



September 21, 2011

Dear Detroit Water and Sewerage Department Customers:

**Regarding: Flood Damage Claim
May 25, 2011 Rain Event**

This letter is the Detroit Water and Sewerage Department's (DWSD) response to the claim you filed in connection with the May 25, 2011 rain event.

Numerous claims were filed in connection with this rain event. The Department initiated an investigation of the claims and their relationship to the City sewer system. As a result of this investigation, the Department has not identified any defects in its sewer system that caused flooding of basements. The storm on May 25, 2011 was beyond the design capacity of the sewer system. The City's sewer system functioned properly before, and has functioned properly since that rainfall event.

Michigan Public Act 222, enacted in January of 2002, outlines the conditions under which a successful claim can be made against a municipality or governmental agency for a sewer back-up. When evaluating claims of this type, all of these five conditions must be met:

1. The government agency, at the time of the event, owned, operated, or directly or indirectly discharged into the portion of the sewage disposal system that allegedly caused damage or injury.
2. The sewage disposal system had a defect.
3. The government agency knew, or in the exercise of reasonable diligence, should have known, about the defect.
4. The governmental agency, having a legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect.
5. The defect was a substantial proximate cause of the event and the property damage or physical injury.

The Department's investigation has determined that the cause of your backup on your property, was not a result of a blockage or any defect in the sewer system. Because all of the Michigan Public Act 222 conditions have not been met, unfortunately we must deny your claim for damages.



CITY OF DETROIT
WATER AND SEWERAGE DEPARTMENT
GENERAL ADMINISTRATION

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The Department understands that this storm event seriously impacted the lives of many residents. However, the City of Detroit cannot accept liability for a storm event that was beyond the design capacity of its sewer system.

Sincerely yours,
Darryl A. Latimer
Deputy Director

DAL:RW:dlr