



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

August 6, 2009

CERTIFIED MAIL

Mr. Roger Fraser, City Administrator
City of Ann Arbor
100 North 5th Avenue
Ann Arbor, Michigan 48107

Dear Mr. Fraser:

SUBJECT: Dam Safety Order
Argo Dam, Dam ID 559, City of Ann Arbor, Washtenaw County

The Michigan Department of Environmental Quality (MDEQ) has determined that a condition exists that endangers the Argo Dam, Dam ID Number 559. Our records indicate that the City of Ann Arbor (City) is the owner of this dam, located on the Huron River. The City, as owner, must take action to address this threat to the dam.

The Argo Dam is regulated by Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. It is classified as a *high hazard potential dam* per Part 315, which means it is "... a dam located in an area where a failure may cause serious damage to inhabited homes, agricultural buildings, campgrounds, recreational facilities, industrial or commercial buildings, public utilities, main highways, or class I carrier railroads, or where environmental degradation would be significant, or where danger to individuals exists with the potential for loss of life."

In a dam safety inspection report dated December 19, 2001, prepared for the City by the Dam Safety Program of the Land and Water Management Division (LWMD), MDEQ, the headrace embankment was found to be in poor condition due to seepage of water through the earthen embankment and due to the extensive growth of trees and brush on the embankment. The City was asked to remove overhanging and dead trees by July 31, 2002, and locate and clean the dam's toe drains and to monitor the seepage.

In a dam safety inspection report dated September 30, 2004, prepared for the City by the Dam Safety Program, the condition of the headrace embankment was found to have worsened. The report pointed out that the toe drains for the headrace embankment were failing. The LWMD advised the City that the problems with the dam may threaten its safety and directed the City to immediately repair the toe drains and remove the dead and leaning trees.

In a dam safety inspection report dated September 12, 2007, prepared for the City by the Dam Safety Program, the condition of the headrace embankment was still in poor condition, the cited problems having not been addressed.

To date, the deficiencies at the dam have not been corrected by the City.

Section 31518(7) of Part 315 states:

“If, based on the findings and recommendations of the inspection report and an inspection by the department, the department finds that a condition exists which endangers a dam, it shall order the owner to take actions that the department considers necessary to alleviate the danger.”

Due to the poor condition of the Argo Dam, the City is therefore ordered to take the following actions:

1. On or before November 1, 2009, completely shut off the flow from the impoundment to the headrace and dewater the headrace. The headrace shall remain dewatered until the headrace embankment deficiencies have been corrected in a manner approved by the LWMD or the dam has been removed. The City shall continue to monitor the seepage emanating from the embankment at least monthly and notify this office if it worsens or is found to transport solids. This monitoring may be discontinued upon approval by this office, if the seepage ceases upon dewatering of the headrace.
2. On or before April 30, 2010, complete an evaluation of the options to address the deficiencies of the headrace embankment of the dam.
3. If the decision is made to keep the dam in place, all work to correct the headrace embankment deficiencies in a manner approved by the LWMD must be completed by December 31, 2010.
4. If the decision is made to remove the dam, the removal shall be completed by December 31, 2012. The City shall complete all necessary engineering design work for the removal and submit an application for the removal to this department by February 1, 2011.
5. The City shall submit reports on its progress to comply with this order annually by August 15 of each year until the deficiencies with the headrace embankment have been corrected.

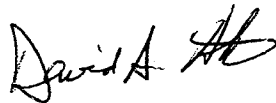
Mr. Roger Fraser

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If you have any questions regarding this matter, please contact Mr. Byron Lane, Chief of the Dam Safety Program, LWMD, at 517-241-9862, or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Hamilton". The signature is fluid and cursive, with a large initial "D" and "H".

David Hamilton, P.E., Chief
Water Management Section
Land and Water Management Division
517-335-3174

cc: Mayor John Hieftje, City of Ann Arbor
Mr. Sumedh Bahl, City of Ann Arbor
Lieutenant Myron Blackwell, Ann Arbor Disaster Preparedness
Ms. Mary Vanderlaan, MDEQ
Mr. Byron Lane, MDEQ