

Suburbs win sewage rate case

By MICHAEL MATUSZEWSKI
Customers of the Detroit water and sewer system can look forward to a rebate and lower-than-expected sewage bills starting in September.

Pleading over the settlement of a U.S. Environmental Protection Agency (EPA) suit against the City of Detroit and its water and sewer department, Federal District Judge John Feikens ruled the water board overcharged Detroit and suburban customers during the past year.

According to an agreement between Detroit and suburban officials announced Wednesday, an overcharge of \$8 million to \$9 million will be returned to suburban customers. The agreement was reached late Monday.

The rebate will be credited against water and sewer bills starting Sept. 1. There is no way yet to determine the average homeowner's rebate.

THE SETTLEMENT also outlined reductions in sewage treatment rates set last October by the Detroit Water Board and confirmed by the city council.

Sewage treatment rates for most suburbs had been expected to go up July 1. For most suburbs, including those in Wayne and much of Oakland counties, the rate was to have increased from the 1977-78 level of \$1.72 per thousand cubic feet to \$2.08 per thousand cubic feet.

Instead, the rate will go up to \$2 per thousand cubic feet.

For residents of the Clinton-Oakland Sewage Disposal District—which includes most of West Bloomfield Township, Avon Township and Oakland's northern suburbs—the rate was to have increased to \$4.43 per thousand cubic feet. Instead, it will rise to \$3.72.

OAKLAND COUNTY Drain Commissioner George Kuhn, who led the county into the fight against the Detroit Water Board, called the settlement a major victory.

"The problem is, who cares about water and sewage treatment," Kuhn said. "But people should care. We're talking about big dollars. That's why you've got big bills going to your homes."

While the refund and change in the rate structure are important to the customers, Kuhn said, the settlement set a number of precedents.

"For the first time since 1941," Kuhn said, "there's been an intensive, outside review of the Detroit Water Board. This is the first breakthrough on rate-making methodology we've ever had."

"For the first time the water board is going to be audited (by an outside firm), monitored and supervised," Kuhn said. "In court, they couldn't defend their principles of rate-making."

According to John McClear, attorney for Detroit, the settlement is "in the best interest of all the parties."

In addition to ruling suburban customers could not be overcharged, Judge Feikens ruled the city could no longer build a facilities depreciation factor into its rates.

The plant and main sewers, Feikens ruled, were paid for by federal and state grants—not from City of Detroit funds.

Feikens ordered Detroit to use a "cash" system in making rates—what it paid out in cash for salaries, supplies, principal and interest on debt.

The city had been using a "utility" system, charging off non-cash deductions for depreciation in addition to the other charges.

WHILE THE SETTLEMENT was a victory for the suburbs, Oakland County and other suburban plaintiffs did not win on all counts.

They were unsuccessful in changing the membership of the Detroit Water Board, which is currently composed of four Detroit and three suburban representatives, all appointed by Detroit Mayor Coleman Young.

Suburban customers will also have to pay \$1 million to the City of Detroit for police and fire protection of the treatment plant, which pays no taxes.

The \$1 million is a compromise. The suburbs at first offered about \$600,000. The City of Detroit originally asked for \$1.5 million.

Feikens and three court-appointed "masters" will continue to monitor the water board's rate structure until at least 1980. It will monitor the board's compliance with a timetable for construction of a new master sewage treatment plant until at least 1982.

The EPA sued Detroit on charges that its sewage plant, which serves 78 suburban communities, was inadequately treating sewage and polluting the Detroit River.

From the settlement came some \$347 million in federal grants to improve the system. The federal money covered 80 per cent of the improvements. The local 20 per cent share is coming from the new, higher treatment rates.

Water rates were unaffected.

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