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Oakland County officials defend Kuhn retention facility

Officials detail the violations that have been issued



Inside the George W. Kuhn Drain Retention Treatment Basin in Madison Heights on Sept. 18, 2024. (Peg McNichol/MediaNews Group)



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Managing stormwater is an imperfect science, at best, and Oakland County leaders are defending its water management systems while acknowledging work needs to be done.

Despite environmental laws and regulations, these systems are challenged when nature wallops an area with unmanageable downpours – Hurricane Helene being one recent example.

Closer to home, severe storms have at times overwhelmed facilities called retention treatment basins designed to catch a deluge and release it after the water has been disinfected. The water needs to be disinfected because in many cases, including in Oakland County, rain mixes with sewage.

Macomb County officials have complained for years that Oakland County's George W. Kuhn retention treatment basin in Madison Heights is responsible for polluting the Clinton River watershed and ultimately Lake St. Clair. Oakland County officials disagree.

One of Macomb County's concerns is that the Kuhn facility has an expired EPA permit. That's not exactly accurate: State records show the county applied for a permit renewal on March 23, 2023 – well before the April 4 deadline.

The permit hasn't been reissued, said Jeff Johnston, EGLE spokesman, because while state and federal regulations on treating combined sewer overflows are being met, "other realistic and cost-effective changes might be possible."

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) manages the EPA permits and tracks retention treatment basins' performance and violations.

It's a standard practice for EGLE to allow a retention treatment basin to continue operating under the existing permit, Johnston said.

A package of bills introduced in Lansing would require Oakland County to [get Macomb County's permission](#) before a permit is approved and require Oakland to notify Macomb of any overflows into the Red Run Drain. The proposed legislation [includes fines and prison](#) for certain violations.

Gary Nigro, field operations manager for the Oakland County's water resource commission, said EGLE officials make on-site inspections two or three times over each five-year permit period.

EGLE is working with Oakland County on the Kuhn permit "and there are areas that might help further improve water quality in Red Run Drain that move past federal and state regulations. It's too early in the process to be more specific," Johnston said.

The Kuhn facility is one of 23 retention treatment basins in southeast Michigan, one of four operated by the county and the only Oakland County facility connected to the Clinton River Watershed.

Nigro said the Kuhn facility is, in the simplest of terms, a big tank with a series of small dams called weir walls that help control the flow of stormwater. Stormwater, also called effluent, fills the first container and spills into the next one, repeating the process for the length of the basin until it reaches the Red Run Drain at Dequindre Road. As the water rushes forward, bleach is used to disinfect the torrent.

"The only question is, 'Did it rain enough to spill over?'" he said.

But on May 27 and June 5, something went wrong.

In each case, stormwater was inadequately disinfected; a mechanical valve on one of the bleach containers failed to open. There wasn't enough disinfectant to fully clean the water, Nigro said. Tests during the June 5 incident showed excessive E. coli levels.

"Things fail from time to time," he said, adding that EGLE was notified immediately. "The facility is 20 years old."

Typically, he said, equipment is maintained or replaced using an asset management schedule.

After the valve failure, county officials inspected all the disinfectant containers, replacing nine valves and at least six rigid pipes that connect valves to their containers, and ran a series of other tests, according to a county report to EGLE on Aug. 29.

Nigro said his office is evaluating the Kuhn facility to identify other improvements. Changes could include adding sensors and alarms to alert plant operators when their work is most chaotic during a storm.

Nigro said he's puzzled by claims from Macomb County that the Kuhn facility is a big contributor to the Clinton River Watershed's pollution. Kuhn has only had one EGLE violation notice between Jan. 1 and Sept. 15.

In 2023, EGLE sent letters related to two violations but "we didn't exceed pollutant levels. It was for a reporting violation," he said.

There were two back-to-back rain events that the county reported as one event, he said.

"Our staff thought they were still in the same rain event (because reservoirs had not emptied) and EGLE saw it as a separate rain event. But we still met all the reporting requirements," he said.

Macomb County Public Works doesn't conduct regular water testing; that's the county health department's job. Data on Macomb County's website shows water-quality figures from 1999 through 2012 for the Clinton River Watershed. A health department official is gathering reports from 2023 and 2024.

Discharge can continue after the rain stops, as the water flows from the communities served by the Kuhn facility flows into and through the 8,700 feet of the enclosed/underground system.

Nigro said when there's a violation, the county reports quickly and directly to EGLE.

He said when Macomb County Public Works Commissioner Candice Miller claimed in a letter to EGLE this year that the Kuhn facility has an "increasing number of permit violations and exceedances are extremely alarming to Macomb communities," she lumped technical reporting errors with discharge violations.

“There’s a perception that any and all violations resulted in pollution,” he said, adding that the Kuhn facility has had 10 storm-related discharges, with two violations this year.

“There’s probably 40 rain events a year but 32 of them we fully capture, and they don’t (have discharges),” he said.

Macomb County state lawmakers seek to penalize Oakland County for sewage discharges

Complaints from Macomb County have included some misinformation, Nigro said, including the notion that Kuhn operators know when there will be a discharge.

“When they say ‘You need to call us when you’re planning to discharge ...’ There’s no ‘planning’. It’s literally a series of weir walls. You don’t know 24 hours ahead of time what’s coming,” he said. “Our job at GWK is just to make sure that if a discharge makes it into the Red Run Drain, it’s clean.”

A report from the most-recent EGLE inspection states that a visit in July “did not identify any major concerns regarding maintenance and/or operation of the facility’s equipment.”

Nigro said he’s not worried about the delay in the Kuhn permit because his office regularly communicates with EGLE.

“They may be contemplating having us make changes to the basin. I don’t know that,” he said. “I’m waiting on the draft permit.”

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