



# Rochester Hills

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## Master

**File Number: 2008-0676**

**File ID:** 2008-0676

**Type:** Attorney Matter

**Status:** To Council

**Version:** 1

**Reference:** 2008-0676

**Controlling Body:** City Council  
Regular Meeting

**File Created Date :** 12/10/2008

**File Name:** Stormwater Permit Contested Case

**Final Action:**

**Title label:** Request for Authorization to appoint a representative petitioner on behalf of the City of Rochester Hills in the MDEQ Stormwater Permit Contested Case

### Notes:

### Sponsors:

### Enactment Date:

**Attachments:** Agenda Summary.pdf ,MDEQ Cases Ltr.pdf ,MDEQ NPDES Phase II MS4 Permit Ltr.pdf ,Resolution.pdf

### Enactment Number:

### Contact:

### Hearing Date:

### Drafter:

### Effective Date:

## History of Legislative File

| Ver-<br>sion: | Acting Body:                 | Date:      | Action: | Sent To: | Due Date: | Return<br>Date: | Result: |
|---------------|------------------------------|------------|---------|----------|-----------|-----------------|---------|
| 1             | City Council Regular Meeting | 12/15/2008 |         |          |           |                 |         |

## Text of Legislative File 2008-0676

### Title

Request for Authorization to appoint a representative petitioner on behalf of the City of Rochester Hills in the MDEQ Stormwater Permit Contested Case

### Body

**Whereas**, on July 17, 2008 the City file Petitions for a Contested Case Hearing with respect to NPDES General Permit Nos. MIG 610000 and MIS049000 with the Michigan Department of Environmental Quality, Office of Administrative Hearings, in accordance with the provisions of the Michigan Administrative Procedures Act 1969 PA 306, and the Administrative Rules promulgated in accordance with the Act; and,

**Whereas**, approximately 70 southeastern Michigan governmental entities filed Petitions for a Contested Case Hearing rearding NPDES General Permit Nos. MIG 610000 and MIS049000; and

**Whereas**, the Administrative Law Judge consolidated the contested Cases pursuant to Rule 324.59e(1) of the Michigan Administrative Code citing "substantial and controlling common question of fact or law" between the Contested Cases; and,

**Whereas**, at the October 1, 2008 Pre-hearing Conference, the Administrative Law Judge issued an Order, attached as Exhibit A, ordering all of the Petitioners to meet and discuss the appointment of "Representative Petitioners" pursuant to Rule 324.59e(1)(d) of the Michigan Administrative Code; and,

**Whereas**, Rule 324.59e(1)(d) states the Office of Administrative Hearings may on its own motion appoint a representative petitioner to fairly and adequately assert and protect the interests of all petitioners; and,

**Whereas**, without waiving any objection that Rule 324.59e(1)(d) is violative of the City's due process rights, the City seeks to indicate that the City desires to be appointed as a representative petitioner, or, alternatively, to choose a representative petitioner to assert and protect its interests.

**Now, Therefore, Be It Resolved**, that the City of Rochester Hills asserts that it desires to be a representative petitioner, or, alternatively, chooses any of the following Petitioners as its representative petitioner:

1. Farmington Hills
2. Auburn Hills
3. Novi
4. Bloomfield Hills
5. Farmington
6. Orchard Lake Village
7. Lake Orion
8. Bingham Farms
9. Beverly Hills
10. Wolverine Lake
11. Rochester Hills

**Be It Further Resolved**, that the City Clerk is authorized and directed to forward this Resolution on behalf of the City to the Michigan Department of Environmental Quality (MDEQ) Office of Administrative Hearings.