

**STATE OF MICHIGAN**
DEPARTMENT OF ENVIRONMENTAL QUALITY
DECISION REGARDING
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
APPLICATION FOR
ROCK RIDGE MANUFACTURED HOUSING COMMUNITY

Riverine Development, Incorporated
20555 Victor Parkway, Suite 250
Livonia, Michigan 48152

has applied for a new use National Pollutant Discharge Elimination System (NPDES) permit for the proposed

Rock Ridge Manufactured Housing Community
which is to be located in
the SW¼, SW¼, Section 29,
Town 2 South, Range 7 East, Washtenaw County

that would authorize an increased loading of pollutants to the Huron River, which would lower the water quality with respect to certain parameters. Therefore, the application is subject to the demonstration requirements of Rule 323.1098 of the Michigan Water Quality Standards (Rule 98). The applicant has submitted an antidegradation demonstration in accordance with Rule 98. The application and antidegradation demonstration was public noticed from June 30, 2005, through October 14, 2005, with a public hearing held on October 11, 2005. The public hearing was attended by one hundred thirty-one (131) people with forty-three (43) people providing statements during the hearing. In addition, dozens of written comments were received during the public comment period. All information submitted by the applicant and all comments submitted during the public notice period have been reviewed and carefully considered.

I find based upon the weight of all evidence that the applicant has not satisfied the required conditions of Rule 98. Specifically:

- the applicant has not adequately demonstrated the social or economic development and the benefits to the area in which the waters are located that would be foregone if the new or increased loading of pollutants is not allowed, and
- the applicant has not adequately evaluated alternatives to the proposed discharge that may obviate the necessity for the discharge, and therefore, the applicant has not shown that such alternatives are not feasible.

Consequently, the applicant has not shown that allowing lower water quality is necessary.

In addition, there are considerations with respect to the treatment technology proposed for use in achieving the draft permit's effluent limitations for total phosphorus to meet water quality standards, including the approved Total Maximum Daily Load (TMDL) for Phosphorus in Ford and Belleville Lakes. These considerations include both the location of the discharge and the sensitivity of the receiving waters as the proposed discharge location is in close proximity to Ford Lake. R 323.2138 of the Part 21 Rules states that "when a state or national permit is issued by the department which contains any effluent standards or limitations set forth in R323.2137, the department shall verify that the discharge authorized by the issued permit will not violate applicable water quality standards." At this time, there is not sufficient information with respect to the reliability of this technology to verify that the applicable low level total phosphorus effluent limitations for this sensitive watershed area can reliably be achieved in the treated effluent from this facility. Therefore, it cannot be verified at this time that a discharge from this facility will not cause violations of water quality standards, including the approved TMDL for Phosphorus in Ford and Belleville Lakes.

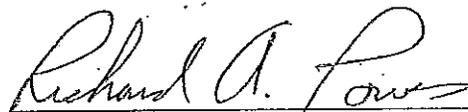
Decision Regarding NPDES Application for Rock Ridge Manufactured Housing Community

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Therefore, the NPDES application for the proposed Rock Ridge Manufactured Housing Community is hereby denied.

Any person who is aggrieved by this decision may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance of this decision as being untimely.



Richard Powers, Chief
Water Bureau

Date: 12/22/05

RESPONSIVENESS SUMMARY

Rock Ridge Manufactured Housing Community NPDES Permit No. MI0057844

A Public Meeting and Public Hearing with the Michigan Department of Environmental Quality (DEQ) were held on October 11, 2005, at the Superior Township Hall in Ypsilanti to hear comments and objections regarding the National Pollutant Discharge Elimination System (NPDES) permit proposed for issuance to Riverine Development, Incorporated, for the proposed Rock Ridge Manufactured Housing Community Wastewater Treatment Plant. The facility is to be located in the SW¼, SW¼, Section 29, Town 2South, Range 7East, Superior Charter Township, Washtenaw County, with a proposed treated sanitary wastewater discharge to the Huron River, in the SE¼, SE¼, Section 30, Town 2South, Range 7East, Washtenaw County.

The public hearing began at approximately 7:10 P.M. Based upon the number of people intending to make comments, the portion of the evening's proceedings set aside for the public meeting's question and answer period was relegated to the time following the hearing. The public hearing portion of the evening lasted until approximately 10:00 P.M. with staff answering questions from the audience until approximately 10:30 P.M.

The public meeting/hearing was attended by one hundred thirty-one (131) people. Forty-three (43) people provided statements during the hearing. Among the speakers were Superior Charter Township officials, several technical experts (i.e., engineers, planners, etc.) who commented on behalf of the township, and dozens of local citizens and adjacent property owners.

The public comment period was originally set for the period June 30, 2005, through August 1, 2005. However, based upon the large number of requests for a hearing on the matter, the public comment period was extended through Friday of the week in which the hearing was held (i.e., October 14, 2005). During the public comment period, dozens of written statements were received, including statements of opposition from State Senator Liz Brater, Washtenaw County Drain Commissioner Janis Bobrin, the Washtenaw County Department of Planning and Environment, Superior Charter Township, the Huron River Watershed Council, neighboring units of government, including the City of Ypsilanti, Salem Township, Pittsfield Charter Township, Ann Arbor Charter Township, adjacent property owners, and local citizens.

A summary of the significant, relevant issues identified during the public hearing and in the written statements is contained herein. In preparing this summary, actual comment language may have been abbreviated, paraphrased, and/or edited for clarity. With respect to some issues, similar comments were combined into one comment.

1. **Comments/Objections:** **The proposed permit authorization for a sanitary wastewater discharge allows a new loading of total phosphorus to the watershed, and, therefore, is inconsistent with the approved Total Maximum Daily Load (TMDL) for Phosphorus in Ford and Belleville Lakes.** If this new loading of total phosphorus is authorized, it will exacerbate the potential for nuisance algal blooms in these two downstream impoundments.

Response: The TMDL for Phosphorus in Ford and Belleville Lakes is a concentration-based TMDL that sets in-lake goals of 0.05 mg/L and 0.03 mg/L, respectively, for these two impoundments on the Huron River with the intent of controlling the nuisance algal blooms that have typically occurred on these two water bodies during the summer months. This TMDL was developed as a

concentration-based TMDL (vs. a load-based TMDL) primarily due to the short retention time of these two impoundments.

Depending upon the geographic location of the discharge in the watershed area of interest (i.e., either upstream of Ford Lake or downstream of Ford Lake), an effluent concentration that is equivalent to the applicable in-lake goal will not exacerbate existing conditions due to the flow component that exists in conjunction with the phosphorus loading. Specifically, in this case, the applied effluent limitation of 0.05 mg/L is protective of these downstream impoundments and is consistent with the goals of the TMDL.

2. **Comments/Objections:** If the proposed permit is granted and the proposed MHC development is constructed, a resulting non-point source or storm water runoff loading of phosphorus will occur from the development, which is inconsistent with the approved Total Maximum Daily Load (TMDL) for Phosphorus in Ford and Belleville Lakes.

Response: The only appreciable non-point source (or storm water runoff) phosphorus loading from a development of this kind would be from turf grass propagation, if fertilizers containing phosphorus were to be applied in the process of establishing or maintaining the grassy areas of the site. However, there are alternative approaches to provide successful turf development without application of fertilizers containing phosphorus. Therefore, because the potential phosphorus source at the site is controllable, it is not a fact that non-point source or storm water runoff loading of phosphorus will occur from the development at a rate that is inconsistent with the TMDL for Ford and Belleville Lakes. Further, due to the existence of the TMDL, DEQ could seek to regulate the non-point source or storm water discharges from this site in the future, if it is determined that excessive phosphorus loadings are being discharged to the river.

The proposed permit contains an authorization for a sanitary wastewater discharge, and it is not intended to address all aspects of the proposed development. It is inappropriate to use in the decision-making process for granting the authorization for a sanitary wastewater discharge the assumption that non-point source or storm water runoff from this proposed development will cause or contribute to violations of Water Quality Standards.

3. **Comments/Objections:** The proposed permit allows discharges of total dissolved solids (TDS) and chlorides in excess of the Michigan Water Quality Standards. The potable water production byproduct wastestreams directed to the proposed wastewater treatment plant will contribute to excessive levels of TDS and chlorides in the effluent.

Response: The applicant has not applied for nor does the permit authorize the discharge of wastestreams created by potable production, including softener regeneration wastewater or reverse osmosis concentrate/reject water. The proposed permit authorizes the discharge of sanitary wastewater, only, which by definition includes only wastewater containing human metabolic or domestic waste. Domestic waste does not include byproduct wastestreams created at potable water production facilities.

Regarding TDS in the sanitary wastewater discharge, the Huron River is not in non-attainment for this parameter, and the proposed discharge will only negligibly affect ambient TDS concentrations

in this receiving stream. Regarding chlorides, this parameter is not specifically regulated through the Michigan Water Quality Standards. Rather, it is addressed through regulation of overall TDS in the effluent or in the receiving water.

Regarding potable water production, it is unclear at this time through what method potable water will be provided at the proposed MHC. However, it is not appropriate to speculate on what means will be undertaken to provide softened water (individual ion exchange units at each housing unit or otherwise) or whether softened water will be provided at all. Further, it is not within the necessary scope of NPDES application processing to address this matter at this time.

4. **Comments/Objections: The DEQ cannot issue an NPDES permit for a new discharge without evaluating impacts on existing uses, but has failed to assess existing uses of the Huron River and has failed to consider the impact of the project on these existing uses.**

Response: The DEQ has previously determined the existing uses on the receiving water, the Huron River, and has also assessed the proposed discharges impact on these existing uses.

Regarding existing uses, the existing uses include all uses designated for required protection by Rule 100 of the Michigan Water Standards. Specifically, the Huron River is protected for the following designated uses: agriculture, navigation, industrial water supply, public water supply at the point of intake, the warm-water fishery, other indigenous aquatic life and wildlife, partial body contact recreation, and total body contact recreation from May 1 through October 31, annually. The proposed permit's effluent limitations and monitoring requirements are protective of all these designated uses.

Regarding existing uses, the DEQ has conducted a review to determine whether there are existing uses in the Huron River requiring greater protection than the designated uses specified above. This includes a determination of whether the Huron River is a habitat or breeding ground for an endangered, threatened, or species of special concern (it is not), and a determination of the existence of a cold-water fish (i.e., trout) population in the Huron River when it has been designated as a warm-water fishery (there is no trout population in the Huron River). In addition,, the DEQ has conducted a review to verify whether the Huron River is an Outstanding State Resource Water as designated by Rule 98, Subrule 6(a), of the State Water Quality Standards where the water quality cannot be lowered in any appreciable quantity (it is not).

The proposed permit is protective of all designated uses, and there are no existing uses requiring greater protection than the designated uses.

5. **Comments/Objections: The DEQ has failed to conduct the kind of intergovernmental coordination and consultation required by the code of federal regulations, title 40, part 131, section 12, prior to approving an antidegradation showing.**

Response: The code of federal regulations, title 40, part 131, section 12, states with respect to the antidegradation policy implemented by the delegated State NPDES authority that it "shall, at a minimum, be consistent with the following: (2) Where the quality of the waters exceed

levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located."

The use of the term "intergovernmental coordination" in this statement is intended to refer to intergovernmental coordination between the delegated State NPDES authorities when a new or increased discharge is proposed to a common water body in the respective states (i.e., a water body that exists geographically within the jurisdiction of more than one state. This statement is not intended to require the "full satisfaction" of each local unit government within the state where a proposed new or increased discharge may occur.

6. **Comments/Objections:** Although the applicant has submitted an Antidegradation Demonstration in accordance with Rule 98 of the Part 4 Rules-Michigan Water Quality Standards (i.e., R323.1098), the Antidegradation Demonstration does not adequately "identify the social or economic development and the benefits to the area in which the waters are located that would be foregone if the new or increased loading of pollutants is not allowed." There is ample affordable housing in Superior Township and in the surrounding areas, and this proposed manufactured housing community isn't needed in this area.

Response: As part of the Antidegradation Demonstration (Demonstration), the applicant has submitted a detailed analysis of the potential marketability of the proposed manufactured housing community (MHC) at the subject site with the intent of identifying the social or economic development and the benefits to the area in which the waters are located that would be foregone, if the new or increased loading of pollutants is not allowed; thereby intending to satisfy the requirements of Rule 98.

The market analysis submitted by the applicant as prepared by the firm, Vogt, Williams, and Bowen, L.L.C. (VWB), establishes a Primary Market Area (PMA) for the site's proposed MHC, which includes all of the City of Ypsilanti and Superior Charter Township and parts of Salem Township, Canton Township, Plymouth Township, Van Buren Township, and Ypsilanti Township. In addition, the VWB Market Analysis indicates a Secondary Market Area (SMA), the City of Ann Arbor, which they expect to provide some additional support for the project in the form of users seeking affordable housing options. The PMA is described as a high growth area with respect to population increases, since 1990.

Regarding affordability, the proposed MHC will include homes in the \$50,000 to \$100,000 range with an additional monthly pad fee ranging from \$250 based upon the location of the pad with respect to natural features such as the Huron River. Up to 1,950 lots are proposed as part of the ultimate build-out of the proposed MHC.

In general, the VWB Market Analysis addresses the "need" for the MHC development and asserts that the proposed MHC will be utilized based on the potential demand for affordable housing from potential users within the PMA and the SMA. In support of this assertion, the VWB Market

Analysis included a general evaluation of the economic and demographic characteristics of the area and a field survey of manufactured housing alternatives in the market area.

In addition, the VWB Market Analysis indicates that, based upon the amenities proposed for inclusion in this proposed MHC development (i.e., aesthetic natural features in and around the site, etc.), this proposed development is more attractive than other affordable housing options. Therefore, based upon these factors, the VWB Market Analysis purports that the proposed development will be highly marketable, and that it will as a result be supported and utilized, thus establishing the benefits to the area in which the waters are located with respect to residential growth that would be foregone, if the new or increased loading of pollutants is not allowed.

During the public comment period, Superior Township submitted a "demand analysis" as prepared by the firm, Hanley Wood (HW). This analysis of the subject development utilizes a similar approach to the VWB Market Analysis by providing a demand assessment of a PMA and a SMA essentially equivalent to the market areas identified in the VWB Market Analysis. In addition, the HW Demand Analysis provides a demand assessment for a market area equivalent to a 15-mile radius of the proposed development site. Using these established market areas, the HW Demand Analysis provides a determination of the demand for the proposed Rock Ridge MHC from "Income/Age Qualified New Household Growth" within the market areas and from "Existing Income/Age Qualified Households" within the market areas in the determination of total demand for the proposed MHC.

Regarding "Income/Age Qualified", the age factor utilized in the HW Demand Analysis indicates an upper bounded age of 69, while the VWB Market Analysis establishes no such upper age limit for consideration in projecting demand. In addition, of note regarding "Income/Age Qualified", the income factor utilized in the HW Demand Analysis establishes demand qualifications based upon an annual income range between \$20,000 and \$45,000. Therefore, it appears that this approach does not account for the possibility of demand from people over the age of 69 or from households with available assets allowing purchase of a manufactured home; thus, possibly underestimating the associated overall demand. However, the HW Demand Analysis' determination includes a factor, "Demand Not Accounted for Above", that accounts for "households such as elderly couples with large existing equity but low incomes, investors, multiple turnover households,". Therefore, this factor, an additional 25% added to the overall demand calculated for the Income/Age Qualified households, does account for possible demand from other entities.

The VWB Market Analysis indicates that the projected demand for the proposed Rock Ridge MHC is expected to be "an annual absorption rate of up to 10 to 11 lots per month or an annual absorption rate of up to 120 to 132 lots per year." For reference purposes, use of the projected mid-range annual absorption rate (i.e., 127 lots per year) and the number of manufactured homes associated with the ultimate build-out phase of the project (i.e., 1,950 lots) in the calculation of the number of years necessary to fill the lots yields a time-frame in excess of 15 years. Conversely, the HW Demand Analysis indicates an annual absorption rate of up to 19 lots per year using the analysis' high capture rate (vs. the low or medium capture rate). Based upon the HW Demand Analysis' absorption rate, it would be in excess of 100 years before the proposed Rock Ridge MHC would approach the ultimate build-out phase of the project.

In addition to the discrepancies in the demand projected by these two analyses, other factors suggest that the demand identified by the VWB Market Analysis may be exaggerated. Of note,

there are two relatively "new" MHC developments with PMAs and SMAs that overlap the geographic area of the PMA and/or the SMA for the proposed Rock Ridge MHC. These developments, the Woodland Ridge MHC and the Augusta Woods MHC, are MHCs that are relatively "new" MHC developments, and, as such, they provide amenities similar to that of other more modern developments of this kind (like the proposed Rock Ridge MHC) as compared to older mobile home park (MHP)-type facilities.

Regarding the Augusta Woods MHC development, evidence indicates that Medallion Homes is seeking to develop the remaining area of the site, which was originally slated for 175 of the total 484 MHC sites, as single-family site condominiums. This decision on the part of the developer is clearly based upon the slow absorption rate of new pad leasing and demand for manufactured housing at this development. The Augusta Woods development is approximately eight miles to the southeast of the site of the proposed Rock Ridge MHC. Regarding the Woodland Ridge MHC development, the VWB Market Analysis indicates that, at the time of the report on April 27, 2005, this development had an occupancy rate of 25.9%, and that, although this development opened in 2002, there are 444 available pads/lots. Although these two "newer" MHC developments do not totally lie geographically within the PMA of proposed the Rock Ridge MHC, the PMAs of these two developments geographically overlap the PMA of the Rock Ridge MHC; thus assuring some level of competing demand. In addition, the marketability of these two developments, similar with respect to age and amenities offered, provides an indication that the marketability of the proposed the Rock Ridge MHC may not be as high as suggested by the VWB Market Analysis.

There are other existing manufactured housing communities and mobile home parks within the general vicinity of the proposed Rock Ridge MHC. Superior Township, itself, contains two such developments, the Arbor Woods MHC and the Westridge Mobile Home Park (MHP), while the adjacent townships, Canton Township and Ypsilanti Township, also contain several of these facilities. Canton Twp. has eight MHCs and/or MHPs, while Ypsilanti Township has ten MHCs and/or MHPs. Although the occupancy rates vary within these developments (total occupancy is only approximately 83%, with over 1,000 lots available); there clearly are affordable housing opportunities within these existing developments. In addition, although sites within the existing MHPs are not generally considered to be as marketable as sites within MHCs, MHP developments provide a competing alternative to the MHC product in the low cost housing market.

Regarding affordable housing options in addition to MHCs and MHPs, information submitted by Superior Township indicates that there are some new developments under construction within the township that are high-density, single family home developments and, as is common for high-density developments, these homes are expected to be competitively priced such that they can provide competing affordable housing demand to the MHC product. There are six such developments in the township in varying stages of construction. An example is the Woodside development, which is being constructed in a site adjacent to the Westridge MHP. Notably, this site, originally slated for an additional phase of the MHP, was sold to another developer for construction of the high-density single family homes, again, bringing into question the demand for MHCs or MHPs in Superior Township.

Regarding trends for new manufactured home sales within the State of Michigan, statistical surveys provided by the HW Demand Analysis indicate that, since the industry's peak sales of approximately 11,800 units in 1999, the market has dropped dramatically to 3,800 units in 2004. In addition, trends in the sales of manufactured housing indicate that a large percentage of those sold

are purchased for location on private property. The HW Demand Analysis provides a nation-wide "Distribution of New Manufactured Homes by Location" for the period 2000 through 2003 with the source being the "Manufactured Housing Institute". This distribution indicates that the manufactured homes sold for location on private property include 30% to 33% of the overall market, which further decreases the current predicted market for purchase of a manufactured home in a MHC.

Based upon the aforementioned information, we conclude that demand for the proposed Rock Ridge MHC was overstated in the VWB Market Analysis and that the demand for the additional MHC sites in Superior Township will be marginal at best. Although the proximity of the proposed Rock Ridge MHC to aesthetic natural features such as the Huron River may make the development slightly more marketable than other MHC developments, the market is generally in decline, and it is unclear as to what other factors make this proposed MHC more marketable in light of the marginal demand of other MHCs like the Augusta Woods MHC.

The critical issue in the Rule 98 antidegradation demonstration is not "marketability", but rather whether social or economic development and benefits to the area would be forgone, if the new or increased loading of pollutants is not allowed. The applicant provided no documentation of social or economic benefits to the area in the antidegradation demonstration other than brief and general references to increases in low cost housing and construction jobs. Rule 98 clearly places the burden of proof on the applicant. Analyses made on behalf of Superior Township and William Ford, Jr., a resident of Superior Township who provided comment on the draft permit, not only disputed that there would be economic or social benefits, but also provided extensive documentation that there would be significant social and economic costs caused by the development. These costs included upgrading and maintenance of local roads, impacts on schools due to increased enrollment, increased costs of police and fire services, and social and property value costs as a result of dramatic local growth not consistent with local development plans. The applicant's antidegradation demonstration did not address these issues, nor were they addressed in the applicant's response to public comments.

Finally, support for a project at the local level is one indicator of whether there will likely be social and economic development and benefits to the area. This proposed MHC development is unusual in that, not only is there overwhelming opposition to the project, but the local government, Superior Township, and at least one resident went to the trouble and expense of hiring consultants and providing extensive, pertinent, detailed, technical comments with respect to the lack of social and economic benefits. Indeed, these comments are more detailed and better documented than those of the applicant. Another measure of local support is whether the local unit of government has zoned the subject property consistent with the proposed use, which has not been done in this case. Consequently, we find the documentation provided in these comments to be more credible than the documentation provided by the applicant in the applicant's antidegradation demonstration, and have given this documentation greater weight than that of the applicant where the documentation conflicted. Further, we find that the position of Superior Township supports our finding that the applicant has not demonstrated that social or economic development and benefits to the area would be forgone, if the new loading of pollutants is not allowed through issuance of the proposed permit.

In addition to the considerations of the applicant's demonstration of the "social or economic development and the benefits to the area in which the waters are located that would be foregone",

Rule 98 states with respect to water quality that the "quality shall be maintained and protected unless allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located." Therefore, it is necessary to consider whether the discharge is "necessary" with respect to whether other alternatives to the proposed disposal of sanitary wastewater directly to the surface waters of the State exist. The applicant did not adequately evaluate the alternatives to the discharge. In the case of this application, it is clear that, while considering the technical (i.e., engineering) feasibility of treatment in an existing publicly-owned treatment facility, other alternatives to the proposed direct surface water discharge do exist. Although there is no currently no sanitary sewer available in proximity to the site of the proposed Rock Ridge MHC, an extension of sanitary sewer to allow for ultimate treatment at an existing publicly-owned treatment facility is technically feasible. This extension of sanitary sewer service would remove the potential for a discharge to the Huron River Watershed at this location, thereby eliminating the potential for a new discharge of phosphorus upstream of Ford and Belleville Lakes. Further, the publicly-owned treatment facility would be within the authorized flow of its existing NPDES permit, if the discharge from this proposed development were to be directed to this existing facility.

The review of all information and comments submitted shows that the applicant has not satisfied the required conditions of Rule 98 as follows:

1. the applicant has not adequately demonstrated the social or economic development and the benefits to the area in which the waters are located that would be foregone if the new or increased loading of pollutants is not allowed, and
2. the applicant has not adequately evaluated alternatives to the proposed discharge that may obviate the necessity for the discharge, and therefore, the applicant has not shown that such alternatives are not feasible.

Consequently, the applicant has not shown that allowing lower water quality is necessary.

7. Comments/Objections: The treatment process the applicant has proposed to achieve the proposed permit's applied total phosphorus effluent limitation, the Dual DyanSand Micro-filtration Process, is unproven with respect to reliably removing phosphorus to the level necessary to achieving compliance with this effluent limitation. As a result, the DEQ should not authorize this new phosphorus loading to the watershed.

Response: The DEQ has performed a review and provided a determination that although this treatment technology, the Dual DyanSand Micro-filtration Process, has been demonstrated to theoretically have the ability to achieve the required low level effluent total phosphorus concentrations, there are legitimate concerns with respect to the operational reliability of the technology, particularly when considering the location of the discharge and its proximity to Ford Lake.

Rule 2138 of the Part 21 Rules states that "when a state or national permit is issued by the department which contains any effluent standards or limitations set forth in R323.2137, the department shall verify that the discharge authorized by the issued permit will not violate applicable water quality standards." As part of the verification, a review of the available information on this proposed technology was conducted to determine whether the technology could reliably achieve the total phosphorus effluent limitations. This is critical when considering this proposed discharge due to the proposed location of the discharge and the sensitivity of the receiving waters. This

discharge is proposed at a location in close proximity to Ford and Belleville Lakes, which have an approved TMDL established for phosphorus due to over enrichment of these lakes. Although phosphorus control strategies are in the process of being implemented, these lakes remain over enriched with phosphorus, and they do not meet water quality standards, including the requirements and goals of the TMDL. The proposed discharge location is downstream of the last major point source discharge of phosphorus to Ford Lake (i.e., the City of Ann Arbor's Wastewater Treatment Plant), and, thus, the proposed discharge would become the closest point source discharge to Ford Lake.

At this time, there is not sufficient information with respect to the reliability of this technology to verify that the applicable low level total phosphorus effluent limitations for this sensitive watershed area can reliably be achieved in the treated effluent from this facility, and, therefore, it cannot be verified at this time that a discharge from this facility will not cause violations of water quality standards, including the TMDL for Phosphorus in Ford and Belleville Lakes.

Compiled by: Alec Malvetis

Date: December 22, 2005