered into

(Under the Ordinance) is permitted to exist or occur constitutes a separate offense and shall be subject to fines, penalties and other sanctions as provided by the Ordinance.

### *Reimbursement of WRC*

Any person who violates any provision of the Sewer Use Ordinance, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the WRC's publicly owned treatment works (POTW), or causes or contributes to a violation of any federal, state or local law governing the POTW, is liable to and must fully reimburse the WRC for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the WRC as a result of any such discharge, violation, exceedance or noncompliance.

### **Findings**

RJL Equity Holdings, LLC. (the "Company") discharges nondomestic wastewater containing pollutants into the WRC's sewer system ("POTW").

On 08-07-2020 the Company was issued Wastewater Discharge Permit (Permit No. 2020-SIU-023) ("Permit") authorizing the Company to discharge process wastewater from "Outfall – 001" to the POTW effective August 07, 2020. The Company's Permit includes effluent limitations, monitoring and reporting requirements, and other specific conditions of discharge.

Pursuant to the Sewer Use Ordinance and the Company's Permit, monitoring and reporting requirements, and other specific conditions of discharge. The company has failed to submit required documents and failed to complete necessary sampling.

The Company failed to meet the requirements of its Permit and/or the Sewer Use Ordinance for the following parameters on the following dates:

| <b>Table 1 - EXCEEDENCES OF NUMERICAL LIMITS</b> |                       |                       |                         |                          |
|--|-----------------------|-----------------------|-------------------------|--------------------------|
| <b>Parameter</b>                                 | <b>Date Due</b>       | <b>Sample Results</b> | <b>Permit/SUO Limit</b> | <b>No. of Violations</b> |
| Complete survey                                  | 02/08/2021            | N/A                   | N/A                     | 1                        |
| PCR  | 04/30/2021            | N/A                   | N/A                     | 1                        |
| Q1 Sampling                                      | 1/1/2021 to 3/31/2021 | N/A                   | N/A                     | 1                        |
| Complete PFAS BMP                                | 02/08/2021            | N/A                   | N/A                     | 1                        |

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**Notice of Violation**

Based on the above findings, and as shown in Table 1, the Company is hereby notified that the following violation(s) of its Permit and the Sewer Use Ordinance have occurred and/or continue to exist:

- The Company has failed to submit a Per- and polyfluoroalkyl substances (PFAS) Best Management Plan (BMP) by 02/08/2021.
- The Company has failed to submit a IPP User Survey by 02/08/2021.
- The Company has failed to complete 2021 Quarter 1 required Sampling and Testing between 01/01/2021 and 03/31/2021.
- The Company has failed to submit the 2021 Quarter 1 Periodic Compliance Report (PCR) by 04/30/2021

This equals a total of 4 violation(s) by the Company of its Permit and the Sewer Use Ordinance.

**Order**

Further, based on the above findings, the Company is hereby ordered to:

- Within 30 days of the effective date of this NOV/Order, submit to the WRC a detailed written response including, at a minimum, the specific cause of the violations and a detailed compliance plan for the satisfactory correction of the non-compliance and any future similar violations. (The Company shall submit its written response on the NOV/Order Written Submission Form provided by the WRC with this NOV/Order.)
- Within 30 days of the effective date of this NOV/Order submit a IPP User Survey.
- Within 30 days of the effective date of this NOV/Order submit a PFAS BMP.
- Within 30 days of the effective date of this NOV/Order complete all 2021 Q1 required analyte testing.
- Within 45 days of the effective date of this NOV/Order submit the 2021 Q1 PCR.
- **Within 30 days after the effective date of this NOV/Order, the Company shall pay:**
  - a. A civil fine in the sum of **\$0.00**; and
  - b. Reimbursement for WRC costs in this NOV1 enforcement matter \$657.48
  - c. Surcharges in the amount of \$0.00
  - d. The total for the included invoice is **\$657.48**, this includes the NOV1 of \$657.48 and the surcharge of \$0.00

All written responses required by this NOV/Order shall be delivered personally or by certified mail within the deadlines specified above to: Kenneth Burch, Industrial Pretreatment Supervisor, Oakland County Water Resources Commissioner, 155 N. Opdyke Road, Pontiac, Michigan 48342.



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All payments required by this NOV/Order shall be delivered personally or by certified mail within the deadlines specified above to: Treasures-CASH ACCTG Bldg. 12 E, 1200 N Telegraph Rd. Pontiac, MI 48341-0479.

This Order does not constitute a release from, or a waiver of, any previous order or agreement. The WRC reserves the right to seek all remedies and relief available to it under the Sewer Use Ordinance or other applicable federal, state or local laws or regulations relating to the past, current or future operations and activities of the Company.

Failure to comply with any requirement of this Order shall constitute an additional violation by the Company of the Sewer Use Ordinance, and therefore may result in additional civil or criminal enforcement responses by the WRC.

### **Requests for Additional Information**

Additional information regarding the contents or requirements of this NOV/Order may be obtained from the WRC. However, a request for additional information shall not extend the time for compliance with this NOV/Order or have any impact on its effective date.

### **Administrative Review and Appeal**

Any user aggrieved by a decision or enforcement action taken by the WRC under the Sewer Use Ordinance may request an appeal as provided by Section 118-244 of the Sewer Use Ordinance. The request for an appeal must be made in writing within 10 days of the date of the action being appealed.

If a request for administrative action or appeal is not properly and timely requested as provided by the Sewer Use Ordinance, the action is deemed final and the right to appeal shall be deemed waived. Please contact the WRC immediately if you have any questions regarding requests for administrative reviews and appeals.

*[NOV/Order Continued On Next Page]*

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**Issuance/Effective Date**

This NOV/Order shall be effective immediately upon issuance by the WRC.

**NOV/Order issued by:**



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Kenneth Burch  
Industrial Pretreatment Supervisor  
Oakland County Water Resources  
Commissioner  
155 N. Opdyke Road  
Pontiac, Michigan 48342

**Date and time issued:**

**Tuesday, June 01, 2021**

The person served by the WRC with this NOV/Order must sign and date the NOV/Order in the space provided below and promptly return the signed original copy to the WRC at the above address. Failure to comply with this requirement will not affect the time for compliance with this NOV/Order or its effective date.

**NOV/Order received by:**

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Name (please print)

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Signature

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Position with company

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Address at which NOV/Order received

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Date and time NOV/Order received

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WRC - PONTIAC WWTP  
INDUSTRIAL PRETREATMENT PROGRAM  
RJL Equity Holdings, LLC.,  
**Violation Notice 1 (6/1/2021)**  
NOV/Order Written Submission Form

CAUSE FOR VIOLATION(S):

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DATE OF RESPONSE: \_\_\_\_\_ RESPONSE WITHIN 30 DAYS? (Y/N): \_\_\_\_\_

PROPOSED MEASURES TO PREVENT SIMILAR FUTURE VIOLATIONS:

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NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



# INVOICE

Invoice:  
Invoice Date:  
Page:

DSA0001877  
5/28/2021  
1 of 1

Make Checks Payable to  
OAKLAND COUNTY  
TREASURERS-CASH ACCTG BLDG 12 E  
1200 N TELEGRAPH RD  
PONTIAC MI 48341-0479

Customer No: DSA00000095  
Payment Terms: NET 30  
Due Date: 6/27/2021

RJL EQUITY HOLDINGS LLC  
ATTN: TONYA LALONDE  
4430 LAPEER RD  
AUBURN HILLS MI 48326

**AMOUNT DUE: 657.48 USD**

For billing questions, please call: 248-858-1541

Original

| Line        | Description   | Quantity | UOM | Unit Amt | Net Amount |
|-------------|---------------|----------|-----|----------|------------|
| 1           | WRC Equipment | 1.00     | EA  | 15.00    | 15.00      |
| 2           | WRC Labor     | 1.00     | EA  | 642.48   | 642.48     |
| Subtotal:   |               |          |     |          | 657.48     |
| AMOUNT DUE: |               |          |     |          | 657.48     |

PLEASE INCLUDE YOUR INVOICE NUMBER WHEN SUBMITTING PAYMENT.

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**Clinton River Water Resource Recovery Facility  
Industrial Pretreatment Program**

**RJL Equity Holdings, LLC  
Permit No. 2020-SIU-027**

**Attachment C**

**11/19/21 NOV/Order (NOV/Order No. 2)**

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**  
**Oakland Co-Pontiac Wastewater Treatment Plant**

**Industrial Pretreatment Program**

In re RJL Equity Holdings, LLC.,  
doing business at 4430 Lapeer Rd.,  
Auburn Hills, Michigan, 48326.

Industrial User Permit No. 2020-SIU-027.

**NOTICE OF VIOLATION**

IPP NOV No.: 02

**Legal Authority**

This Notice of Violation and Order (“NOV/Order”) is issued by the Oakland County Water Resources Commissioner (“WRC”) under the authority of Article III (“Sewers”) of Chapter 118 (“Utilities”) of the Pontiac Municipal Code, as amended (the “Sewer Use Ordinance”), the City of Pontiac’s approved Industrial Pretreatment Program (“IPP”), and applicable state and federal laws and regulations, including, without limitation, Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended (“Water Resources Protection”); the Michigan Industrial Pretreatment Rules, Michigan Administrative Code, R 323.1101 et seq., as amended; the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 U.S.C. 1251, et seq.; and the Federal General Pretreatment Regulations (40 CFR part 403).

As authorized by the Sewer Use Ordinance and other applicable laws, the WRC is empowered to administer and enforce the Sewer Use Ordinance and to take action with respect to violations of the Ordinance, including, without limitation, issuing notices of violation and orders requiring compliance with the Ordinance; assessing fines and penalties for violations of the Ordinance; instituting legal actions to obtain compliance with the Ordinance and any order issued under the Ordinance; and pursuing other necessary or appropriate relief and remedies.

*Fine, Penalties and Sanctions for Violations*

Any person who violates any provision of the Sewer Use Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the WRC) is subject to civil and criminal proceedings for fines, penalties, costs and damages; to compel compliance with the Ordinance; to revoke discharge permits; and to impose other sanctions.

Each act of violation, and each day or portion of a day that a violation of the Sewer Use Ordinance (or of any permit, order, notice or agreement issued or entered into

(Under the Ordinance) is permitted to exist or occur constitutes a separate offense and shall be subject to fines, penalties and other sanctions as provided by the Ordinance.

### *Reimbursement of WRC*

Any person who violates any provision of the Sewer Use Ordinance, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the WRC's publicly owned treatment works (POTW), or causes or contributes to a violation of any federal, state or local law governing the POTW, is liable to and must fully reimburse the WRC for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the WRC as a result of any such discharge, violation, exceedance or noncompliance.

### **Findings**

RJL Equity Holdings, LLC. (the "Company") discharges nondomestic wastewater containing pollutants into the WRC's sewer system ("POTW").

On 08-07-2020 the Company was issued Wastewater Discharge Permit (Permit No. 2020-SIU-027) ("Permit") authorizing the Company to discharge process wastewater from "Outfall – 001" to the POTW effective August 07, 2020. The Company's Permit includes effluent limitations, monitoring and reporting requirements, and other specific conditions of discharge.

Pursuant to the Sewer Use Ordinance and the Company's Permit, monitoring and reporting requirements, and other specific conditions of discharge. The company has failed to submit required documents and failed to complete necessary sampling.

The Company failed to meet the requirements of its Permit and/or the Sewer Use Ordinance for the following parameters on the following dates:

| <b>Table 1 - EXCEEDENCES OF PERMIT LIMITS</b> |                       |                       |                         |                          |
|---|-----------------------|-----------------------|-------------------------|--------------------------|
| <b>Parameter</b>                              | <b>Date Due</b>       | <b>Sample Results</b> | <b>Permit/SUO Limit</b> | <b>No. of Violations</b> |
| Complete survey                               | 02/08/2021            | N/A                   | N/A                     | 1                        |
| PCR   | 04/30/2021            | N/A                   | N/A                     | 1                        |
| Q1 Sampling                                   | 1/1/2021 to 3/31/2021 | N/A                   | N/A                     | 1                        |
| Complete PFAS BMP                             | 02/08/2021            | N/A                   | N/A                     | 1                        |
| <b>Failure to Respond to NOV1</b>             | <b>07/01/2021</b>     | <b>N/A</b>            | <b>N/A</b>              | <b>1</b>                 |

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**Notice of Violation**

Based on the above findings, and as shown in Table 1, the Company is hereby notified that the following violation(s) of its Permit and the Sewer Use Ordinance have occurred and/or continue to exist:

- The Company has failed to submit a Per- and polyfluoroalkyl substances (PFAS) Best Management Plan (BMP) by 02/08/2021.
- The Company has failed to submit a IPP User Survey by 02/08/2021.
- The Company has failed to complete 2021 Quarter 1 required Sampling and Testing between 01/01/2021 and 03/31/2021.
- The Company has failed to submit the 2021 Quarter 1 Periodic Compliance Report (PCR) by 04/30/2021
- **The Company has failed to respond to the Notice of Violation 1 by 07/01/2021**

This equals a total of 5 violation(s) by the Company of its Permit and the Sewer Use Ordinance.

**Order**

Further, based on the above findings, the Company is hereby ordered to:

- Within 30 days of the effective date of this NOV/Order, submit to the WRC a detailed written response including, at a minimum, the specific cause of the violations and a detailed compliance plan for the satisfactory correction of the non-compliance and any future similar violations. (The Company shall submit its written response on the NOV/Order Written Submission Form provided by the WRC with this NOV/Order.)
- Within 30 days of the effective date of this NOV/Order submit a IPP User Survey.
- Within 30 days of the effective date of this NOV/Order submit a PFAS BMP.
- Within 30 days of the effective date of this NOV/Order complete all 2021 Q1 required analyte testing.
- Within 45 days of the effective date of this NOV/Order submit the 2021 Q1 PCR.
- **Within 30 days after the effective date of this NOV/Order, the Company shall pay:**
  - a. A civil fine in the sum of **\$0.00**; and
  - b. Reimbursement for WRC costs in this NOV2 enforcement matter \$481.86
  - c. Surcharges in the amount of \$0.00
  - d. The total for the included invoice is **\$1,154.34**, this includes the NOV1 of \$657.48, the NOV2 of \$496.86 and the surcharge of \$0.00

All written responses required by this NOV/Order shall be delivered personally or by certified mail within the deadlines specified above to: Kenneth Burch, Industrial Pretreatment Supervisor, Oakland County Water Resources Commissioner, 155 N. Opdyke Road, Pontiac, Michigan 48342.



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All payments required by this NOV/Order shall be delivered personally or by certified mail within the deadlines specified above to: Treasures-CASH ACCTG Bldg. 12 E, 1200 N Telegraph Rd. Pontiac, MI 48341-0479.

This Order does not constitute a release from, or a waiver of, any previous order or agreement. The WRC reserves the right to seek all remedies and relief available to it under the Sewer Use Ordinance or other applicable federal, state or local laws or regulations relating to the past, current or future operations and activities of the Company.

Failure to comply with any requirement of this Order shall constitute an additional violation by the Company of the Sewer Use Ordinance, and therefore may result in additional civil or criminal enforcement responses by the WRC.

### **Requests for Additional Information**

Additional information regarding the contents or requirements of this NOV/Order may be obtained from the WRC. However, a request for additional information shall not extend the time for compliance with this NOV/Order or have any impact on its effective date.

### **Administrative Review and Appeal**

Any user aggrieved by a decision or enforcement action taken by the WRC under the Sewer Use Ordinance may request an appeal as provided by Section 118-244 of the Sewer Use Ordinance. The request for an appeal must be made in writing within 10 days of the date of the action being appealed.

If a request for administrative action or appeal is not properly and timely requested as provided by the Sewer Use Ordinance, the action is deemed final and the right to appeal shall be deemed waived. Please contact the WRC immediately if you have any questions regarding requests for administrative reviews and appeals.

*[NOV/Order Continued On Next Page]*

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**Issuance/Effective Date**

This NOV/Order shall be effective immediately upon issuance by the WRC.

**NOV/Order issued by:**



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Kenneth Burch  
Industrial Pretreatment Supervisor  
Oakland County Water Resources  
Commissioner  
155 N. Opdyke Road  
Pontiac, Michigan 48342

**Date and time issued:**

**Friday, November 19, 2021**

The person served by the WRC with this NOV/Order must sign and date the NOV/Order in the space provided below and promptly return the signed original copy to the WRC at the above address. Failure to comply with this requirement will not affect the time for compliance with this NOV/Order or its effective date.

**NOV/Order received by:**

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Name (please print)

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Signature

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Position with company

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Address at which NOV/Order received

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Date and time NOV/Order received

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WRC - PONTIAC WWTP  
INDUSTRIAL PRETREATMENT PROGRAM  
RJL Equity Holdings, LLC.,  
**Violation Notice 2 (11/19/2021)**  
NOV/Order Written Submission Form

CAUSE FOR VIOLATION(S):

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DATE OF RESPONSE: \_\_\_\_\_ RESPONSE WITHIN 30 DAYS? (Y/N): \_\_\_\_\_

PROPOSED MEASURES TO PREVENT SIMILAR FUTURE VIOLATIONS:

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NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER****MEMORANDUM**

**TO:** Jim Nash, Chairman  
Clinton River Water Resource Recovery Facility Drainage District

**FROM:** Razik Alsaigh, P.E., Project Engineer

**SUBJECT:** Optimization Project Phase II Project

**DATE:** November 28, 2023

At its November 15, 2022 meeting, the Drainage Board for the Clinton River Water Resource Recovery Facility Drainage District authorized the award of the CRWRRF Optimization Project design to Jacobs Consultant, Inc. Three months later, the Board authorized the award of the CRWRRF Optimization Project Construction Manager at Risk to Walsh Construction Group.

At its June 27, 2023 meeting, a memo was presented to the Board indicating that Walsh developed cost estimates based on 60% design documents that exceeded the initial anticipated project cost. The initial plan addressed the Optimization Project in two parts. The first part was intended to deal with the electrical components while the second part was focused on improvements of the treatment capabilities of the secondary clarifiers. Due to the combined high project cost, the Optimization Project was separated into two phases. Phase I dealt with the electrical improvement, including cogeneration equipment. That phase was allowed to move forward for bidding and construction, while Phase II, which dealt with secondary treatment improvements, was temporarily suspended.

Last month, the State of Michigan issued its Final Fiscal Year 2024 Intended Use Plan containing the Project Priority List for the Clean Water State Revolving Fund (SRF). The previously suspended Phase II of the project was included in the fundable projects range.

Accordingly, it is requested that the Drain Board approve creation of new project to address the CRWRRF Optimization Project Phase II and revisit of the available options to implement the secondary treatment improvement at the plant. The anticipated budget for the preconstruction activities, including design and bidding, is \$4 million, which represents the approximate amount needed for the Phase I preconstruction activities. This budget will be funded from the District's Capital Improvement Plan reserves and reimbursed from the SRF after bidding.

**Requested Action: Authorize the creation of new project to move forward with the evaluating, designing, and bidding of Phase II of the Optimization Project and authorize \$4 million to implement the pre-construction activities for this project.**

**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the CLINTON RIVER WATER RESOURCE RECOVERY FACILITY DRAIN - (Maintenance)

**FROM:** Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting



For Shawn Phelps

**DATE:** November 28, 2023

**SUBJECT:** Request for Approval of Invoices

The following is a detail of charges paid from the Drain Revolving Fund and Invoices

| Payable To                          | Ref No.           | For  | Amount               |
|-------------------------------------|-------------------|--|----------------------|
| ALYKO Enterprises LLC               | V # SINV00221358  | Invoice # 23217 - Contracted Services                              | \$ 1,072.35          |
| Biotech Agronomics                  | V # SINV00217985  | Invoice # 3494 - Land Application                                  | 100,019.88           |
| Cambi Inc                           | V # SINV002218145 | Invoice # 609810-SP-030 - Material and Supplies                    | 16,842.06            |
| Cambi Inc                           | V # SINV00219198  | Invoice # 609810-SP-031 - Material and Supplies                    | 4,719.12             |
| Cambi Inc                           | V # SINV00220438  | Invoice # 609810-SP-032 - Material and Supplies                    | 7,371.02             |
| Cambi Inc                           | V # SINV00221989  | Invoice # 609810-SP-033 - Material and Supplies                    | 10,703.00            |
| CSM Mechanical LLC                  | V # SINV00221359  | Invoice # 2201 - Contracted Services                               | 4,102.89             |
| CSM Mechanical LLC                  | V # SINV00222971  | Invoice # 2233 - Contracted Services                               | 6,882.90             |
| D3W Industries                      | V # SINV00221361  | Invoice # 4133 - Material and Supplies                             | 5,720.00             |
| D3W Industries                      | V # SINV00222974  | Invoice # 4151 - Material and Supplies                             | 5,720.00             |
| D. J. Conley                        | V # SINV00217643  | Invoice # SI-50128-1 - Material and Supplies                       | 2,816.74             |
| Haviland Products Company           | V # SINV00217645  | Invoice # 486217 - Chemical Treatment                              | 4,467.00             |
| Haviland Products Company           | V # SINV00217646  | Invoice # 486328 - Chemical Treatment                              | 4,562.00             |
| Haviland Products Company           | V # SINV00217983  | Invoice # 486569 - Chemical Treatment                              | 10,423.00            |
| Haviland Products Company           | TBP               | Invoice # 488051 - Chemical Treatment                              | 14,985.00            |
| Haviland Products Company           | V # SINV00222991  | Invoice # 488292 - Chemical Treatment                              | 3,330.00             |
| Galloup Forberg Smith Merlo Energy  | V # SINV00217856  | Invoice # S113474129.001 - Contracted Services                     | 1,829.47             |
| LaSalle Agri Inc                    | TBP               | Invoice # 1789 - Land Application                                  | 7,970.20             |
| LaSalle Agri Inc                    | V # SINV00222514  | Invoice # 1868 - Land Application                                  | 21,815.15            |
| Marine Pollution Control            | V # SINV00218543  | Invoice # 41006 - Contracted Services                              | 4,318.72             |
| Pipeline Management Company         | TBP               | Invoice # 23-00720 - Contracted Services                           | 3,290.00             |
| Polydyne Inc                        | V # SINV00217984  | Invoice # 1778921 - Chemical Treatment                             | 49,236.00            |
| Polydyne Inc                        | V # SINV00221368  | Invoice # 1780813 - Chemical Treatment                             | 22,770.00            |
| Polydyne Inc                        | V # SINV00223549  | Invoice # 1783656 - Chemical Treatment                             | 49,467.00            |
| Pro-Seal Service Group              | V # SINV00222978  | Invoice # 233311 - Contracted Services                             | 1,670.00             |
| Pro-Seal Service Group              | V # SINV00222980  | Invoice # 233956 - Contracted Services                             | 4,327.94             |
| PVS Technologies Inc                | TBP               | Invoice # 343750 - Chemical Treatment                              | 3,891.12             |
| PVS Technologies Inc                | V # SINV00220448  | Invoice # 344110 - Chemical Treatment                              | 5,229.08             |
| PVS Technologies Inc                | V # SINV00220452  | Invoice # 344171 - Chemical Treatment                              | 2,513.48             |
| PVS Technologies Inc                | V # SINV00221369  | Invoice # 344840 - Chemical Treatment                              | 5,203.04             |
| PVS Technologies Inc                | V # SINV00222982  | Invoice # 345359 - Chemical Treatment                              | 2,718.08             |
| PVS Technologies Inc                | V # SINV00223550  | Invoice # 345598 - Chemical Treatment                              | 4,905.44             |
| SEMCOG/Southeast MI Council of Govt | V # SINV00220326  | Invoice # INV01845 - Membership Dues                               | 4,215.56             |
| Superior Materials LLC              | V # SINV00221325  | Invoice # 891123236 - Material and Supplies                        | 1,215.00             |
| United Lawnscape                    | V # SINV00222987  | Invoice # UE 573168 - Contracted Services                          | 3,459.00             |
| United Lawnscape                    | V # SINV00222990  | Invoice # UE 573169 - Contracted Services                          | 1,770.00             |
| Waste Management                    | V # SINV00221353  | Invoice # 8715392 -1714-5 Garbage & Rubbish Disposal               | 2,487.09             |
| <b>Subtotal</b>                     |                   |  | <b>\$ 408,038.33</b> |
| HESCO/Hamlett Engineering           | V # SINV00219711  | Invoice # 231880 - Contracted Services - Proj 1-3470               | \$ 3,015.00          |
| <b>Subtotal - Project 1-3470</b>    |                   |  | <b>\$ 3,015.00</b>   |
| Tetra Tech, Inc                     | V # SINV00223551  | Invoice # 52157310 - Engineering Admin - 10/27/23 - Proj # 1-3304  | 71,910.20            |
| Tetra Tech, Inc                     | V # SINV00223556  | Invoice # 52158440 - Engineering Admin - 10/27/23 - Proj # 1-3304  | 19,435.15            |
| <b>Subtotal - Project 1-3304</b>    |                   |  | <b>\$ 91,345.35</b>  |
| Fishbeck                            | V # SINV00222956  | Invoice # 429764 - Engineering Services - 10/27/23 - Proj # 1-3492 | \$ 360.25            |
| CSM Mechanical LLC                  | V # SINV00220442  | Invoice # S23-003R - Project Construction - Proj # 1-3492          | \$ 5,000.00          |
| <b>Subtotal - Project 1-3492</b>    |                   |  | <b>\$ 5,360.25</b>   |

|   |                  |  |                      |
|---|------------------|--|----------------------|
| RMD Holding Ltd/Nationwide Construction | V # SINV00221371 | Invoice # 2037381 - Contracted Services - Proj # 1-3451          | \$ 1,250.00          |
|   |                  | <b>Subtotal - Project 1-3451</b>                                 | <b>\$ 1,250.00</b>   |
| NTH Consultants Ltd                     | V # SINV00221365 | Invoice # 634254 - Engineering & Survey - 10/27/23 - Proj 1-7162 | \$ 6,526.54          |
| Mark 1 Restoration Services             | V # SINV00221364 | Invoice # 2324-1 - Project Construction - Proj # 1-7162          | \$ 124,000.00        |
| Waterworks Systems & Equipment Inc      | V # SINV00222003 | Invoice # 10417 - Material and Supplies - Proj # 1-7162          | \$ 2,935.00          |
|   |                  | <b>Subtotal - Project 1-7162</b>                                 | <b>\$ 133,461.54</b> |
| HESCO/Hamlett Engineering               | V # SINV00222345 | Invoice # 231883 - Contracted Services - Proj 1-3243             | \$ 1,950.00          |
|   |                  | <b>Subtotal - Project 1-3243</b>                                 | <b>\$ 1,950.00</b>   |
| NTH Consultants Ltd                     | V # SINV00220445 | Invoice # 634197 - Engineering & Survey -10/13/23 - Proj 1-7127  | \$ 6,243.50          |
|   |                  | <b>Subtotal - Project 1-7127</b>                                 | <b>\$ 6,243.50</b>   |
| <b>Total</b>                            |                  |  | <b>\$ 650,663.97</b> |

## **5. City of Pontiac Wastewater Treatment Facility**

**AGENDA**  
**DRAINAGE BOARD FOR**  
**THE CITY OF PONTIAC WASTEWATER TREATMENT FACILITY**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of May 23, 2023
3. Public Comments
4. Present Memorandum from Jeffrey Parrott, Supervisor Right of Way, dated November 28, 2023, requesting the Board authorize the Chairperson to convey a portion of district property for construction, operation, and maintenance of a pump station and grant an easement for ingress and egress to the pump station within district property
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn



**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE CITY OF PONTIAC WASTEWATER TREATMENT FACILITY**

May 23, 2023

A meeting of the Drainage Board for the City of Pontiac Wastewater Treatment Facility was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 23<sup>rd</sup> day of May 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

David Woodward, Chairperson of the Oakland County Board of Commissioners

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held November 26, 2019, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

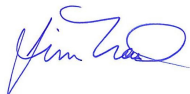
A memorandum from John Basch, Senior Attorney, dated May 23, 2023, requesting the Board receive and file the Historical Overview memorandum of the Drainage District was presented. It was moved by Markham, supported by Woodward, to receive and file the Historical Overview memorandum of the Drainage District as presented.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Mr. Woodward and Ms. Markham.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.



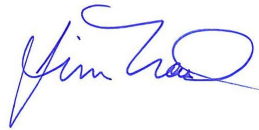
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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the City of Pontiac Wastewater Treatment Facility, Oakland County, Michigan, held on the 23<sup>rd</sup> day of May 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the City of Pontiac Wastewater Treatment Facility Drainage District.



---

Jim Nash, Chairperson

Dated: May 23, 2023

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER****MEMORANDUM**

**TO:** Jim Nash, Chairperson  
City of Pontiac Wastewater Treatment Facility Drainage District

**FROM:** Jeffrey Parrott, Supervisor Right of Way

**SUBJECT:** Martin Luther King Jr Boulevard Pump Station and Sanitary Sewer Improvements Project – Conveyance of Property and Easement for Ingress and Egress to Oakland County for Construction of a New Sanitary Pump Station

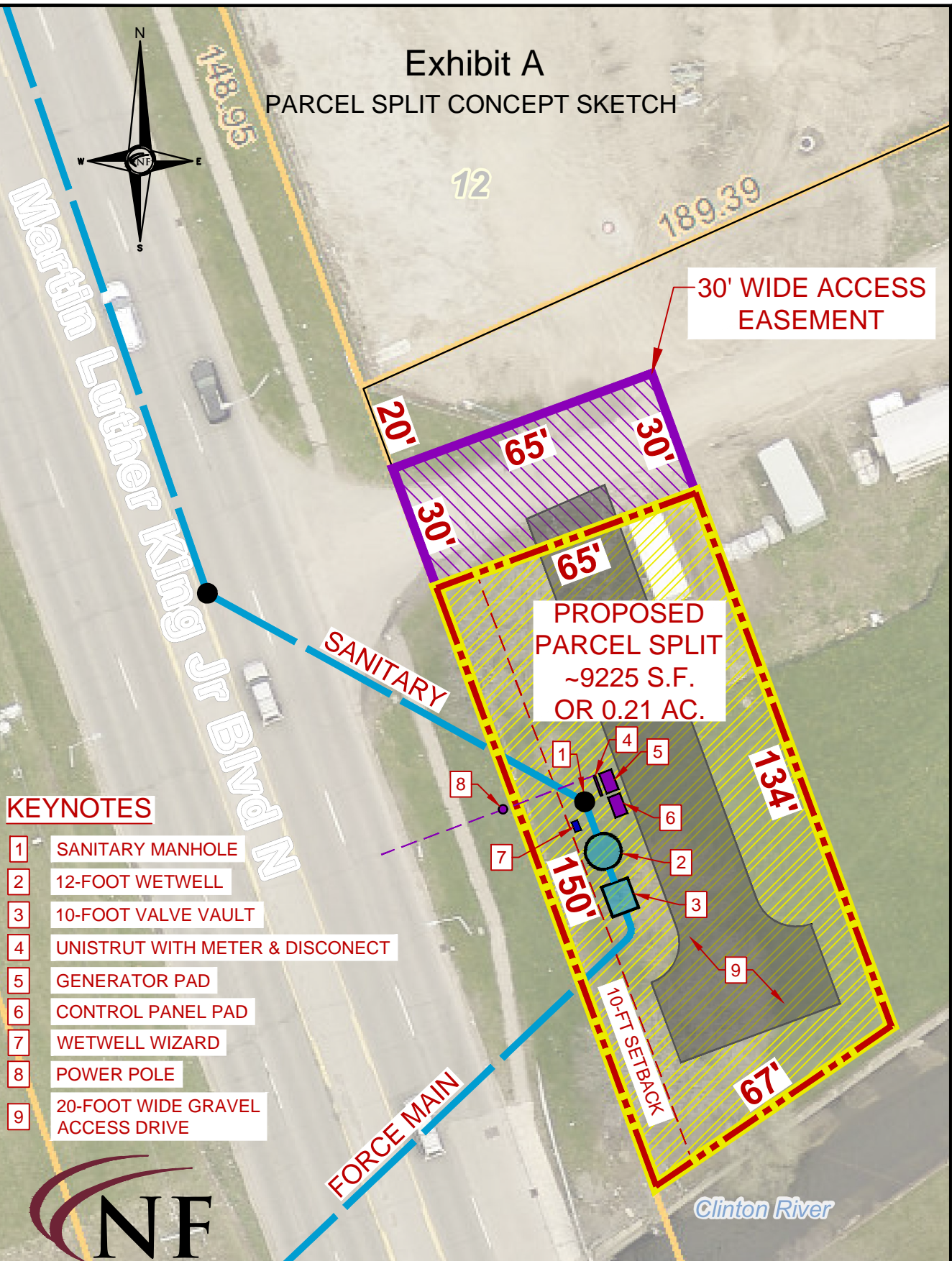
**DATE:** November 28, 2023

The above-referenced project involves the construction of a sanitary pump station within property owned by the City of Pontiac Wastewater Treatment Facility Drainage District. The project calls for abandoning existing 12-inch diameter sewers and replacing them with a single new consolidated sewer connected to a new pump station just north of the Pontiac Clinton River Drain No. 2 crossing. The new pump station will discharge directly to an existing 72-inch diameter sanitary line. Gravity sanitary flow along Martin Luther King Boulevard is hydraulically deficient for the required sanitary sewer replacement and requires construction of a pump station.

Staff does not object to construction of a pump station within the property to replace existing sanitary lines that are in poor condition and are no longer able to be maintained. Attached is a map showing the approximate location of district property proposed to be sold to Oakland County for construction of a pump station. The map also depicts an ingress and egress easement for access.

**Requested Action:** Authorize the chairperson to convey a portion of district property for construction, operation, and maintenance of a pump station and grant an easement for ingress and egress to the pump station within district property.

# Exhibit A PARCEL SPLIT CONCEPT SKETCH



**ENGINEERS**

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

PREPARED FOR:  
OCWRC

SCALE  
1" = 30'

DATE  
11/10/2023

DRAWN  
JDK

JOB NO.  
1999

SHEET  
1 of 1

## **6. Robert J. Evans Relief Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE ROBERT J. EVANS RELIEF DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of May 24, 2022
3. Public Comment
4. Present Memorandum from Jeffrey Parrott, Supervisor Right of Way, dated November 28, 2023, requesting the Board authorize the Chairperson to execute an easement allowing construction of a pedestrian trail by the City of Rochester Hills within Drainage District property
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE ROBERT J. EVANS RELIEF DRAIN**

May 24, 2022

A meeting of the Drainage Board for the Robert J. Evans Relief Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of May 2022.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held June 26, 2018, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

A Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$18,373 for the Robert J. Evans Relief Drain (as attached) were presented. It was moved by Markham, supported by Woodward, to adopt the Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$18,373 as presented.

ADOPTED: Yeas - 3  
Nays - 0

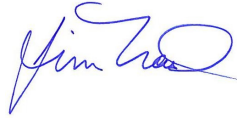
A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$1,434.79 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$1,434.79.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Jim Nash", is positioned above a horizontal line.

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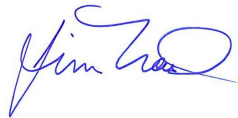
Jim Nash, Chairperson



STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Robert J. Evans Relief Drain, Oakland County, Michigan, held on the 24<sup>th</sup> day of May 2022, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Robert J. Evans Relief Drain Drainage District.



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Jim Nash, Chairperson

Dated: May 24, 2022

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER**

**MEMORANDUM**

**TO:** Jim Nash, Chairperson  
Robert J. Evans Drain Drainage District

**FROM:** Jeffrey Parrott, Supervisor Right of Way

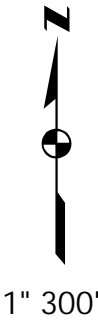
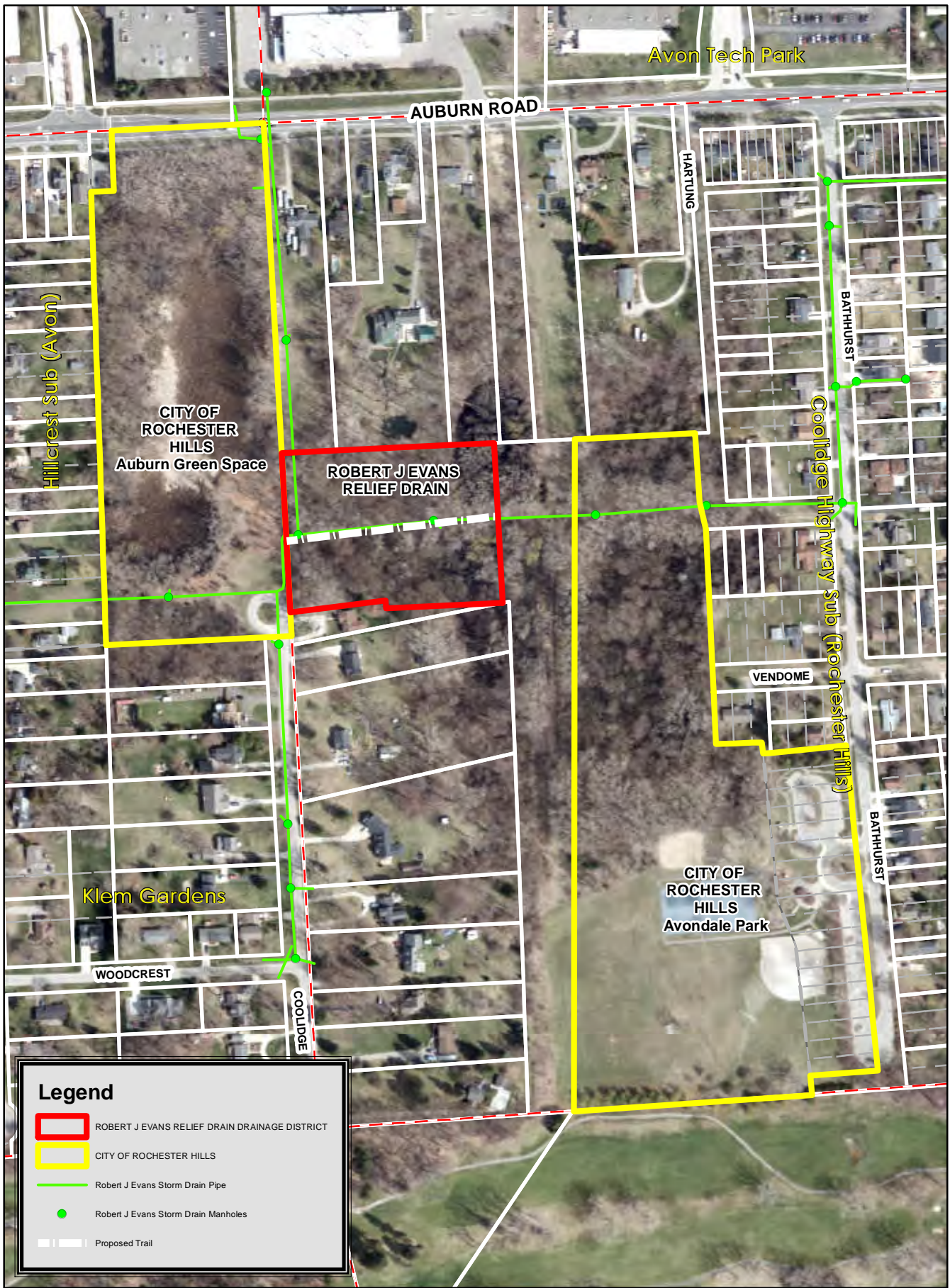
**SUBJECT:** City of Rochester Hills – Easement Request for Pedestrian Trail

**DATE:** November 28, 2023

The City of Rochester Hills has requested an easement to construct a pedestrian trail within property owned by the Robert J. Evans Drainage District. Staff has no objections to construction of a pedestrian trail within the property subject to district's operation and maintenance of the drain.

Attached is a map of drainage district property showing the approximate location of the proposed pedestrian trail.

**Requested Action: Authorize the chairperson to execute an easement allowing construction of a pedestrian trail within drainage district property.**



**Legend**

- ROBERT J EVANS RELIEF DRAIN DRAINAGE DISTRICT
- CITY OF ROCHESTER HILLS
- Robert J Evans Storm Drain Pipe
- Robert J Evans Storm Drain Manholes
- Proposed Trail

**DISCLAIMER:**  
The information displayed in this map is compiled from recorded deeds, plats, tax maps, surveys and other public records. Although this information is intended to accurately reflect public information, it is not a legally recorded map or survey and is not intended to be used as one. Users should consult primary/original information sources where appropriate.

ROBERT J EVANS RELIEF DRAIN  
CITY OF ROCHESTER HILLS  
OAKLAND COUNTY, MICHIGAN

One Public Works Drive  
Building 95 West  
Waterford, Michigan  
48328-1907



## **7. Owens Relief Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE OWENS RELIEF DRAINS**

September 27, 2022

1. Call meeting to order
2. Approve minutes of meeting of June 28, 2022
3. Public Comments
4. Present Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$78,503
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE OWENS RELIEF DRAIN**

June 28, 2022

A meeting of the Drainage Board for the Owens Relief Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 28<sup>th</sup> day of June 2022.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held June 25, 2019, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

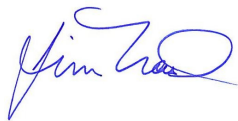
A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$490.31 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$490.31.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.



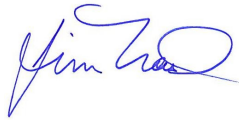
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Jim Nash, Chairperson

STATE OF MICHIGAN                     )  
  )SS.  
COUNTY OF OAKLAND                 )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Owens Relief Drain, Oakland County, Michigan, held on the 28<sup>th</sup> day of June 2022, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Owens Relief Drain Drainage District.

A handwritten signature in blue ink, appearing to read "Jim Nash", is written above a horizontal line.

Jim Nash, Chairperson

Dated: June 28, 2022

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**  
**MAINTENANCE ASSESSMENT RECOMMENDATION FOR THE**  
**Owens Relief Drain**

Assessment for current fund deficit and estimated maintenance expenses for fiscal years: 2024 through 2026

|                                |          |            |
|--------------------------------|----------|------------|
| Date last assessment approved: | 02/26/19 |            |
| Last Assessment:               |          | \$59,034   |
| Current Available Cash:        |          | (\$49,703) |

| <b>Expenditure History:</b> | <b>Fiscal Year</b> | <b>Amount</b> |
|-----------------------------|--------------------|---------------|
|                             | 2017               | \$7,362       |
|                             | 2018               | \$14,552      |
|                             | 2019               | \$19,300      |
|                             | 2020               | \$3,088       |
|                             | 2021               | \$4,245       |
|                             | 2022               | \$60,354      |
|                             | 2023               | \$5,250       |

| <b>Estimated Expenditures:</b> | <b>Year</b>  | <b>Amount</b>   |
|--------------------------------|--------------|-----------------|
|                                | 2024         | \$9,600         |
|                                | 2025         | \$9,600         |
|                                | 2026         | \$9,600         |
|                                | <b>Total</b> | <b>\$28,800</b> |

**Recommended Assessment:**

|  |          |
|--|----------|
| Current Cash Deficit                   | \$49,703 |
| Total Anticipated Expenses 2024 - 2026 | \$28,800 |

|                                     |                 |
|-------------------------------------|-----------------|
| <b>TOTAL RECOMMENDED ASSESSMENT</b> | <b>\$78,503</b> |
|-------------------------------------|-----------------|

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Geoff Wilson, P.E. - Chief Engineer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Nigro, P.E. - Manager

Note: Current Available Cash as of August 31, 2023, Fiscal Services Division Report.



**SPECIAL ASSESSMENT ROLL FOR THE MAINTENANCE  
OF THE OWENS RELIEF DRAIN**

| Public Corporation | *Percentage of Apportionment | Total Amount of Assessment | Payment #1   | Payment #2 | Payment #3 |
|--------------------|------------------------------|----------------------------|--------------|------------|------------|
| City of Southfield | 99.84717%                    | \$ 78,383.02               | \$ 78,383.02 | -          | -          |
| County of Oakland  | 0.15283%                     | \$ 119.98                  | \$ 119.98    | -          | -          |
|                    |                              |                            |              |            |            |
| Total              | 100.000%                     | \$ 78,503.00               | \$ 78,503.00 | \$ -       | \$ -       |

\*Apportionment based on Final Order of Apportionment dated 8/24/1965.

Assessment Payment Due Date(s): Payment #1 12/31/2023

I hereby certify that I have prepared the Special Assessment Roll for the Maintenance of the Owens Relief Drain for the fiscal years 2024- 2026 in accordance with the direction of the Drainage Board and the statutory provisions applicable thereto.

\_\_\_\_\_  
Jim Nash  
Chairman of the Drainage Board for the Owens Relief Drain

The foregoing Special Assessment Roll for the maintenance of the Owens Relief Drain was approved by the Drainage Board on \_\_\_\_\_ .

\_\_\_\_\_  
Jim Nash  
Chairman of the Drainage Board for the Owens Relief Drain

## **8. Varner Relief Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE VARNER DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of February 25, 2020
3. Public Comments
4. Present Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$14,831
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE VARNER DRAIN**

February 25, 2020

A meeting of the Drainage Board for the Varner Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 11:30 a.m. on the 25<sup>th</sup> day of February, 2020.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Vice Chairperson of the Finance Committee, Oakland County Board of Commissioners

ABSENT: David Woodward, Chairperson of the Oakland County Board of Commissioners

Helaine Zack, Chairperson of the Finance Committee, Oakland County Board of Commissioners

Minutes of the meeting held November 27, 2018 were presented for consideration. It was moved by Markham, supported by Nash, that the minutes be approved.

ADOPTED: Yeas - 2  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

A Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$33,900 for the Varner Drain (as attached) were presented. It was moved by Markham, supported by Nash, to adopt the Maintenance Assessment Recommendation and Special Assessment Roll in the amount of \$33,900 as presented.

ADOPTED: Yeas - 2  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham.

ADOPTED: Yeas - 2  
Nays - 0


There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board of the Varner Drain, Oakland County, Michigan, held on the 25<sup>th</sup> day of February, 2020, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board of the Varner Drain Drainage District.

  
\_\_\_\_\_  
Jim Nash, Chairperson

Dated: March   9  , 2020

**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**  
**MAINTENANCE ASSESSMENT RECOMMENDATION FOR THE**  
**Varner Relief Drain**

Assessment for current fund deficit and estimated maintenance expenses for fiscal years: 2024 through 2026

|                                |          |           |
|--------------------------------|----------|-----------|
| Date last assessment approved: | 02/25/20 |           |
| Last Assessment:               |          | \$33,900  |
| Current Available Cash*:       |          | (\$1,031) |

| <b>Expenditure History:</b> | <b>Fiscal Year</b> | <b>Amount</b> |
|-----------------------------|--------------------|---------------|
|                             | 2017               | \$2,749       |
|                             | 2018               | \$1,977       |
|                             | 2019               | \$8,559       |
|                             | 2020               | \$4,607       |
|                             | 2021               | \$2,463       |
|                             | 2022               | \$2,274       |
|                             | 2023               | \$8,587       |

| <b>Estimated Expenditures:</b> | <b>Year</b>  | <b>Amount</b>   |
|--------------------------------|--------------|-----------------|
|                                | 2024         | \$4,600         |
|                                | 2025         | \$4,600         |
|                                | 2026         | \$4,600         |
|                                | <b>Total</b> | <b>\$13,800</b> |

**Recommended Assessment:**

|  |          |
|--|----------|
| Current Cash Deficit                   | \$1,031  |
| Total Anticipated Expenses 2024 - 2026 | \$13,800 |

|                                     |                 |
|-------------------------------------|-----------------|
| <b>TOTAL RECOMMENDED ASSESSMENT</b> | <b>\$14,831</b> |
|-------------------------------------|-----------------|

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Geoff Wilson, P.E. - Chief Engineer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Nigro, P.E. - Manager

Note: Current Available Cash as of August 31, 2023, Fiscal Services Division Report.  
\*(less \$22,200 previously collected for special maintenance expenses, but not yet spent)

**SPECIAL ASSESSMENT ROLL FOR THE MAINTENANCE  
OF THE VARNER RELIEF DRAIN**

| Public Corporation      | *Percentage of Apportionment | Total Amount of Assessment | Payment #1   | Payment #2 | Payment #3 |
|-------------------------|------------------------------|----------------------------|--------------|------------|------------|
| City of Rochester Hills | 93.10%                       | \$ 13,807.66               | \$ 13,807.66 | -          | -          |
| County of Oakland       | 2.92%                        | \$ 433.07                  | \$ 433.07    | -          | -          |
| State of Michigan       | 3.98%                        | \$ 590.27                  | \$ 590.27    | -          | -          |
|                         |                              |                            |              |            |            |
| Total                   | 100.00%                      | \$ 14,831.00               | \$ 14,831.00 | \$ -       | \$ -       |

\*Apportionment based on Final Order of Apportionment dated 8/24/1993.

Assessment Payment Due Date(s): Payment #1 12/31/2023

I hereby certify that I have prepared the Special Assessment Roll for the Maintenance of the Varner Relief Drain for the fiscal years 2024- 2026 in accordance with the direction of the Drainage Board and the statutory provisions applicable thereto.

\_\_\_\_\_  
Jim Nash  
Chairman of the Drainage Board for the Varner Relief Drain

The foregoing Special Assessment Roll for the maintenance of the Varner Relief Drain was approved by the Drainage Board on \_\_\_\_\_ .

\_\_\_\_\_  
Jim Nash  
Chairman of the Drainage Board for the Varner Relief Drain

## **9. McCulloch Drain**



## **AGENDA**

### **DRAINAGE BOARD FOR THE MCCULLOCH DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of April 25, 2023
3. Public Comments
4. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$2,032.50
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE MCCULLOCH DRAIN**

April 25, 2023

A meeting of the Drainage Board for the McCulloch Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 25<sup>th</sup> day of April 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

Minutes of the meeting held January 24, 2023, were presented for consideration. It was moved by Woodward, supported by Nash, that the minutes be approved.

ADOPTED: Yeas - 2  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

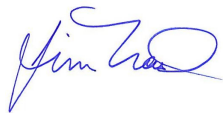
A memorandum from Geoff Wilson, P.E., Assistant Chief Engineer, dated April 25, 2023, requesting the Board authorize the revision of Fishbeck's engineering services budget from \$52,100 to \$55,397.80 was presented. It was moved by Woodward, supported by Nash to authorize the revision of Fishbeck's engineering services budget from \$52,100 to \$55,397.80 as presented.

ADOPTED: Yeas - 2  
Nays - 0

It was moved by Nash, supported by Woodward, to certify attendance and authorize pro rata payment of \$25 per day to Mr. Woodward.

ADOPTED: Yeas - 2  
Nays - 0

There being no further business, the meeting was adjourned.



---

Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the McCulloch Drain, Oakland County, Michigan, held on the 25<sup>th</sup> day of April, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the McCulloch Drain Drainage District.

A handwritten signature in blue ink, appearing to read "Jim Nash", is written above a horizontal line.

Jim Nash, Chairperson

Dated: April 25, 2023

**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the MCCULLOCH DRAIN

**FROM:** Shawn Phelps, Chief of Fiscal Services *JP For Shawn Phelps*  
OCWRC Accounting

**DATE:** November 28, 2023

**SUBJECT:** Request for Board approval of payment of the following invoices:

| Date         | Ref<br>No.      | Paid To  | For  | Amount             |
|--------------|-----------------|----------|--|--------------------|
| 10/23/2023   | V # SIN00217925 | Fishbeck | Invoice # 412022 - Engineering Services - 05/13/22 | 2,032.50           |
| <b>Total</b> |                 |          |  | <b>\$ 2,032.50</b> |

## **10. Northwest Oakland Sanitary Sewer Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE NORTHWEST OAKLAND SANITARY SEWER DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of August 22, 2023
3. Public Comments
4. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$2,567.50
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

MINUTES OF MEETING OF THE DRAINAGE BOARD  
FOR THE NORTHWEST OAKLAND SANITARY SEWER DRAIN

August 22, 2023

At a meeting of the Drainage Board for the Northwest Oakland Sanitary Sewer Drain held in Waterford, Michigan, on the 22nd day of August 2023.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

ABSENT: David Woodward, Chairperson of the Oakland County Board of Commissioners

The meeting was called to order by the Chairperson.

The Chairperson presented the minutes of the meeting of this Board held on July 18, 2023. Upon motion by Markham, seconded by Nash and unanimously adopted, the minutes were approved as presented.

The Chairperson announced that this was the time and place set to hear any objections to the apportionment of the cost of the Northwest Oakland Sanitary Sewer Drain as tentatively adopted by this Drainage Board on June 27, 2023 and as set forth in the notice of this hearing. The Chairperson presented affidavits of the publication and mailing of the notice of this hearing.

The Chairperson inquired if any public corporation to be assessed or any taxpayer thereof desired to object to the tentative apportionment of the cost of the Northwest Oakland Sanitary Sewer Drain as set forth in the resolution of this Board adopted June 27, 2023 and in the notice of this hearing. There were the following objections or questions: [None].

The Chairperson declared the hearing closed.

The following resolution was offered by Markham and seconded by Nash:

WHEREAS, the Drainage Board for the Northwest Oakland Sanitary Sewer Drain, on the 27th day of June, 2023, tentatively established an apportionment of the cost of the Northwest Oakland Sanitary Sewer Drain, to be borne by the several public corporations, as follows:

|                             |       |
|-----------------------------|-------|
| Village of Ortonville       | 22.8% |
| Township of Groveland       | 25.4% |
| Township of Holly           | 29.2% |
| Charter Township of Brandon | 22.6% |

; and

WHEREAS, after due notice the Drainage Board met on the 22nd day of August, 2023 to hear any objections to the apportionment; and

WHEREAS, the apportionment of the cost of the Northwest Oakland Sanitary Sewer Drain has been made by taking into consideration the benefits to accrue to each of the public corporations to be assessed and by taking into consideration the extent to which each such public corporation contributes to the conditions which made the Northwest Oakland Sanitary Sewer Drain necessary;

WHEREAS, this Drainage Board has given due and full consideration to all objections offered thereto; and

WHEREAS, the Northwest Oakland Sanitary Sewer Drain is necessary for the public health.

NOW, THEREFORE, BE IT RESOLVED BY THE DRAINAGE BOARD FOR THE NORTHWEST OAKLAND SANITARY SEWER DRAIN:

1. That the apportionment of cost as above set forth be and the same is fixed and confirmed.



2. That the Chairperson of this Drainage Board is authorized and directed to issue on behalf of the Board its Final Order of Apportionment setting forth the apportionment against the several public corporations as herein fixed and confirmed.

3. That all former resolutions and orders of this Board, insofar as the same may be in conflict with the terms of this resolution, are rescinded.

ADOPTED: Yeas -- 2

Nays -- 0

The Chairperson proceeded to sign the Final Order of Apportionment as directed in the foregoing resolution, and he then presented the order to the Board. The order was dated August 22, 2023.

It was moved by Markham and seconded by Nash that the Final Order of Apportionment In Re Northwest Oakland Sanitary Sewer Drain, dated August 22, 2023, be approved and filed with the Chairperson.

ADOPTED: Yeas -- 2

Nays -- 0

A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$3,081.00 was presented. It was moved by Markham, supported by Nash to approve the payment of invoices and/or reimbursed of the Drain Revolving Fund as presented.

ADOPTED: Yeas -- 2

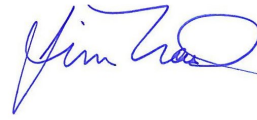
Nays -- 0

Motion by Nash, seconded by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham.

ADOPTED: Yeas -- 2

Nays -- 0

Upon motion by Markham, seconded by Nash and unanimously adopted, the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Jim Nash", is written above a horizontal line.

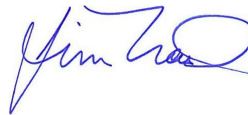
Chairperson

August 22, 2023

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF OAKLAND    )

I hereby certify that the foregoing is a true and complete copy of the minutes of a meeting of the Drainage Board for the Northwest Oakland Sanitary Sewer Drain, Oakland County, Michigan, held on August 22, 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that notice of the meeting was given in accordance with the Michigan Drain Code and the Open Meetings Act.



\_\_\_\_\_  
Chairperson of the Drainage Board

Dated:         August 22, 2023

4876-5494-5910 v1 [12840-435]

**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the NORTHWEST OAKLAND SANITARY DRAIN

**FROM:** Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting

 For Shawn Phelps

**DATE:** November 28, 2023

**SUBJECT:** Request for Board approval of payment of the following invoices:

| Date       | Ref<br>No.      | Paid To               | For  | Amount             |
|------------|-----------------|-----------------------|--|--------------------|
| 9/29/2023  | V # SIN00212643 | Dickinson Wright PLLC | Invoice # 1844481 - Legal Services - 08/31/23 - Prj # 1-7076 | \$ 2,449.00        |
| 10/12/2023 | V # SIN00216041 | Dickinson Wright PLLC | Invoice # 1850938 - Legal Services - 10/02/23 - Prj # 1-7076 | 118.50             |
|            |                 |                       | Total - Proj #1-7076   | <u>\$ 2,567.50</u> |

## **11. Wilmont Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE WILMONT DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of September 26, 2023
3. Public Comments
4. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$12,877.50
5. Other business
6. Approve pro rata payment to Drainage Board members
7. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE WILMONT DRAIN**

September 26, 2023

A meeting of the Drainage Board for the Wilmont Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 26<sup>th</sup> day of September 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held August 22, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

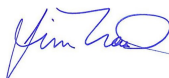
Final Construction Estimate for Trojan Development Co. for the White Horse Lake Weir Replacement in the amount of \$36,112.30 with a final reserve payment to the contractor in the amount of \$13,350.00 was presented. It was moved by Markham, supported by Woodward, to approve the Final Construction Estimate for Trojan Development Co. for the White Horse Lake Weir Replacement in the amount of \$36,112.30 with a final reserve payment to the contractor in the amount of \$13,350.00 as presented.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.



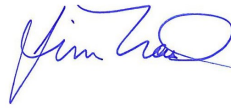
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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Wilmont Drain, Oakland County, Michigan, held on the 26<sup>th</sup> day of September 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Wilmont Drain Drainage District.



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Jim Nash, Chairperson

Dated: September 26, 2023



**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the WILMONT RELIEF DRAINS

**FROM:** Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting *A For Shawn Phelps*

**DATE:** November 28, 2023

**SUBJECT:** Request for Board approval of payment of the following invoices:

| Date       | Ref<br>No.   | Paid To  |  | Amount              |
|------------|--------------|----------|--|---------------------|
| 7/10/2023  | SINV00219872 | Fishbeck | Invoice # 412032 - Engineering Services - 05/13/22 - Proj # 1-3632 | \$ 2,650.00         |
| 10/31/2023 | SINV00219865 | Fishbeck | Invoice # 415066 - Engineering Services - 09/22/22 - Proj # 1-3632 | 1,864.50            |
| 10/31/2023 | SINV00219877 | Fishbeck | Invoice # 416184 - Engineering Services - 09/30/22 - Proj # 1-3632 | 733.50              |
| 11/7/2023  | SINV00221332 | Fishbeck | Invoice # 421358 - Engineering Services - 03/17/23 - Proj # 1-3632 | 500.50              |
| 11/7/2023  | SINV00221329 | Fishbeck | Invoice # 422383 - Engineering Services - 04/14/23 - Proj # 1-3632 | 2,980.03            |
| 10/31/2023 | SINV00219878 | Fishbeck | Invoice # 423469 - Engineering Services - 05/12/23 - Proj # 1-3632 | 484.97              |
| 10/31/2023 | SINV00219869 | Fishbeck | Invoice # 424211 - Engineering Services - 06/09/23 - Proj # 1-3632 | 1,122.00            |
| 10/31/2023 | SINV00219870 | Fishbeck | Invoice # 425410 - Engineering Services - 07/07/23 - Proj # 1-3632 | 1,568.00            |
| 10/31/2023 | SINV00219876 | Fishbeck | Invoice # 426723 - Engineering Services - 08/04/23 - Proj # 1-3632 | 974.00              |
| Total      |              |          |  | <u>\$ 12,877.50</u> |

## **12. Evergreen-Farmington Sanitary Drain**

## **AGENDA**

### **DRAINAGE BOARD FOR THE EVERGREEN-FARMINGTON SANITARY DRAIN**

November 28, 2023

1. Call meeting to order
2. Approve minutes of meeting of October 24, 2023
3. Public Comments
4. Present Memorandum from Philip Kerby, P.E., Operations Engineer, dated November 28, 2023, requesting the Board award Pipeline Management Company in the not-to-exceed amount of \$142,165 for the lining of a section of 18" diameter corrugated metal pipe
5. Present Construction Estimate No. 4 for Lawrence M. Clarke Inc. for the Construction of the Walnut No. 3 Pump Station Rehabilitation in the amount of \$363,150
6. Present Construction Estimate No. 20 for Walsh Construction Company II, LLC for the 8 Mile Road Pump Station & SSO Chamber Improvements – Phase 1 in the amount of \$1,135,498.90 with a transfer to the Oakland County Treasurer in the amount of \$126,166.54
7. Present Construction Estimate No. 2 for Dan's Excavating for Construction of the 8 Mile Road Corrective Action Plan – Phase 2 in the amount of \$791,208.38 with a transfer to the Oakland County Treasurer in the amount of \$87,912.04
8. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$59,032.19
9. Present request for Board approval of payment of invoices and/or reimbursement of the Drain Revolving Fund from the Maintenance Fund in the amount of \$109,631.50
10. Closed Session as permitted under section 8(d) of the Open Meetings Act and which is exempt from public disclosure as subject to the purchase or lease of real property pursuant to section 13(1)(j) of the Freedom of Information Act
11. Other business
12. Approve pro rata payment to Drainage Board members
13. Adjourn

**MINUTES OF THE MEETING OF THE DRAINAGE BOARD  
FOR THE EVERGREEN -FARMINGTON SANITARY DRAIN**

October 24, 2023

A meeting of the Drainage Board for the Evergreen-Farmington Sanitary Drain was held in the office of the Oakland County Water Resources Commissioner, Public Works Building, One Public Works Drive, Waterford, Michigan at 2:00 p.m. on the 24<sup>th</sup> day of October 2023.

The meeting was called to order by the Chairperson.

PRESENT: Jim Nash, Oakland County Water Resources Commissioner

Gwen Markham, Chairperson of the Finance Committee, Oakland County Board of Commissioners

David Woodward, Chairperson of the Oakland County Board of Commissioners

ABSENT: None.

Minutes of the meeting held September 26, 2023, were presented for consideration. It was moved by Markham, supported by Woodward, that the minutes be approved.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash asked if there were any public comments. There were none.

Change Order No. 8 for Walsh Construction for the 8 Mile Road Pump Station & SSO Chamber Improvements – Phase 1 for a net increase in the amount of \$115,965.81 was presented. It was moved by Markham, supported by Woodward, to approve Change Order 8 for Walsh Construction for the 8 Mile Road Pump Station & SSO Chamber Improvements – Phase 1 for a net increase in the amount of \$115,965.81 as presented,

ADOPTED: Yeas - 3  
Nays - 0

Construction Estimate No. 19 for Walsh Construction Company II, LLC for the 8 Mile Road Pump Station & SSO Chamber Improvements – Phase 1 in the amount of \$1,010,088.20 with a transfer to the Oakland County Treasurer in the amount of \$112,232.02 was presented. It was moved by Markham, supported by Woodward, to approve Construction Estimate No. 19 for Walsh Construction Company II, LLC for the 8 Mile Road Pump Station & SSO Chamber Improvements – Phase 1 in the amount of \$1,010,088.20 with a transfer to the Oakland County Treasurer in the amount of \$112,232.02 as presented.

ADOPTED: Yeas - 3  
Nays - 0

Construction Estimate No. 1 for Dan's Excavating for Construction of the 8 Mile

Road Corrective Action Plan – Phase 2 in the amount of \$711,641.93 with a transfer to the Oakland County Treasurer in the amount of \$79,071.33 was presented. It was moved by Markham, supported by Woodward to approve Construction Estimate No. 1 for Dan's Excavating for Construction of the 8 Mile Road Corrective Action Plan – Phase 2 in the amount of \$711,641.93 with a transfer to the Oakland County Treasurer in the amount of \$79,071.33 as presented.

ADOPTED: Yeas - 3  
Nays - 0

A request for approval of payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$3,009.18 (as attached) was presented. It was moved by Markham, supported by Woodward, to approve the payment of invoices and/or reimbursement of the Drain Revolving Fund in the amount of \$3,009.18.

ADOPTED: Yeas - 3  
Nays - 0

A motion was made by Markham, supported by Woodward, to enter into closed session at 3:58 p.m. to consider material exempt from discussion or disclosure by state or federal statute pursuant to section 13(1)(g) of the Freedom of Information Act.

ADOPTED: Yeas - 3  
Nays - 0

Chairperson Nash declared the closed session ended at 4:06 p.m.

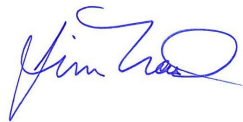
It was moved was moved by Markham, supported by Woodward, to authorize the WRC Chief Legal Officer to accept a settlement of claims from Lexington Insurance Company in the matter of the Middlebelt Transport and Storage Tunnel, subject to approval by the drainage board.

ADOPTED: Yeas - 3  
Nays - 0

It was moved by Nash, supported by Markham, to certify attendance and authorize pro rata payment of \$25 per day to Ms. Markham and Mr. Woodward.

ADOPTED: Yeas - 3  
Nays - 0

There being no further business, the meeting was adjourned.



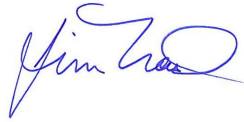
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Jim Nash, Chairperson

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF OAKLAND                )

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Drainage Board for the Evergreen-Farmington Sanitary Drain, Oakland County, Michigan, held on the 24<sup>th</sup> day of October 2023, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner which is the principal office of the Drainage Board for the Evergreen-Farmington Sanitary Drain Drainage District.



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Jim Nash, Chairperson

Dated: October 24, 2023

**OAKLAND COUNTY  
WATER RESOURCES COMMISSIONER****MEMORANDUM**

**TO:** Jim Nash, Chairperson  
Evergreen-Farmington Sanitary Drain Drainage District

**FROM:** Philip Kerby P.E., Operations Engineer

**SUBJECT:** 18-inch Corrugated Metal Pipe (CMP) Rehabilitation  
Notice of Award

**DATE:** November 28, 2023

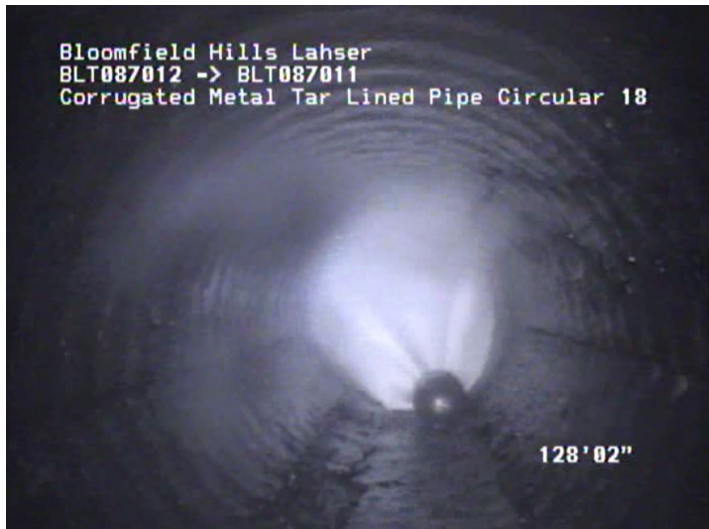
WRC performed CCTV inspection of the existing 18-inch sanitary sewer along the east side of Lasher Rd. between Quarton Rd. and Long Pine Rd. in Bloomfield Twp. It has been determined that approximately 640 feet of the corrugated metal pipe (CMP) requires rehabilitation after review of the inspection video.

This portion of sewer was placed into service in 1960 and the CMP was lined with a protective asphaltic coating. The inspection video shows deterioration of the invert along the length of the pipe, delamination of the asphaltic coating, and infiltration.

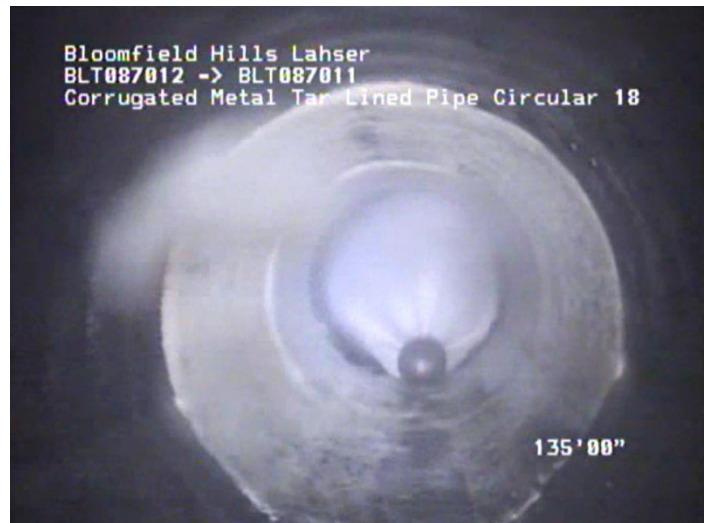
This rehabilitation was planned this fiscal year in the approved EFSD Long Range Plan as a capital improvement project. The low-bid proposal from Pipeline Management Co. for the rehabilitation project is \$142,165. The method of rehabilitation for this 18-inch sewer is cured-in-place pipe (CIPP) liner. This method will provide the necessary structural strength to stabilize the existing pipe with the least amount of cross-section loss. The new internal diameter of approximately 16 inches provides adequate capacity to convey measured and predicted flow rates.

We are recommending the award of this project to Pipeline Management Co. in the not-to-exceed amount of \$142,165 per the attached bid tab and the terms of their existing contract with the County.

**RECOMMENDED ACTION: Award Pipeline Management Co. in the not-to-exceed amount of \$142,165 for the lining of the referenced 18" diameter pipe. (Project EFSD BLT087 18-in CMP Rehab)**



**Deteriorated Invert**



**Existing Pipe Patch Rehab**



**Infiltration**



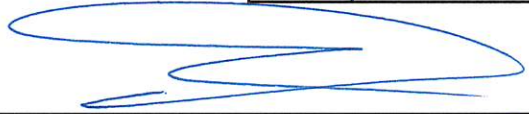
Evergreen-Farmington Sanitary District  
BLT087 CMP Rehab

Lasher Rd. between Lone Pine Rd. and Quarton Rd., Bloomfield Hills

| Cost Proposal |   |          |          |               |                 |
|---------------|---|----------|----------|---------------|-----------------|
| Task #        | Description                                       | Quantity | Unit     | Unit Price    | Total           |
| 1             | General Conditions                                | 1        | LS       | \$ 2,500.00   | \$ 2,500.00 -   |
| 2             | Mobilization                                      | 1        | LS       | \$ 5,000.00   | \$ 5,000.00 -   |
| 3             | Traffic Control                                   | 1        | LS Daily | \$ 4,500.00   | \$ 4,500.00 -   |
| 4             | Bypass pumping                                    | 1        | LS Daily | \$ 14,565.00  | \$ 14,565.00 -  |
| 5             | Pre-Cleaning & CCTV inspection                    | 1        | LS       | \$ 7,500.00   | \$ 7,500.00 -   |
| 6             | <del>12" PVC slip lining</del> CIPP Lining<br>D&L | 640      | LFT      | \$ 165.00     | \$ 105,600.00 - |
| 7             | <del>Annular space grouting</del>                 | 1        | LS       |               | \$ -            |
| 8             | Post CCTV   | 1        | LS       | \$ 1,000.00   | \$ 1,000.00 -   |
| 9             | Restoration                                       | 1        | LS       | \$ 1,500.00   | \$ 1,500.00 -   |
| Total:        |   |          |          | \$ 142,165.00 | -               |

NA DRL

Submitted by:

 10/13/2023  
David Lusky

Company:

Pipeline Management Company

Proposal due Oct 13, 2023

## CONSTRUCTION ESTIMATE

**Jim Nash, Oakland County Water Resources Commissioner  
Evergreen Farmington Sanitary Drain Drainage District  
For Construction of the Walnut No. 3 Pump Station Rehabilitation  
Bloomfield Township  
Oakland County, Michigan**

Construction Estimate No. 4

April 1, 2023 to November 7, 2023

Department No.: CCN6010101

Fund No.: FND82410

Project No.: PRG-17456

Account No.: 730352

Program No.: PRG149667

Activity: FAC

Vendor No.: 16424

Contract No.: 9895

Date of Contract: 4/29/2022

Completion Date: 3/25/2023

Contractor: Lawrence M. Clarke Inc.  
50850 Bemis Rd  
Belleville, MI 48111

✓

|  |        |                |   |
|--|--------|----------------|---|
| Original Contract Amount:                              |        | \$1,209,000.00 |   |
| Previous Change Order Number: CO#1                     |        | \$57,260.27    |   |
| Change Orders This Estimate Number: (none)             |        | \$0.00         |   |
| Total Net Change Orders:                               |        | \$57,260.27    |   |
| Adjusted Contract Amount:                              |        | \$1,266,260.27 | ✓   |
| Subtotal To Date: (Sheet 2 of 2 Column 7)              |        | \$1,243,210.27 |   |
| Less Deductions to Date: (Sheet 2 of 2 Column 7)       |        | \$0.00         |   |
| Gross Estimate: (Work in Place)                        | 98.18% | \$1,243,210.27 |   |
| Less Amount Reserved: (5% of Adjusted Contract Amount) |        | \$63,313.01    | ✓   |
| Total Amount Allowed To Date:                          |        | \$1,179,897.26 |   |
| Less Previous Estimates:                               |        | \$816,747.26   |   |
| Net Payment Request To Be Paid To Contractor:          |        | \$363,150.00   |   |
| Reserve Payment to Contractor                          |        | \$0.00         |   |
| Balance of Contract To Date                            | ✓      | \$23,050.00    | Accounting Auditor: <i>BCR</i> 11/15/2023 |
| Less Previous Transfers To Reserve:                    |        | \$63,313.01    | ✓   |
| Amount of Current Transfer:                            |        | \$0.00         |   |

Prepared by: *Evangelos Bantios*  
Evangelos Bantios, P.E. - Project Engineer

Date: 11/15/2023

Recommended by: *Mark Mattson*  
Mark Mattson, P.E. - Consulting Engineer

Date: 11/15/2023

Approved by: *Steven Korth* for Joel Brown  
Joel Brown, P.E. - Chief Engineer

Date: Nov. 17, 2023

Date: \_\_\_\_\_

Approved by Board on: \_\_\_\_\_

**Jim Nash, Oakland County Water Resources Commissioner  
Evergreen Farmington Sanitary Drain Drainage District  
8 Mile Road CAP 8 Mile Road Pump Station & SSO Chamber Improvements - Phase 1  
Southfield  
Oakland County, Michigan**

Construction Estimate No. 20

October 1, 2023 to Oct. 31, 2023

Department No. : 6010101  
Fund No. : 58410  
Project No. : 1-3181

Account No. : 730352  
Program No. : 149667  
Activity : FAC  
Vendor No. : 23191  
Contract No. : 6628  
Date of Contract : 2/2/2022  
Completion Date : 8/13/2027

Contractor :  
Walsh Construction Company II, LLC  
3031 W Grand Blvd, Suite 640  
Detroit, MI 48202

|   |                        |
|---|------------------------|
| Original Contract Amount:                                       | \$0.00                 |
| Previous Change Order Numbers: CO Nos. 1, 2, 3, 4, 5, 6, and 7. | \$50,177,000.25        |
| Change Orders This Estimate Number: CO No. 8                    | \$115,965.81           |
| Total Net Change Orders:  | \$50,292,966.06        |
| <u>Adjusted Contract Amount:</u>                                | <u>\$50,292,966.06</u> |
| Subtotal To Date: (Sheet 2 of 3 Column 7)                       | \$11,177,751.32        |
| Less Deductions to Date: (Sheet 2 of 3 Column 7)                | \$0.00                 |
| Gross Estimate: (Work in Place) 22.23%                          | \$11,177,751.32        |
| Less Amount Reserved: (10% of Gross Estimate)                   | \$1,117,775.13         |
| Total Amount Allowed To Date:                                   | \$10,059,976.19        |
| Less Previous Estimates:  | \$8,924,477.29         |
| Net Payment Request To Be Paid To Contractor:                   | \$1,135,498.90         |
| Reserve Payment to Contractor                                   | \$0.00                 |
| Balance of Contract To Date                                     | \$39,115,214.74        |
| Accounting Auditor:   |                        |
| Less Previous Transfers To Reserve:                             | \$991,608.59           |
| <u>Amount of Current Transfer:</u>                              | <u>\$126,166.54</u>    |

Prepared by: Charles J. Roarty, Jr.  
Charles J. Roarty, Jr., P.E. - NTH Consultants

Date: 2023 11 03

Recommended by: Joel Siwek  
Joel Siwek, P.E. - Consulting Engineer (Fishbeck)

Date: 11/3/2023

Recommended by: Evangelos Bantios  
Evangelos Bantios, P.E. - Project Engineer

Date: 11/17/2023

Approved by: Steven Korth for Joel Brown  
Joel Brown, P.E. - Chief Engineer

Date: Nov. 17, 2023

Approved by Board on: \_\_\_\_\_

**JIM NASH  
OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

**Jim Nash, Oakland County Water Resources Commissioner**  
**Evergreen Farmington Sanitary Drain Drainage District**  
**For Construction of 8 Mile Road CAP Phase 2 - 8 Mile Pump Station 54-Inch Relief Forcemain**  
**Southfield, Michigan**

Construction Estimate No. 2

October 1, 2023 to Oct. 31, 2023

Department No. : 6010101  
Fund No. : 58410  
Project No. : 1-3181

Account No. : 730352  
Program No. : 149667  
Activity : FAC

Contractor :  
Dan's Excavating, Inc.  
12955 23 Mile Road  
Shelby Township, MI 48315

Vendor No. : 40260  
Contract No. : 10305  
Date of Contract : 7/17/2023  
Completion Date : 1/12/2025

|  |                |                     |
|--|----------------|---------------------|
| Original Contract Amount:                        |                | \$10,381,154.00     |
| Previous Change Order Numbers (none):            |                | \$0.00              |
| Change Orders This Estimate Numbers (none):      |                | \$0.00              |
| Total Net Change Orders:                         |                | \$0.00              |
| Adjusted Contract Amount:                        |                | \$10,381,154.00     |
| Subtotal To Date: (Sheet 2 of 2 Column 7)        |                | \$1,669,833.68      |
| Less Deductions to Date: (Sheet 2 of 2 Column 7) |                | \$0.00              |
| Gross Estimate: (Work in Place)                  | 16.09%         | \$1,669,833.68      |
| Less Amount Reserved: (10% of Gross Estimate)    |                | \$166,983.37        |
| Total Amount Allowed To Date:                    |                | \$1,502,850.31      |
| Less Previous Estimates:                         |                | \$711,641.93        |
| Net Payment Request To Be Paid To Contractor:    |                | \$791,208.38        |
| Reserve Payment to Contractor                    |                | \$0.00              |
| Balance of Contract To Date                      | \$8,711,320.32 | Accounting Auditor: |
| Less Previous Transfers To Reserve:              |                | \$79,071.33         |
| Amount of Current Transfer:                      |                | \$87,912.04         |

Prepared by: Charles J. Roarty, Jr.  
Charles J. Roarty, Jr., P.E. - NTH Consultants

Date: 2023 11 06

Recommended by: Joel Siwek  
Joel Siwek, P.E. - Consulting Engineer (Fishbeck)

Date: 11/7/2023

Recommended by: Evangelos Bantios  
Evangelos Bantios, P.E. - Project Engineer

Date: 11/7/2023

Approved by: Steven Korth for Joel Brown  
Joel Brown, P.E. - Chief Engineer

Date: Nov. 17, 2023

Approved by Board on: \_\_\_\_\_

**JIM NASH**  
**OAKLAND COUNTY WATER RESOURCES COMMISSIONER**

MEMO TO: Mr. Jim Nash, Chairman  
of the Drainage Board for the EVERGREEN - FARMINGTON SANITARY DRAIN SYSTEM

FROM: Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting

*Shawn Phelps*

DATE: November 28, 2023

SUBJECT: Request for Board approval of payment of the following invoices:

| Date       | Ref<br>No.       | Paid To                       | For   | Amount              |
|------------|------------------|-------------------------------|---|---------------------|
| 11/13/2023 | V # SINV00222366 | Orchard Hiltz & McCliment Inc | Invoice # 68670 - Contracted Services - 10/14/23  | 2,794.18            |
|            |                  |                               | Total   | <u>\$ 2,794.18</u>  |
| 10/30/2023 | V # SINV00219631 | Fishbeck                      | Invoice #428992 - Engineering Services - 09/29/23 | \$ 56,238.01        |
|            |                  |                               | Subtotal Project # 1-3181                         | <u>56,238.01</u>    |
|            |                  |                               | Total   | <u>\$ 59,032.19</u> |

**MEMO TO:** Mr. Jim Nash, Chairman  
of the Drainage Board for the Evergreen Farmington Sanitary Drain Ch20 - (Maintenance)

**FROM:** Shawn Phelps, Chief of Fiscal Services  
OCWRC Accounting



For Shawn Phelps

**DATE:** November 28, 2023

**SUBJECT:** Request for Approval of Invoices

The following is a detail of charges paid from the Evergreen Farmington Sanitary Drain Ch20 and Invoices

| Payable To                      | Ref<br>No.   | For   | Amount               |
|---------------------------------|--------------|---|----------------------|
| McNaughton-McKay                | SINV00220421 | Invoice# 23854652-00 - Material and Supplies  | \$ 1,426.92          |
| Orchard Hiltz and McCliment Inc | SINV00221366 | Invoice# 57744 - Contracted Services          | 2,335.00             |
| Orchard Hiltz and McCliment Inc | SINV00221367 | Invoice# 68590 - Contracted Services          | 4,606.00             |
| Oakland Heights Development Inc | SINV00221983 | Invoice# 4243-000017619 - Contracted Services | 2,904.50             |
| Pipeline Management Company LLC | SINV00222051 | Invoice# 23-00764 - Contracted Services       | 16,685.00            |
| ADS LLC                         | SINV00222052 | Invoice# 35515-0923-A - Contracted Services   | 49,295.00            |
| ADS LLC                         | SINV00222054 | Invoice# 35515-0923-I - Contracted Services   | 3,115.00             |
| Orchard Hiltz and McCliment Inc | SINV00222366 | Invoice# 68670 - Professional Services        | 2,794.18             |
| ICS Integration Services LLC    | SINV00223546 | Invoice# 2856 - Contracted Services           | 12,052.10            |
| Pipeline Management Company LLC | SINV00223560 | Invoice# 23-00778 - Contracted Services       | 14,417.80            |
| <b>Subtotal</b>                 |              |   | <b>\$ 109,631.50</b> |