

# Judge says 'No' to state-run sewage plant

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By W.W. REID

For decades, the Detroit sewage treatment plant has been struggling — and failing — to adequately process the Detroit area's wastewater.

The U.S. Environmental Protection Agency has called the plant the worst polluter of Lake Erie, and one of the worst water polluters in the nation. In May 1977, the plant was cited for repeated violations of its operating permit.

Since September 1978, the plant has been operating in violation of legal pollution limits. Federal and state authorities have charged that the city's water and sewerage department has allowed the plant to discharge some contaminants at levels four times greater than the law allows.

In 1977, \$400 million in federal aid was reserved for Michigan, with the understanding that much of the aid would be used to upgrade facilities and expand the plant. But new equipment designed to improve the treatment process was poorly maintained and has broken down, according to a motion filed in October 1978 by state and federal attorneys.

TO MAKE matters worse, the plant has been seriously understaffed. As many as 100 vacancies have existed on the operational staff, many of them highly skilled technical posts essential to the proper operation of the facility.

State officials charged that it is impossible for the city to hire the necessary technicians because of residency requirements restricting recruiting for the jobs to Detroit city residents. The requirement was subsequently dropped.

But government officials have continued to argue that the plant should be placed under the management of outside agencies in receivership. They maintained that the repeated failure of the city to run the facility properly proved that the operation should be managed by someone other than the city.

Federal Judge John Feikens has resisted those arguments. He appointed an independent monitor to fully evaluate and report on the plant's problems.

That report, presented to the court in December, 1978 was highly critical of the facility's staff and management. Pressure mounted on the court to take control of the plant away from the city.

ON MARCH 21, Feikens made his decision: He appointed Detroit Mayor Coleman Young as his special administrator for establishing the proper operation of the plant. Young will have complete control over the facility.

According to the decision handed down by Feik-

ens, Young will report only to the judge. The mayor need not account for his actions to state or federal agencies, nor to the Detroit Board of Water Commissioners, the Civil Service Commission, or the suburban governments served by the plant.

In addition, Young may bypass the Detroit Common Council when, in his opinion, action by the council might delay or impede plant operations.

However, Young said he plans to fully inform council members of all his decisions and would not ignore their advice.

The mayor's appointment is for one year. The court can relieve him of his sewage management duties, or Young can ask to be relieved, at any time.

Feikens has given Young specific authority to manage the finances of the plant, including bill payment and collection, contract negotiations and borrowing money. The mayor will also have jurisdiction over hiring and firing of plant personnel.

JUDGE FEIKENS was emphatic in defending his decision not to turn the Detroit plant over to state or federal agents.

"Whenever a federal court is involved in the affairs of local government and a remedy is sought which may interfere with traditional notions of separation of powers, great care must be taken to reach a balance that does not summarily deny to local government the full exercise of its authority over its affairs," Feikens said.

The judge said he was concerned that putting the Detroit facility in the control of an outside authority would prevent the city from participating in an operation crucial to its own existence.

Although Feikens acknowledged the problems of the past, he said, "The present situation does not require that the city and its mayor be separated from this vital function."

Feikens went on to praise Young's "Herculean effort" to revitalize Detroit through downtown restoration and expansion of city services and cultural opportunities. He cited the mayor for his "remarkable competence in turning this city around." Referring to the sewer situation, he said, "I am firmly of the opinion that he can do likewise here."

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