



# Detroit Water and Sewerage Department

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## Legislation Text

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**File #:** 19-0033, **Version:** 1

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The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department **confirms the appointment by the Director of Carol J. Miller, PhD. P.E., Daniel P. Christian, P.E., D.WRE, James Scholl, P.E., Dr. Alan Hoback, P.E, and Steven J. Wright, P.E. to the Dispute Review Panel that shall hear and adjudicate DWSD customer disputes regarding the technical aspects of the drainage charge and disputes of DWSD determinations under the Post-Construction Stormwater Management Ordinance,** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

### **Agenda of February 20, 2019 Item No. 19-0033**

**TO:** The Honorable  
Board of Water Commissioners  
City of Detroit, Michigan

**FROM:** Gary Brown, Director  
Water and Sewerage Department

**RE:** **Appointment of Members to the Dispute Review Panel**

### **MOTION**

Upon recommendation of Debra Pospiech, Chief Administrative Office and General Counsel, the Board of Water Commissioners for the City of Detroit, Water and Sewerage Department **confirms the appointment by the Director of Carol J. Miller, PhD. P.E., Daniel P. Christian, P.E., D.WRE, James Scholl, P.E., Dr. Alan Hoback, P.E, and Steven J. Wright, P.E. to the Dispute Review Panel that shall hear and adjudicate DWSD customer disputes regarding the technical aspects of the drainage charge and disputes of DWSD determinations under the Post-Construction Stormwater Management Ordinance,** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

### **BACKGROUND**

DWSD is in need of a panel of engineers who can hear and make determinations on customer disputes relating to the technical aspects of drainage. For example, if a customer disputes DWSD's determinations regarding the size of their billable impervious acreage, or if a customer disputes the denial of a drainage credit, a customer can appeal to the Dispute Review Panel.

Also, DWSD makes determinations under the Post-Construction Stormwater Management Ordinance relating to the threshold acreage, whether environmental constraints exist that prevent compliance with the ordinance and the like. Per the ordinance, those aggrieved by the ordinance can appeal to the Stormwater Appeals Board. The ordinance dictates that the members of the Appeals Board *"shall be appointed by the Director and confirmed by the Board of Water Commissioners and shall consist of 2 engineers from the academic sector, 2*

*engineers from the private sector and 1 stormwater management expert.”*

Internal DWSD Drainage Policy 303 established the Dispute Review Panel to serve as the Stormwater Appeals Board.

A number of letters were sent by the Stormwater Management Group (SMG) requesting interested engineers to submit their resumes to the Director to be considered for appointment to the Dispute Review Panel. After significant due diligence by the SMG team, only 5 resumes were received. Nonetheless, all are highly qualified individuals.

- Steven J. Wright - Arthur F. Thurnau Professor Emeritus and Professor Emeritus of Civil and Environmental Engineering - Academic Sector
- Dr. Alan Hoback, PE - Professor of Civil, Architectural and Environmental Engineering at the University of Detroit, Mercy - Academic Sector
- James Scholl, P.E., Hubbell, Roth and Clark, Inc. - Private Sector
- Daniel P. Christian, P.E. - Senior Project Manager, TetraTech - Private Sector
- Carol J. Miller, Professor of Civil and Environmental Engineering and Director of Healthy Urban Waters - Stormwater Management Expert

All Resumes are attached.

## JUSTIFICATION

The Post-Construction Stormwater Management Ordinance provides that the members of the Appeals Board “*shall be appointed by the Director and confirmed by the Board of Water Commissioners and shall consist of 2 engineers from the academic sector, 2 engineers from the private sector and 1 stormwater management expert.*”

The attached five resumes are the only ones received and the need to establish this board is great as the department has received disputes.

DWSD Drainage Policy 303 provides that the Dispute Review Panel will serve as the Stormwater Appeals Board.

The internal policies of the Dispute Review Panel will be established by the Dispute Review Panel.