

June 16, 2025

Director Phil Roos  
Michigan Department of Environment, Great Lakes, Energy  
Constitution Hall  
525 West Allegan Street  
Lansing, MI 48909-7973

Re: Letter to the Michigan Department of Environment, Great Lakes, Energy ("Department")  
dated June 11, 2025

Dear Director Roos,

A letter sent to you dated June 11, 2025 from Macomb County Public Works makes many false and serious allegations regarding the George W. Kuhn Retention Treatment Basin ("GWK RTB"), which is managed by my office. We know that you and your staff can easily identify many of the incorrect claims and factually misleading statements, and your ongoing efforts to correct these repeated errors and educate others are greatly appreciated.

To provide further clarification, the GWK RTB subject-matter experts and facility management would like to provide the following information, in the interest of correcting factual errors and some frankly hyperbolic assertions contained in that letter:

- The GWK RTB has an excellent compliance record. On the rare occasions when discharges occur, the discharged water is skimmed, settled, and disinfected so that it meets or exceeds the state's water quality standards. Discharges from the GWK RTB remain low, with an average of eight times per year. For 97% of the year, the combined flow is sent to the Great Lakes Water Authority's Water Resource Recovery Facility in Detroit for processing.
- The Department has authorized the GWK RTB to discharge beyond the date of expiration of its February 19, 2019 NPDES permit. In compliance with Department policy, my office submitted a renewal application for the GWK RTB prior to the April 4, 2023 deadline and it therefore authorized to continue operating under the expired permit.
- While the GWK RTB permit application has been pending with the Department for more than two years, we recognize that it is not an unusual or alarming length of time, as the Department's policy is to prioritize permits with frequent violations, leaving facilities with reliable permit compliance, like the GWK RTB, to wait longer during the permit renewal cycle.
- While we all know that flow volumes are ultimately determined by nature -- not state agencies or local government -- it nonetheless bears repeating that permits do not control the volume and intensity of rainfall. The purpose of NPDES permits is to regulate the quality of water when discharges occur, because it is impossible to control the quantity of rain.

- The June 11 letter also mistakenly conflates or confuses volume of *storage* with volume of *discharge*. While the GWK RTB does have the largest RTB *storage capacity* in the region at 149 million gallons, it does not have the largest volume *discharge* in the region. That is the Connor Creek CSO Control in the City of Detroit which is operated by the Great Lakes Water Authority.

In fact, due to its massive storage capacity, the GWK RTB can store three times more combined sewer overflow (CSO) than the closest facility in the region. Accordingly, the GWK RTB prevents the largest volume of CSO from discharging into the Red Run watercourse.

- Contrary to another mistaken assertion in the June 11 letter, the GWK RTB in Madison Heights is *not* the only RTB in the state where CSO discharges into another county. Michigan topography makes it impossible for RTBs in landlocked communities, like Lansing and Grand Rapids, to prevent discharges from entering surrounding counties.
- Another false claim is that Oakland County sends “all discharge” into Macomb County. Again, a simple understanding of topography and its role in defining watershed boundaries demonstrates that this statement is not only wrong but impossible. Oakland County is located within five watersheds -- the Clinton River, Rouge River, Huron River, Shiawassee River and Flint River watersheds. My office operates several RTBs, as well as wastewater treatment facilities in both the Clinton River and Rouge River watersheds. The Rouge River Watershed encompasses all or parts of 48 municipalities in Wayne, Washtenaw and Oakland counties – when discharges occur at locations located in the Rouge River Watershed, they do not enter Macomb County.
- **All CSO discharges from the GWK RTB are fully treated to meet state water quality standards in accordance with its NPDES permit.** The GWK RTB has never had a sanitary sewer overflow (SSO). The GWK RTB serves a combined stormwater and sanitary system. Even in the largest storms of 2014, which were responsible for two billion gallons of CSO discharge, and in 2020, which saw 750 million gallons, and the most recent April 2025 rain event with 819 million gallons, the GWK RTB kept CSO discharges within its permit requirements for water quality.
- The GWK RTB discharges are infrequent (occurring on average eight times per year) and if they do occur, the water is typically mere inches spilling over the top of the weir wall. There is no “...wall of water cascading down” the Red Run watercourse, except in the imagination of the June 11 letter author.
- Contrary to the June 11 letter, the GWK RTB discharge volumes do not exceed design standards. It is designed for 6,700 cubic feet per second (cfs), and the average discharge rate for the past 10 years has been less than 415 cfs.
- There is no evidence that the GWK RTB discharges cause the backing up of storm outlets or severe downstream flooding in basements, businesses, or military bases. There are many large stormwater outlets along the Red Run Drain in Macomb County which cause the drain level to rise, **even when the GWK RTB is not discharging**. It is inaccurate and dishonest to attribute flooding throughout an entire county to one single source.

- The letter references flooding that impacted the United States Department of Defense (DoD) installations in Warren. This relates to a 330-year event that occurred in 2014 and impacted the entire Southeast Michigan region. Following this event, the DoD conducted a Climate Risk Analysis. **The analysis did NOT find that the GWK RTB discharges were liable for the flooding that impacted DoD installations in Warren.** It did acknowledge that regional flooding is the result of climate change and that flood impacts are interconnected and influenced by a variety of factors. In a letter to the Red Run Intercounty Drain Board, the DoD summarized the Risk Analysis findings as follows:

*The Department of Defense (DoD) Climate Risk Analysis has determined that the planet's changing climate has a significant impact on Defense Department's missions, plans, supply chains and installations. Therefore, DoD has elevated climate change as a national security priority; integrating climate considerations into policies, strategies and partner engagements. The DoD and The Army's decisions around climate change and those of neighboring communities are intrinsically interconnected. The DoD is working to ensure climate assessments are based on the best available, validated, and actionable science that informs the most likely climate change outcomes. Data sources and models must be updated and monitored with consideration to the national energy, security and operational impacts.*

See attached DoD letter dated April 19, 2023.

The DoD exemplifies leadership in regional collaboration on this critical issue. The DoD followed a recommendation in the Climate Risk Assessment to partner with the Red Run Intercounty Drainage District in a grant from the DoD, Office of Local Defense Community Cooperation – Installation Resilience Program. The scope of the grant includes two planning charrettes with key stakeholders, a comprehensive regional Hydrologic and Hydraulic (H&H) Study, predictive modeling for the region that includes, but is not limited to, the Red Run Intercounty Drainage District and major utility infrastructure, as well as a comprehensive report with actionable recommendations for regional flood mitigation measures.

On April 19, 2023, the partnership with DoD was unanimously approved by the Red Run Intercounty Drain Board which consists of myself, as the Oakland County Water Resources Commissioner, the Macomb County Public Works Commissioner, and a representative from the Michigan Department of Agriculture and Rural Development. Although the grant work is in the early stages, we are confident that the DoD will, again, confirm that there is not a single source responsible for the problem of regional flooding. The report is expected to identify many contributing causes in the region, along with actionable mitigation measures for all stakeholders.

- As mentioned in the letter, in addition to the DoD study, the United States Army Corps of Engineers is also conducting a large Southeast Michigan flood study. My office is also a key partner in this study. Clearly, flood management and resiliency are critically important issues for our region. However, this vital work is hindered by the dissemination of misinformation and untrue claims that the Department is permitting “enormous flow volumes.”
- There is no evidence that discharges from the GWK RTB are the driving cause of erosion in the Red Run watercourse, or that the discharges contributed in any way to the

tragic accident that occurred in Warren. The truth is that the GWK RTB is actually mitigating erosion along the Red Run Drain. Because it has the largest storage capacity in the region, the GWK RTB has more capacity to mitigate peak flows than any other tributary area connected to the Red Run watercourse. This means that GWK RTB prevents the largest amount of CSO from being discharged in Macomb County – more than any other facility. It can store three times the volume of any facility in the region. The GWK RTB discharges on average only eight times per year while there is an average of 133 days per year with precipitation in Southeast Michigan. Accordingly, there are 120 more times per year during which systems and storm drains other than the GWK RTB are sending flow that may contribute to Red Run Drain erosion.

- An “independent engineering review” was not attached to the June 11 letter. The Unmanned Aerial System (drone) photographs taken by Hubbell, Roth & Clark, Inc. (HRC), do not constitute an engineering review. HRC is a respected regional firm that works with many local municipalities and frequently collaborates with my office and our Macomb County counterpart for projects related to the Red Run Drain. The photographs were recently taken by HRC following an informal meeting with engineers from both counties who frequently collaborate on intercounty drain projects. The photographs documented the conditions of the drain as they existed over the course of a two-day period and were provided in preparation to present to the Red Run Intercounty Drain Board in consideration of the need to update a prior study prepared by HRC related to the repair, maintenance, and management of the Red Run Drain.
- We agree that the Red Run Drain is experiencing erosion. The Red Run Intercounty Drain Board is the appropriate entity to resolve this issue, and it has been assessing and addressing it for decades. Historical images show that the drain banks have always been in poor condition. There are several contributing factors including flooding, land development policy and decisions, local land use, soil conditions, natural vegetation, and steep slopes. The Drain Board has taken action to implement many drain projects, including those that help improve bank stabilization along certain points of the Red Run Drain. While these projects are important, they only represent a small fraction of the repairs and improvements needed.

One challenge, as noted in the letter, is the cost of major improvements that would provide long-term solutions. However, the June 11 letter is wrong in its assessment of those costs, and it is inaccurate hyperbole to assert that the costs will be “unfairly borne by Macomb County residents.” At the time that the Red Run Drainage District was established, a formula was established to assess communities that drain into the Red Run Drain. There are 15 communities in Oakland County that make up 55.5890% of the Drainage District and there are five communities in Macomb County that make up 41.4100% of the Drainage District. The State Department of Transportation also makes up 3% of the Drainage District. When the Red Run Drain requires maintenance and repair, the costs are apportioned to the respective communities based on the long-established formula, so each pays its fair share. Accordingly, Oakland County residents will pay more money than Macomb County residents to repair the Red Run Drain – even though most of the drain course (8 miles) runs through Macomb County.

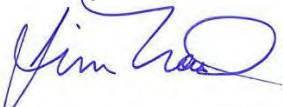
The Red Run Intercounty Drain Board is vested with the authority to approve necessary drain projects and assess the costs to the Red Run Drainage District. I am ready and willing to commit Oakland County to pay its fair share of necessary repairs and improvements to the Red Run Drain. We encourage the State and those affected by the

conditions caused by erosion to call on the Intercounty Red Run Drain Board to act. We hope you will join the Board at its upcoming meeting on June 18, 2025, or any other future meetings, to discuss this issue.

- The letter also calls on the Department to take action to require Oakland County to separate combined stormwater and sanitary systems or increase storage and retainage. Separating combined systems would not change the quantity or quality of flow. Moreover, this idea calls into question the most basic understanding of how our interconnected systems work, because in fact, separating the system and removing the GWK RTB would eliminate 124 million gallons of storage and treatment, effectively reducing treatment capacity and allowing more polluted stormwater to flow directly into the Red Run Drain. Though you have addressed this proposal in prior correspondence, and we have wholeheartedly agreed that mandated separation is unnecessary, unfeasible, uneconomical and detrimental, we find it is nonetheless necessary to remind our regional partners of the potential consequences in this instance.

As always, my staff is eager to answer questions or concerns regarding the systems and facilities we manage.

Respectfully,



Jim Nash



**DEPARTMENT OF THE ARMY  
INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON – DETROIT ARSENAL  
6501 E. ELEVEN MILE ROAD  
DETROIT ARSENAL, MI 48397-5000**

April 19, 2023

**SUBJECT: Request to Partner with the Red Run Intercounty Drain Drainage District on a Grant from the U.S. Department of Defense Office of Local Defense Community Cooperation (OLDCC), Installation Resilience Program**

Red Run Intercounty Drain Drainage Board  
Office of the Oakland County Water Resources Commissioner  
One Public Works, Building 95 West  
Waterford, MI 48328

Dear Board Members:

The United States Army Garrison - Detroit Arsenal (USAG-DTA) requests to partner with the Red Run Intercounty Drain Drainage District (RRIDDD) in a grant from the Department of Defense, Office of Local Defense Community Cooperation (OLDCC), Installation Resilience Program. This request is a direct result of findings and recommendations from the OLDCC funded at the Detroit Arsenal Regional Defense Assessment of Resilience (DAR2), (Enclosure).

The Department of Defense (DoD) Climate Risk Analysis has determined that the planet's changing climate has a significant impact on Defense Department's missions, plans, supply chains and installations. Therefore, DoD has elevated climate change as a national security priority; integrating climate considerations into policies, strategies and partner engagements. The DoD and The Army's decisions around climate change and those of neighboring communities are intrinsically interconnected. The DoD is working to ensure climate assessments are based on the best available, validated, and actionable science that informs the most likely climate change outcomes. Data sources and models must be updated and monitored with consideration to the national energy, security and operational impacts.

The scope of this grant will include two planning charettes with key stakeholders, a comprehensive regional Hydrologic and Hydraulic (H&H) Study, predictive modeling for the region to include, but not limited to, the RRIDDD and major utility infrastructure, and a comprehensive report with actionable recommendations for regional flood mitigation measures.

Under this request, the RRIDDD would act as the non-federal partner with the U.S. Army Garrison - Detroit Arsenal for the Federal Fiscal Year 2023, Phase I and Federal

Fiscal Year 2024, Phase II grants. Under both phases of this request, the RRIDDD would apply for an OLDCC Installation Resilience grant, act as the grant administrator, and provide a minimum of a 10% funding match; which can consist of staff time, cash, or material donation. The requests are as follows:

a. Federal Fiscal Year 2023, Phase I request to OLDCC Installation Resilience Program for the DAR2 H&H study for \$750k with estimated responsibility of \$75k to the RRIDDD in match.

b. Federal Fiscal Year 2024, Phase II request to OLDCC Installation Resilience Program for the DAR2 H&H study for \$750k with estimated responsibility of \$75k to the RRIDDD in match.

The USAG-DTA, the OLDCC, and the United States Army Corps of Engineers anticipate that the findings of the Phase I H&H study and the Phase II H&H report will provide actionable items based on science and predictive modeling. These courses of action will provide the basis for further partnership opportunities, funding requests and projects for climate risk mitigation projects with regional impact.

My Point of Contact for this matter is Ms. Shannon Bergt, Detroit Arsenal Energy Manager at (248) 635-5175 or [shannon.m.bergt.civ@army.mil](mailto:shannon.m.bergt.civ@army.mil).

Sincerely,

Enclosure  
DAR2

Cherie Westphal  
Garrison Manager (Acting)

## **INTERGOVERNMENTAL AGREEMENT FOR GRANT DISPERSEMENT**

THIS AGREEMENT, hereinafter referenced as "Agreement" is made and entered into this 19th day of March, 2025 by and between the Oakland County Water Resources Office, by and through its Water Resources Commissioner, whose principal address is One Public Works Drive, Waterford, Michigan 48328 (hereinafter "OCWRC") and the Macomb County Public Works Office, by and through its Public Works Commissioner, whose principal address is 21777 Dunham Rd, Clinton Twp, MI 48036 (hereinafter "MCPW").

WHEREAS, the OCWRC and MCPW, as public agencies, may enter into an agreement to share services and resources pursuant to Act 7 of 1967, being MCL 124.501; and

WHEREAS, Chapter 21 of the Michigan Drain Code of 1956 authorizes two or more public corporations to petition the Michigan Department of Agriculture and Rural Development (hereinafter "MDARD") to locate, establish and construct an intercounty drain necessary for the public health of the public corporations where the cost thereof is to be assessed wholly against the public corporations; and

WHEREAS, MDARD was successfully petitioned by Oakland County and Macomb County pursuant to Chapter 21 of the Michigan Drain Code of 1956, establishing the Red Run Intercounty Drain Drainage District (hereinafter "Drainage District") on or about May 19, 1948; and

WHEREAS, at a regular meeting of the Drainage District board on April 19, 2023, the United States Army Garrison – Detroit Arsenal (hereinafter "USAG-DTA") presented the board with a resiliency grant partnership offer from the Office of Local Defense Community Cooperation (hereinafter "OLDCC") (*see* Exhibit A);

WHEREAS, the scope of said resiliency grants would include two planning charettes with key stakeholders, a comprehensive regional hydrologic and hydraulic study, predictive modeling for



the region to include, but not limited to, the Drainage District and major utility infrastructure and a comprehensive report with actionable recommendations for regional flood mitigation measures; and

WHEREAS, under the agreement, Macomb County Public Works Commissioner on behalf of the Drainage District would proceed as the non-federal partner with the USAG-DTA, act as the grant administrator and along with OCWRC, provide a minimum of 10% funding match (such as staff time, cash or material donation);

WHEREAS, the grant request is as follows:

- a. OLDCC Installation Resilience Program awarded for the DAR2v2 H&H study \$963,628 with estimated responsibility of \$107,070 to the Drainage District in match; and

WHEREAS, the Drainage District board voted unanimously to approve the OLDCC request for partnership on the resiliency grants, including a 10% grant match of up to \$150,000 between both grant phases (including in-kind services) (*see* Exhibit B); and

WHEREAS, a subsequent Grant Agreement (*see* Exhibit C) was entered into on or about September 2024 between MCPW and the OLDCC, naming the MCPW as recipient of approximately \$963,628 in grant monies in accordance with the resiliency grants partnership noted *supra*; and

WHEREAS, the Grant Agreement, section 20, paragraph 2 states: “2. Prior to the disbursement of funds for sub-recipient activities under this award, the Grantee [MCPW} shall submit an executed agreement(s) for these activities with each sub-recipient”; and

WHEREAS, OCWRC and MCPW believe it is in the best interest of the Drainage District to enter into an agreement for disbursement of said grant monies pursuant to the resiliency grant partnership offer, as adopted by the Drainage District board, and Grant Agreement.

NOW THEREFORE, the parties agree as follows:

1. That MCPW will disburse grant monies to OCWRC and/or the Drainage District for


expenditures made in accordance with the resiliency grants partnership as previously approved by the Drainage District. Such disbursements will be made in conformity to the usual Drainage District invoice, billing and financial procedures after appropriate invoicing has been provided to and approved by the Drainage District board.

2. This Agreement shall become effective when signed by both parties and shall be for a term of 5 years.
3. This Agreement and referenced exhibits represent the entire agreement between the OCWRC and MCPW with respect to disbursement of grant monies and supersedes any prior oral or written understandings or agreements.
4. Both the OCWRC and MCPW shall comply with all applicable laws in performance of this Agreement. This Agreement shall be construed in accordance with the laws of the State of Michigan.
5. Any waiver, modification, alteration or amendment of this Agreement shall be in writing and signed by both parties for it to be effective.
6. The person signing this Agreement on behalf of the parties certify by their signatures that they are duly authorized to sign on behalf of said parties and that this Agreement has been authorized by said parties.


IN WITNESS WHEREOF, OCWRC and MCPW have caused this Agreement to be signed by their duly authorized representatives as of the date first above written, and by execution, the respective officers signing this Agreement certify that they have been duly authorized to enter into this Agreement by their respective Boards.

Signed & sealed by the signatures below:

OAKLAND COUNTY

By:   
Jim Nash  
Its: Water Resources Commissioner

MACOMB COUNTY

By:   
Candice Miller  
Its: Public Works Commissioner