



THE SENATE  
STATE OF MICHIGAN

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Phillip D. Roos  
Director, Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
Constitution Hall  
525 West Allegan Street  
Lansing, MI 48909-7973

Subject: Public Comment on George W. Kuhn Retention Basin, Draft NPDES Permit

**DELIVERED VIA EMAIL**

Dear Director Roos,

In the Michigan Senate, I have the distinct honor of representing District 12, which spans the entire United States coastline of Lake St. Clair — from Grosse Pointe to Harsens Island. While the southern part of the district looks a lot different than the northern-most portion, we do have one thing in common that binds each and every one of our communities together: Lake St. Clair.

As coastal residents, we know the importance of clean water and its impact on our health and economy. The lake is the foundation for our lives and our livelihoods, supplying **drinking water to 4 million people**, generating **\$1.6 billion in economic activity**, and supporting more than **18,000 jobs**. We also know of the many joys it can provide through recreational and memory-making opportunities.

As both a parent and a legislator, ensuring Lake St. Clair is protected for generations to come is my top priority — one that is thankfully shared by other local, state, and federal leaders in Macomb County. Here in Macomb, we have made significant investments to build up our water infrastructure and clean up our shorelines. Over the past eight years, we've **invested nearly \$100 million in state funds** to reduce combined sewer overflows (CSOs), proactively address aging infrastructure, and protect our waterways. Macomb County Public Works Commissioner Candice Miller, local communities, and federal representatives have secured funding to further these goals as well.

Making these investments was not easy, but we knew we had a responsibility to our communities to have the political will and urgency to fight for the resources necessary to protect the health of Lake St. Clair. We're doing our part, but we are not the only ones who have contributed to the challenges facing the lake. It is time for Oakland County to step up and do the same.

I am thankful for your department's proposed updates to the NPDES permit for the George W. Kuhn (GWK) Retention Basin; however, I believe additional action is necessary to properly address the issue the basin currently poses to Lake St. Clair and the health of the residents who depend on the lake. Echoing MCPW Commissioner Miller's call for more robust, enforceable measures to be implemented, I support the following revisions to the draft permit:

**1. Providing a Hard Deadline for Meeting Dechlorination Standards**

The 18 months provided for a feasibility study regarding Total Residual Chlorine (TRC) reduction is a step in the right direction, but the permit should set a firm deadline for GWK to achieve TRC standards in order to protect aquatic life and prevent further fish kills in the Red Run Drain.

**2. Accelerating the Evaluation of Gray Infrastructure**

The health of Lake St. Clair is an issue that requires immediate action. To ensure a timely response, the permit should shorten the evaluation of gray infrastructure opportunities period — something that should have been done years ago — to two years. Additionally, I ask that the phrase “if any” be removed from the study and a minimum 25% CSO reduction target be included in order to guide project selection and require clear timelines.

**3. Strengthening and Mandating Permit Modification Language**

The permit must guarantee, not just allow, modifications if the U.S. Army Corps of Engineers study finds GWK discharges contribute to flooding. The scope of study should also be expanded to include tributaries such as Bear Creek and other impacted areas, as many believe the study will show that once GWK reaches capacity, backflow flooding occurs into Macomb County. Furthermore, the permit should require improvements with enforceable compliance schedules to minimize retention basin discharges and prioritize flood control.

**4. Resolving Untreated Sewage Releases**

As written, the permit ignores past GWK sewage overflows into the Red Run. I ask that a study be conducted and a timeline along with a corrective action plan be required within a defined period of time.

**5. Properly Enforcing Public Notification Requirements**

Currently, GWK's Public Notification Plan does not properly notify Macomb County Public Works of CSO events. As timely updates are crucial for informing downstream communities, I ask EGLE to enforce existing NPDES permit conditions and enact reasonable consequences to prevent future compliance violations.

While the negative consequences of GWK's current operations are not immediately felt by Oakland County, all of southeast Michigan has a duty to play a role in keeping Lake St. Clair clean for current and future generations who call our region home. In Macomb County, we have shown that the issue of clean water transcends traditional political boundaries, and that we're willing to come together to implement solutions. But it's clear that we cannot be the only ones to act — we need our neighbors to the west to join us in these endeavors.

I look forward to collaborating with your department, as well as local and state leaders from Macomb and Oakland Counties, as we work towards a shared goal of a clean and healthy Lake St. Clair.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Hertel", written in a cursive style.

**Kevin Hertel**  
State Senator  
District 12