

Opinion

## It's time for Detroit to comply with Clean Water Act

Friday, September 23, 2011

By John McCulloch

---

In 1977, Jimmy Carter was president; Elvis Presley died at the age of 42; a massive citywide blackout in New York City sparked a baby boom nine months later; gas cost 62 cents a gallon ... and the federal government filed a lawsuit against the city of Detroit charging violations of the 1972 Clean Water Act.

Flash forward 34 years and the Detroit Water & Sewerage Department (DWSD) still has not cleaned up its act, figuratively, or the Detroit River, literally, to the satisfaction of the federal judge monitoring the progress of compliance.

On Friday, September 9, 2011, federal Judge Sean Cox handed down a lengthy, well-thought out 44 page decision in which he dismissed the city of Detroit's request to end federal court oversight of the system, citing in great and precise detail the chronology of DWSD's lackluster efforts to comply with the requirements of the Clean Water Act.

Judge Cox has ordered the mayor, city council and board of water commissioners to "devise a plan to address the root causes of non-compliance within sixty days."

Judge Cox warned that if the deadline isn't met to address the "recurrent violations of the Clean Water Act ... this court will directly order a more intrusive remedy."

Judge Cox was correct in ruling that any final solution to the long festering and seemingly intractable problems at DWSD should not be constrained by any local charter or ordinance, or by the provisions of union or other contracts.

This particular judicial edict gives the working group a clean sheet of paper on which to write a comprehensive, long-term plan for bringing a halt to DWSD's repeated violations of the Clean Water Act. The biggest impediments to change have been DWSD's uninspired personnel and procurement business practices, both of which need to be closely scrutinized and corrected.

What remains to be seen is whether the judge's order will increase or decrease costs. I tend to believe costs will be reduced, if the mayor, council and water commissioners streamline the way DWSD conducts its business.

The final solution, whatever it turns out to be, should improve efficiency and water quality, so that the system can then move on to more pressing issues like an aging infrastructure that will carry a hefty price tag of several billion dollars to fix or replace.

By the end of the year a process should be in place to, at long last, remedy the systemic operational problems that have prevented DWSD from meeting compliance standards of the Clean Water Act.

When that is accomplished the 4.2 million customers served by the Detroit Water & Sewerage system will have won an important victory that will benefit them and future generations.

In the words of the esteemed jurist, Oliver Wendell Holmes: "A river is more than an amenity, it is a treasure." As such, it is our duty and responsibility to protect our waterways from being degraded by pollution.

John P. McCulloch is the Oakland County Water Resources commissioner.

---

URL: <http://www.theoaklandpress.com/articles/2011/09/23/opinion/doc4e7bcec5a3301885228693.prt>

© 2011 theoaklandpress.com, a **Journal Register** Property