

CITY COUNCIL AGENDA

Regular Meeting

January 5, 2026 at 7:00 PM



1) CALL TO ORDER

2) ROLL CALL

3) INVOCATION

4) PLEDGE OF ALLEGIANCE

5) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by City Council action.

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

7) CONSENT AGENDA

A. City Council Minutes

Work Session - December 15, 2025

Regular Session - December 15, 2025

B. City Bills

Purchases 12/12/2025

\$342,158.99

Purchases 12/19/2025

\$1,095,919.13

Purchases 12/22/2025

\$64,900.09

TOTAL

\$1,502,978.21

C. SPECIAL EVENT REQUEST - ICE, WINE, BEER AND BLUES

D. JANUARY 10TH CITY COUNCIL MEETING - TIME CHANGE

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. 2025 ACTION PLAN UPDATE

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes per public hearing.

A. RESOLUTION 2025-31 - OPRA DISTRICT ESTABLISHMENT - 211-213 EAST MICHIGAN AVE.

B. RESOLUTION 2025-32 - BROWNFIELD PLAN REQUEST - 211-213 EAST MICHIGAN AVE.

C. SPECIAL LAND USE APPLICATION #25.02a - 775 INDUSTRIAL RD.

D. RESOLUTION 2025-33 - OPRA DISTRICT ESTABLISHMENT - 201 AND 203 WEST MICHIGAN AVE.

MAYOR: Scott Wolfersberger CITY MANAGER: Derek N. Perry
COUNCIL MEMBERS: Theresa Chaney-Huggett, Jacob Gates, James Hackworth,
Andrew Scibbe, Ryan Traver, Ryan Underhill
Council Chambers, 323 W Michigan Ave, Marshall, MI 49068

E. ORDINANCE 2025-5 - CHAPTER 52, SANITARY SEWER, ORDINANCE UPDATES

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. INDUSTRIAL PRETREATMENT PROGRAM AUTHORIZATION

B. RESOLUTION NO. 2026-1 - WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM FEES

C. RESOLUTION 2025-43 - OPRA CERTIFICATE APPLICATION - 211-213 EAST MICHIGAN AVE.

D. OPRA CERTIFICATE APPLICATION - 201-203 WEST MICHIGAN AVE.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

CITY COUNCIL MINUTES

December 15, 2025
Regular Meeting - 7:00 PM

[IGNORE_INDENT]

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, December 15, 2025 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Wolfersberger.

2) ROLL CALL

Roll was called:

Present: Mayor Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, and Ryan Underhill

Also Present: Manager Perry and Clerk Eubank

Absent: None

3) INVOCATION

4) PLEDGE OF ALLEGIANCE

5) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by City Council action.

Moved by Jacob Gates, supported by Ryan Underhill to approve the agenda as presented. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS

Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Regis Klingler of 348 Butler Ct and Barry Wayne Adams of 622 W Green St gave public comment.

7) CONSENT AGENDA

Moved by Andrew Scibbe, supported by James Hackworth to approve the consent agenda as presented. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger

Nays: None

Abstain: None

Motion carried.

A. **City Council Minutes**
Regular Session — December 2, 2025

B. <u>City Bills</u>	
Purchases 11/26/2025	\$15,787.04
Purchases 12/05/2025	\$581,667.37
TOTAL	\$597,454.41

C. **ENERGY WASTE REDUCTION PROGRAM FOR 2026-2029**

D. **JULY 1, 2026–JUNE 30, 2032, CAPITAL IMPROVEMENT PROGRAM (CIP)
ADOPTION - SCHEDULE A PUBLIC HEARING**

E. **FIRST QUARTER FY2026 FINANCIAL REPORT**

F. **FIRST QUARTER FY2026 INVESTMENT PORTFOLIO**

G. **FIRST QUARTER FY2026 CASH POSITION REPORT**

8) **PRESENTATIONS AND RECOGNITIONS**

A. **FY2025 ANNUAL FINANCIAL AUDIT**

Dane Porter of Maner Constisan present the FY25 Financial Audit.

Moved by Jacob Gates, supported by James Hackworth to approve the receipt of the FY2025 Annual Financial Audit and place it on file in the office of the City Clerk. On a voice vote: **Motion carried.**

9) **INFORMATIONAL ITEMS**

10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION** Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes per public hearing.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. MINIMUM CASH RESERVE POLICY — FIBERNET FUND

Moved by Ryan Traver, supported by Theresa Chaney-Huggett to adopt the FiberNet Fund Minimum Cash Reserve Policy to help ensure the FiberNet Department maintains adequate cash to meet its requirements, and as a safeguard against potential future deficits. On a voice vote: **Motion carried.**

B. RESOLUTION 2025-35 - AMP SOLAR PURCHASE POWER AGREEMENT

Moved by James Hackworth, supported by Theresa Chaney-Huggett to approve Resolution No. 2525-35 authorizing the City Manager to execute the Kearsarge Solar Energy Schedule to the Master Services Agreement between American Municipal Power (AMP) and the City of Marshall. On a roll call vote:

Ayes: Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL,
MICHIGAN
RESOLUTION NO. 2025-35**

**A RESOLUTION TO APPROVE THE FORM AND AUTHORIZE THE
EXECUTION OF
KEARSARGE SOLAR SCHEDULE WITH
AMERICAN MUNICIPAL POWER, INC.
AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH**

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall, Michigan ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its customers; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is a nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being political subdivisions that operate, or whose members operate, municipal electric utility systems; and

WHEREAS, Municipality, acting individually, and through AMP with other political subdivisions of this and other states that own and operate electric utility systems jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-12-2005-4629 (the "MSA"), which contemplates that Municipality may enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including Municipality, have determined that they can utilize additional sources of reliable and economical solar-generated electric capacity and energy on a long-term basis, and have requested that AMP arrange for the same by acquiring interests through a purchased power agreement ("PPA") in certain solar energy facilities; and

WHEREAS, in furtherance of this purpose, AMP has entered into one or more purchase power agreements (collectively, the "Kearsarge Solar PPAs") with Kearsarge Solar LLC (collectively, the "Developer") under the terms of which AMP will purchase and Developer will supply and sell up to 27.35 MWac of capacity and associated energy and environmental attributes from the Kearsarge solar generation projects located in Vienna Township, Sage Township, Sherman Township, Hay Township, Eaton Rapids, Barry, and Sherwood, Michigan (collectively, "Kearsarge Michigan Solar Project") for a period of up to twenty (20)

years plus at the City's sole discretion, up to three (3) five-year extension options or thirty-five (35) year's total; and

WHEREAS, it is necessary and desirable for Municipality to enter into a schedule to the MSA to provide for an additional source of capacity, energy and environmental attributes; and

WHEREAS, through approval and execution of the Kearsarge Solar Schedule authorized below, AMP is authorized to acquire capacity, energy and environmental attributes through the Kearsarge Solar PPAs; and

WHEREAS, prior to the adoption of this Resolution, AMP has (i) informed Municipality of the terms of the Kearsarge Solar Schedule; (ii) provided Municipality the opportunity to review the final form or anticipated form of the Kearsarge Solar PPAs; and (iii) offered representatives of Municipality the opportunity to ask such questions, review data and reports, conduct inspections and otherwise perform such investigations with respect to, as applicable, the acquisition of capacity, environmental attributes and energy and the terms and conditions of the Kearsarge Solar Schedule authorized below as Municipality deems necessary or appropriate in connection herewith; and

WHEREAS, after due consideration, Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from the Developer upon the terms and conditions set forth in the Kearsarge Solar PPAs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALL, MICHIGAN:

SECTION 1. That the Kearsarge Solar Schedule between Municipality and AMP, substantially in the form attached hereto or on file with the Clerk, including Exhibits thereto, is approved, and the Authorized Representative of Municipality, identified below, is hereby authorized to execute and deliver the Kearsarge Solar Schedule with such changes as the Authorized Representative may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his or her execution of the Kearsarge Solar Schedule to be conclusive evidence of such approval. For purposes of this Resolution Municipality's Authorized Representative is: the City Manager.

SECTION 2. That the Authorized Representative is hereby authorized to (i) acquire under the Kearsarge Solar Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 4,290 kW, without bid, and (ii) make any determinations and approvals required thereunder, if any, as the Authorized Representative shall deem necessary and advisable.

SECTION

3. If any section, subsection, paragraph, clause or provision or any part thereof of

this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 4. That this Resolution shall take effect at the earliest date allowed by law.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Resolution declared adopted this 15th day of December, 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

C. RESOLUTION 2025-36 - EFFICIENCY SMART ENERGY WASTE REDUCTION PROGRAM

Moved by Andrew Scibbe, supported by Theresa Chaney-Huggett to approve Resolution No. 2525-36 authorizing the City Clerk to execute the Efficiency Smart Master Services Agreement between American Municipal Power (AMP) and the City of Marshall. On a roll call vote:

Ayes: James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates0

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-36**

**A RESOLUTION TO APPROVE THE EXECUTION OF AN
EFFICIENCY SMART SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC.**

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall, Michigan ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate, or whose members operate, municipal electric utility systems in Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and

WHEREAS, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-12-2005-4629, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the "Schedules"); and

WHEREAS, AMP and the Vermont Energy Investment Corporation ("VEIC") will enter or have entered into an agreement (the "ES Agreement") for the implementation of an energy efficiency program known as Efficiency Smart ("ES"), and to provide a program of energy efficiency services ("ES Services") designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality's customers' bills, to be offered to AMP Members; and

WHEREAS, AMP and Municipality desire to enter into a Schedule ("ES Schedule"), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP will acquire through the ES Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALL, MICHIGAN:

SECTION 1: That the ES Schedule between Municipality and AMP, substantially in the form attached hereto or on file with the Clerk, including Appendices thereto, are approved, and the city manager or city clerk of Municipality is hereby authorized to execute and deliver the ES Schedule, with such changes as the city council may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his or her execution of the ES Schedule to be conclusive evidence of such approval.

SECTION 2. That the city manager or city clerk is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ES Schedule.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

D. RESOLUTION 2025-40 - DG MARSHALL MI SOLAR ENERGY AGREEMENT

Moved by Jacob Gates, supported by James Hackworth to approve Resolution No. 2025-40 authorizing the City Manager to execute the necessary DG Marshall MI solar project agreements on behalf of the City of Marshall. On a roll call vote:

Ayes: Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa

Chaney-Huggett, Jacob Gates, James Hackworth
Nays: None
Abstain: None
Motion carried.

**CITY of MARSHALL, MICHIGAN
RESOLUTION NO. 2025-40**

**A RESOLUTION TO APPROVE THE FORM
AND AUTHORIZE THE EXECUTION OF
DG Marshall MI SOLAR SCHEDULE WITH
AMERICAN MUNICIPAL POWER, INC. AND RELATED AGREEMENTS
AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH
*Pertaining to AMP Contract No. 2024-009980-SCHED***

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall, Michigan ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its customers; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is a nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being political subdivisions that operate, or whose members operate, municipal electric utility systems; and

WHEREAS, Municipality, acting individually, and through AMP with other political subdivisions of this and other states that own and operate electric utility systems jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-12-2005-4629 (the “MSA”), which contemplates that Municipality may enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including Municipality, have determined that they can utilize additional sources of reliable and economical solar-generated electric capacity and energy on a long-term basis, and have requested that AMP arrange for the same by acquiring entitlements through a power purchase agreement (“PPA”) in certain solar energy facilities; and

WHEREAS, in furtherance of this purpose, AMP has entered into a power purchase agreement (“DG Marshall MI Solar PPA”) with DG Marshall MI, LLC (the “Developer”) under the terms of which AMP will purchase and Developer will supply and sell up to 10.5 MWac of capacity and associated energy and environmental attributes from the DG Marshall MI solar generation project located in Marshall, Michigan (“Solar Facility”) for a period of twenty-five years and, potentially, two five-year extension terms; and

WHEREAS, it is necessary and desirable for Municipality to enter into a schedule to the MSA to provide for this additional source of capacity, energy and environmental attributes; and

WHEREAS, it is necessary and desirable for Municipality to enter into an Interconnection Agreement (“Interconnection Agreement”) with Developer for the purpose of interconnecting the Solar Facility to Municipality’s electric utility system; and

WHEREAS, it is necessary and desirable for Municipality to enter into a Supplemental Agreement (“MSCPA Supplemental Agreement”) with AMP and the Michigan South Central Power Agency to facilitate the delivery and management of Municipality’s power supply pursuant to this Schedule; and

WHEREAS, through approval and execution of the DG Marshall MI Solar Schedule authorized below, Members now have the right, but not the obligation, to authorize and request AMP to acquire capacity and energy through the PPA; and

WHEREAS, prior to the adoption of this Resolution, AMP has (i) informed Municipality of the terms of the DG Marshall MI Solar Schedule; (ii)

provided Municipality the opportunity to review the anticipated form of the PPA; and (iii) offered representatives of Municipality the opportunity to ask such questions, review data and reports, conduct inspections and otherwise perform such investigations with respect to, as applicable, the acquisition of capacity and energy and the terms and conditions of the DG Marshall MI Solar Schedule authorized below as Municipality deems necessary or appropriate in connection herewith; and

WHEREAS, Municipality requests and authorizes AMP to explore an arrangement whereby AMP may prepay all or a portion of AMP's obligations to purchase energy, capacity and environmental attributes at some point during the term of the PPA and finance the prepayment on behalf of Municipality through the issuance of bonds by AMP in order to achieve additional savings on the capacity, energy and environmental attributes derived from the PPA that AMP can pass through to Municipality ("Prepay Agreement") subject to the additional requirements set forth in the DG Marshall MI Solar Schedule.

WHEREAS, after due consideration, Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from the Developer upon the terms and conditions set forth in the DG Marshall MI Solar PPA.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY of MARSHALL, MICHIGAN, AS FOLLOWS:

SECTION 1. That the Interconnection Agreement, the MSCPA Supplemental Agreement and the DG Marshall MI Solar Schedule between Municipality and AMP, each substantially in the form attached hereto or on file with the Clerk, including Exhibits thereto, are approved, and the Authorized Representative of Municipality, identified below, is hereby authorized to execute and deliver the DG Marshall MI Solar Schedule with such changes as the Authorized Representative may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his or her execution of the DG Marshall MI Solar Schedule to be conclusive evidence of such approval. For purposes of this Resolution, Municipality's Authorized Representative is: Derek Perry, City Manager.

SECTION 2. That the Authorized Representative is hereby authorized to (i) acquire under the DG Marshall MI Solar Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 5750 kW, without bid, and (ii) make any determinations and approvals required thereunder, if any, as the Authorized Representative shall deem necessary and advisable.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be

unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 4. That this Resolution shall take effect at the earliest date allowed by law.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Resolution declared adopted this 15th day of December, 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

E. RESOLUTION 2025-37 - FOREST STREET EXTENSION DEDICATION

Moved by Theresa Chaney-Huggett, supported by Andrew Scibbe to Approve Resolution 2025-37, A Resolution to Dedicate Forest Street as a Public Street and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-37**

A RESOLUTION TO DEDICATE FOREST STREET AS A PUBLIC STREET

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall enacted Ordinance No 2019-03 establishing the North Neighborhood Improvement Authority; and

WHEREAS, the City of Marshall and Green Development Ventures, LLC have entered into a Development Agreement – Forest Street, approved at the March 6, 2023 City Council meeting, for the purposes of developing certain property for residential housing for promotion of economic growth in the City of Marshall; and

WHEREAS, although platted, located within the Property lies a section of undeveloped street necessary for the development of the Property; and

WHEREAS, the undeveloped section of Forest Street, included as Exhibit A, was conveyed to the City of Marshall per Warranty Deed, recorded as Liber 3098, Page 232 in the Office of the Registrar of Deeds for Calhoun County Michigan; and

WHEREAS, Forest Street extension has been constructed and recognized as a public street for public purpose within the City of Marshall; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City of Marshall Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

WHEREAS, the City dedicates the Forest Street extension right of way described as:

An area of land in the Southwest 1/ 4 of Section 19, T2S, R5W, City of Marshall, Calhoun County, Michigan, the limits of said area described as: Commencing at Point "K" of the recorded plat of East Drive No. 5 as recorded in Liber 16 of Plats, Page 2, Calhoun County Records; thence N00°10'35"E 73.45 feet to Point "J" of said East Drive No. 5; thence N64°11'55"E 100.02 feet; thence N64°31'55"E 66.07 feet; thence Northeasterly 343.85 feet on a curve to the left, said curve having a radius of 312.21 feet, a delta angle of 63°06'11" and a chord length of 326.74 feet bearing N32°51' 30"E to the point of beginning of this description; thence Northeasterly 6.33 feet on a curve to the left, said curve having a radius of 312.21 feet, a delta angle of 1°09'40" and a chord length of 6.33 feet bearing N00°43'32"E; thence N00°08' 42"E 278.98 feet; thence

Northeasterly 233.01 feet on a curve to the right, said curve having a radius of 161.00 feet, a delta angle of 90°02'25" and a chord length of 227.77 feet bearing N45°09'54"E; thence N87°39'20"E 95.50 feet; thence S89°49'32"E 119.61 feet to the West line of O'Keefe Road; thence S00°04'57"W along said West line 70.24 feet; thence N89°48'53"W 215.14 feet; thence Southwesterly 149.29 feet on a curve to the left, said curve having a radius of 95.00 feet, a delta angle of 90°02'25" and a chord length of 134.40 feet bearing S45°09'54"W; thence S00°08'42"W 278.98 feet; thence Southwesterly 7.67 feet on a curve to the right, said curve having a radius of 378.21 feet, a delta angle of 1°09'40" and a chord length of 7.67 feet bearing S00°43'32"W; thence N88°41'35"W 66.00 feet to the point of beginning; said area containing 1.08 acres, more or less; said area subject to all easements and restrictions, if any.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby determines that the centerline of the Forest Street extension is described as:

A part of the Southwest 1/ 4 of Section 19, T2S, R5W, City of Marshall, Calhoun County, Michigan, being described as: Commencing at Point "K" of the recorded plat of East Drive No. 5 as recorded in Liber 16 of Plats, Page 2, Calhoun County Records; thence N00°10'35"E 36.06 feet; thence N64°24'36"E 181.91 feet; thence Northeasterly 380.20 feet on a curve to the left, said curve having a radius of 345.21 feet, a delta angle of 63°06'11" and a chord length of 361.27 feet bearing N32°51'30"E to the point of beginning of this description; thence Northeasterly 7.00 feet on a curve to the left, said curve having a radius of 345.21 feet, a delta angle of 1°09'40" and a chord length of 7.00 feet bearing N00°43'32"E; thence N00°08'42"E 278.98 feet; thence Northeasterly 201.15 feet on a curve to the right, said curve having a radius of 128.00 feet, a delta angle of 90°02'25" and a chord length of 181.08 feet bearing N45°09'54"E; thence S89°48'53"E 215.14 feet to the West line of O'Keefe Road and the point of ending of said centerline.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

F. RESOLUTION 2025-42 - VALLEY VIEW COURT STREET DEDICATION

Moved by James Hackworth, supported by Theresa Chaney-Huggett to approve Resolution 2025-42, A Resolution to Dedicate Valley View Court as a Public Street and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-42**

A RESOLUTION TO DEDICATE VALLEY VIEW COURT AS A PUBLIC STREET

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall enacted Ordinance No 2019-03 establishing the North Neighborhood Improvement Authority; and

WHEREAS, the City of Marshall and Green Development Ventures, LLC have entered into a Development Agreement – Forest Street, approved at the July 17, 2023 City Council meeting, for the purposes of developing certain property for residential housing for promotion of economic growth in the City of Marshall; and

WHEREAS, Master Deed, Valley View, recorded under Liber 4959, Page 0161 at the Office of the Registrar of Deeds in Calhoun County, Michigan depicts Valley View Court right of way and the right of way is under municipal control; and

WHEREAS, Valley View Court is constructed and recognized as a public street used for public purposes; and

WHEREAS, the as constructed survey and centerline description are shown as Exhibit A attached; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City of Marshall Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

WHEREAS, the City recognizes the Valley View Court right of way described as:

Part of the Southwest 1/4 of Section 19, Town 2 South, Range 5 West, City of Marshall, Calhoun County, Michigan, described as commencing at the southeast corner of Section 24, Town 2 South, Range 6 West; thence N00°17'09"E, 132.28 feet to the monumented northeast corner of lot 139 of "east drive no. 5", according to the plat thereof, as recorded in the Office of the Register of Deeds for Calhoun County, Michigan, in Liber 16 of Plats, on Page 2, and the point of beginning; thence along the east line of said "east drive no. 5", N00°17'09"E 65.80 feet (recorded as north 00°09' west 66') to the monumented location of the southeast corner of lot 138; thence N89°54'35"E, 450.48 feet along the south line of said lot 138 and then Easterly extension thereof; thence 23.85 feet along the arc of a curve to the left whose radius is 30.00 feet and whose chord bears N67°07'52"E, 23.23 feet; thence 283.94 feet along the arc of a curve to the right whose radius is 60.00 feet and whose chord bears S00°04'30"E, 84.00 feet; thence 23.86 feet along the arc of a curve to the left whose radius is 30.00 feet and whose chord bears N67°17'03"W, 23.23 feet; thence S89°55'20"W, 350.70 feet to a found 1/2" capped rebar #20704; thence S89°58'50"W, 100.19 feet to the point of beginning.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby determines that the centerline of the Forest Street extension is described as:

Part of the Southwest 1/4 of Section 19, Town 2 South, Range 5 West, City of Marshall, Calhoun County, Michigan, described as commencing at the Southeast corner of Section 24, Town 2 South, Range 6 West; thence N00°17'09"E, 165.08 feet to the centerline of Valley View Court and the point of beginning; thence N89°54'35"E, 514.76 feet along said centerline to the point of ending at the center of a 60' radius cul-de-sac.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular

meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

G. RESOLUTION 2025-38 - WALNUT STREET DECERTIFICATION

Moved by Andrew Scibbe, supported by Ryan Underhill to approve Resolution 2025-38, A Resolution to Decertify Walnut Street as a Public Street and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-38**

A RESOLUTION TO DECERTIFY WALNUT STREET AS A PUBLIC STREET

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall is required to certify the public street mileage with the City's jurisdiction annually; and

WHEREAS, the City identified an error on the Municipal Street System map; and

WHEREAS, Walnut Street, between Monroe Street and Locust Street, is a public right of way without an improved road surface that is maintained by the city or controlled with signage and it is not open to the public; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL decertifies Walnut Street between Monroe Street and Locust Street, for a total decertification length of 670.5 feet, from the City' Municipal Street System map.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

H. RESOLUTION 2025-30 - SPECIAL TRUNKLINE WORK CONTRACT WITH MDOT

Moved by James Hackworth, supported by Jacob Gates to approve Resolution 2025-30, A Resolution to authorize the MDOT Special Trunkline Non Act 51 Added Work contract and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-30**

**A RESOLUTION TO AUTHORIZE THE MDOT
SPECIAL TRUNKLINE NON ACT 51 ADDED WORK CONTRACT**

Minutes of a regular meeting of the Council of the City of Marshall, held on DECEMBER 2, 2025 at 7:00 pm.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City Council of the City of Marshall has received a contract proposal from the Michigan Department of Transportation for the paving of the parking lanes along Michigan Avenue from Park Avenue to Marshall Avenue. The parking lane paving is part of the traffic calming project on Michigan Avenue within the corporate limits of the Marshall, Michigan; and

WHEREAS, said proposal is identified as Michigan Department of Transportation Contract Number 25-5467, and

WHEREAS, the City of Marshall City Council authorized Resolution 2025-6 Resolution of Support for the Marshall Traffic Calming Project at the January 1, 2025 City Council meeting; and

WHEREAS, MDOT is funding the project in full, including the improvements to the City owned parking lanes along Michigan Avenue; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL approves the Special Trunkline Non ACT 51 Added Work contract, number 25-5467, and authorizes the City Manager and Clerk to execute the necessary documents.

Resolution declared adopted this 2nd day of DECEMBER, 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

I. RESOLUTION 2025-39 - SUPPORT FOR ADDITIONAL R1-6 PEDESTRIAN CROSSING SIGNS AT BROOKS MEMORIAL FOUNTAIN PARK

Moved by Theresa Chaney-Huggett, supported by Ryan Underhill to approve Resolution 2025-39, A Resolution of Support for R1-6 Signs and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-39**

A RESOLUTION OF SUPPORT FOR R1-6 SIGNS

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025, at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall entered into agreement with the Michigan Department of Transportation (MDOT), contract number 24-5402, in 2024 for the deployment of R1-6 signs along Michigan Avenue at the intersection of Kalamazoo Avenue; and

WHEREAS, the R1-6 signs were successfully deployed to provide support for pedestrians crossing Michigan Avenue into the Brooks Memorial Fountain park; and

WHEREAS, the City wishes to deploy additional R1-6 signs in the area to continue supporting and aiding pedestrians visiting the park; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby issues support for the additional R1-6 signs on Michigan Avenue and authorizes the Marshall City Manager, Derek N. Perry and City Clerk Michelle Eubank to sign any necessary supporting documents required from MDOT.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on October 7, 2024 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

J. RESOLUTION 2025-34 - TREE CITY USA APPLICATION

Moved by James Hackworth, supported by Jacob Gates to approve Resolution 2025-34, A Resolution to Apply for Tree City USA and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025.-34**

A RESOLUTION TO APPLY FOR TREE CITY USA CERTIFICATION

Minutes of a regular meeting of the Council of the City of Marshall, held on December 15, 2025 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, on April 7, 2025 City Council proclaimed support for tree care and maintenance throughout the City and acknowledges the enhanced quality of life provided to Marshall residents through tree plantings; and

WHEREAS, on April 26, 2025, the City of Marshall hosted a Spring Tree Planting event where over 50 volunteers worked to plant 60 trees throughout the City; and

WHEREAS, the City of Marshall received a \$25,000 grant for tree planting activities from Ford to improve the City's urban forest. This grant was used to support the tree purchase for the Spring Tree Planting event; and

WHEREAS, the City of Marshall received a \$102,000 Urban Community Forest Inflation Reduction Grant to complete a tree inventory, plant 30 trees, and maintain trees. In 2025, this grant supported a complete tree inventory in the public right of way, parks, and City property throughout Marshall; and

WHEREAS, the City of Marshall Department of Public Works completes tree maintenance, including watering the newly planted trees, throughout the year; and

WHEREAS, the City of Marshall wishes to obtain Tree City USA status once again and maintain that status in the coming years; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby determines that maintenance and enhancement of the City's urban forest is in the public interest and hereby approves the Application for Tree City USA.

Resolution declared adopted this 15th day of December 2025.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

K. ORDINANCE 2025-5 - CHAPTER 52, SANITARY SEWER, ORDINANCE UPDATES INTRODUCTION AND SET PUBLIC HEARING

Moved by Jacob Gates, supported by Andrew Scibbe to introduce Ordinance 2025-5, An Ordinance amending City of Marshall Code of Ordinances Chapter 52, Sanitary Sewer, and publish a summary in the local newspaper and set a Public Hearing for January 5, 2025. On a voice vote: **Motion carried.**

L. PURCHASE - DPW ASPHALT PATCH TRAILER

Moved by Ryan Traver, supported by James Hackworth to approve the purchase of Falcon Four Ton Asphalt Transporter and Hot Box Trailer in the amount of \$44,716.89 from Alta Equipment Company of Byron Center, Michigan as part of the MiDEAL contract #240000000162, authorize the necessary budget amendment in the amount of \$17,886.76 from major streets fund balance to line item 202-900-907.00 and \$26,830.13 from local streets fund balance to line item 203-900-907.00 and authorize the City Clerk and City Manager to sign the necessary documents. On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe

Nays: None

Abstain: None

Motion carried.

M. PURCHASE - MARSHALL REGIONAL LAW ENFORCEMENT CENTER CARPET REPLACEMENT PROJECT

Moved by James Hackworth, supported by Theresa Chaney-Huggett to Approve the purchase of the MRLEC Carpet Replacement Project to Michigan Tile and Carpet (Christoff & Sons) for an amount not to exceed \$63,242.07, and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger

Nays: None

Abstain: None

Motion carried.

N. GRANT SUBMITTAL — CALHOUN COUNTY SENIOR SERVICES MINI-GRANT

Moved by Ryan Traver, supported by James Hackworth to Approve the request to submit a grant application to Calhoun County Senior Services for a mini-grant in the amount of \$2,250 and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

O. AGREEMENT — COUNTY/CITY EARLY IN-PERSON VOTING ELECTION SERVICES REVISIONS

Moved by Jacob Gates, supported by Andrew Scibbe to Approve the Agreement for Early In-Person Voting Election Services between Calhoun County and the City of Marshall and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Lynn Sleight of 507 Fair St, Regis Klingler, and Barry Wayne Adams gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 8:53 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk

CITY COUNCIL MINUTES

December 15, 2025
Work Session - 6:00 PM

[IGNORE_INDENT]

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, December 15, 2025 at 6:00 PM in the Training Room of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Wolfersberger.

2) ROLL CALL

Roll was called:

Present: Mayor Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Andrew Scibbe, Ryan Traver, and Ryan Underhill

Also Present: Manager Perry and Clerk Eubank

Absent: None

3) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

None

4) DISCUSSION ITEMS

A. SOLAR ENERGY PROJECTS

Staff and council discussed potential solar energy projects to work towards meeting the goals set forth in PA 235.

5) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

None

6) ADJOURNMENT

The meeting was adjourned at 6:51.

Respectfully submitted by,

Michelle Eubank
City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/12/2025 - 12/12/2025
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
12082025	AMARO, JOSE	REIMBURSEMENT FOR FLUORESCENT TUBE LIGHT		21.18
12092025	ASHBY, RON	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		60.00
12/11/2025	BATES, KIMBERLY	UB refund for account: 3101050012		17.03
12052025-A	CRUZ, CHANDLER	BOOT ALLOWANCE - CRUZ, CHANDLER		167.00
12052025-B	CRUZ, CHANDLER	UNIFORMS - CRUZ, CHANDLER		702.88
159759215	EVERON, LLC	REPAIR BADGE READER AT MRLEC		2,302.98
12062025	FINNEY, EMILY	ARTICLE 32 SECTION 9: MEALS 12/6/25		10.00
2025.201 - PAYAPP	FREEDOM CONSTRUCTION & EATON PARK PICKLEBALL COURT & SPLASH PAD	2025.201		306,115.52
25-11091	GARAGE DOORS UNLIMITED SERVICE CALL TO RESET CHAIN AT WATER PL			415.00
25-11187	GARAGE DOORS UNLIMITED SERVICE CALL TO REPAIR GARAGE DOOR AT PO			315.00
12/11/2025	GARRETT, GLORIA& MORRI	UB refund for account: 2900360045		29.50
9706295756	GRAINGER	DANGER SIGN		128.10
9350983554	GRAYBAR ELECTRIC	FIBER FOR VALLEY VIEW		1,321.07
12092025	HEATH, MIRANDA	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		60.00
4356257	HUB INTERNATIONAL MIDW	25-26 AIRPORT LIABILITY INSURANCE	2026.173	3,869.00
12/11/2025	HUERTA, LETICIA & YSUN	UB refund for account: 3005200037		33.40
09-742855	INTERSTATE BILLING SER	CARLETON EQUIPMENT - BC FILTER ELEMENT		176.44
12/11/2025	JIMENEZ, VICTOR	UB refund for account: 3205040035		7.64
12062025	JOHNSON, DAVE	ARTICLE 32 SECTION 9: MEALS 12/6/25		10.00
12052025	KELLER, SCOTT	BOOT ALLOWANCE - KELLER, SCOTT		136.00
INV410580	KNOWBE4, INC.	12-MONTH SECURITY AWARENESS TRAINING	2026.166	3,211.80
12092025	LANGFORD, SEAN	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		60.00
12092025	LAUPP, DAKODA	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		45.00
2024027.00 - 22510	LAWSON-FISHER ASSOCIAT	NUISANCE PLANT MONITORING AND REPORTING	2024.315	576.10
12092025	LETTS, ANDREW	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		75.00
12042025	LONG, ANDREW	BOOT ALLOWANCE - LONG, ANDREW		100.04
3758	MAEDA	MARSHALL BUCKS FOR 2025 HEALTH & SAFETY		100.00
2169-29	MCSA GROUP, INC.	EATON PARK CONSTRUCTION ADMINISTRATION O	2026.102	4,013.00
2169-30	MCSA GROUP, INC.	EATON PARK CONSTRUCTION ADMINISTRATION N	2026.102	3,617.50
4788-455937	O'REILLY FIRST CALL	ACCT NO. 1741510 ADAPTERS		44.98
4788-456580	O'REILLY FIRST CALL	ACCT NO. 1741510 PIN & CLIP, HITCH BALL		49.46
12102025	OAKLAWN HOSPITAL	PARKING RAMP LEASE DDA - DECEMBER 2025		13,875.00
3299222	OFFICE THREE SIXTY INC	COPY PAPER		42.99
12/11/2025	OPPERMAN, ROBERT & GEN	UB refund for account: 400620015		84.25
322831	PRINTLINK	DRIVER PRE TRIP INSPECTION FORMS		193.02
12062025	STEELE, JEREMIAH	ARTICLE 32 SECTION 9: MEALS 12/6/25		10.00
25392	TIRE CITY AUTO REPAIR	TIRE REPAIR		25.03
12062025	WEST, REUBEN	ARTICLE 32 SECTION 9: MEALS 12/6/25		10.00
12/11/2025	WIPP, HILLARY	UB refund for account: 300900052		23.08
12092025	WISE, JOSHUA	ARTICLE 40 SECTION 1: MEALS 12/4/25 - 12		105.00
GRAND TOTAL:				342,158.99

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/19/2025 - 12/19/2025
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1N9C-F3G1-TXWX	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2		47.89
1D7Y-HJQ9-Q9JW	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2		60.36
AR-2395	AMERICAN RAMP COMPANY	SKATE PARK REPLACEMENT QUOTE# Q29126.2	2025.331	45,000.00
60472	AMERICAN VIDEO TRANSFER	CASE CRACKER WARRANTY		2,600.00
332277	APEX SOFTWARE	APEX SOFTWARE RENEWAL		520.00
IO651876	ATCO INTERNATIONAL	CLEANING SUPPLIES		895.00
225-534996	AUTO VALUE MARSHALL	ACCT NO. 22500610		291.59
225-535053	AUTO VALUE MARSHALL	ACCT NO. 22500610-SHOP TOWEL		40.90
225-535066	AUTO VALUE MARSHALL	ACCT NO. 22500610-OIL FILTER		130.67
225-535172	AUTO VALUE MARSHALL	ACCT NO. 22500610-SENSOR FUEL		50.81
225-535141	AUTO VALUE MARSHALL	ACCT NO. 22500610-CONTOUR BLADE		111.23
225-535230	AUTO VALUE MARSHALL	ACCT NO. 22500610-WASHER FLUID		24.30
0390549-IN	BEAVER RESEARCH COMPANY	GLAS CLEANER		95.04
12162025	CALHOUN COUNTY TREASURY	2025 WINTER AD VALOREM DIST #1		53,495.84
12162025	CALHOUN INTERMEDIATE SERVICES	2025 WINTER AD VALOREM DIST #1		73,285.70
3	CARTER CONSULTING, LLC	ADMINISTRATIVE SERVICES SCHULER'S RENTAL		320.00
9345708088	CINTAS CORP	BOOT ALLOWANCE - HAZEL, CHAD		125.98
11042025	CINTAS CORP	UNIFORM SERVICES 11/4/25		259.33
11182025	CINTAS CORP	UNIFORM SERVICES 11/18/25		259.33
11242025	CINTAS CORP	UNIFORM SERVICES 11/24/25		247.34
1147	CODE CONCEPTS GROUP LLC	CONSULTING SERVICES FOR BOBP MONTHLY RET	2026.123	5,000.00
12152025-A	CORELOGIC CENTRALIZED	DBOR - PRE CHANGE PARCEL #13-53-001-099-0		763.30
12152025-B	CORELOGIC CENTRALIZED	PRE CHANGE PARCEL #13-53-001-051-02		724.80
INV-15224	CYPRESS ENGINE ACCESSORIES	ENGINE 5 CYLINDER REPLACEMENT- ONSITE LA	2026.146	29,519.34
193938	D & D MAINTENANCE SUPPLIES	ACCT NO. CIMA1 JANITORIAL SUPPLIES-MRLEC		208.94
193941	D & D MAINTENANCE SUPPLIES	ACCT NO. CIMA1 JANITORIAL SUPPLIES-FIRE		251.32
194054	D & D MAINTENANCE SUPPLIES	ACCT NO. CIMA1 JANITORIAL SUPPLIES PSB		556.02
662205	DARLING ACE HARDWARE	AIR FILTER		70.32
661253	DARLING ACE HARDWARE	SCREWDRIVER/BATTERY		41.17
661928	DARLING ACE HARDWARE	DRILL BIT		22.99
661983	DARLING ACE HARDWARE	WIRE STRIPPER		27.58
662029	DARLING ACE HARDWARE	SAND PADS		6.59
662054	DARLING ACE HARDWARE	NUTS BOLTS		36.95
662136	DARLING ACE HARDWARE	BATTERIES		17.99
662152	DARLING ACE HARDWARE	SOCKET		13.99
662143	DARLING ACE HARDWARE	DRIVEWAY MARKER		39.90
662147	DARLING ACE HARDWARE	CUPLING		32.89
662200	DARLING ACE HARDWARE	CONNECTR		9.99
662230	DARLING ACE HARDWARE	NUTS, BOLTS		7.68
662256	DARLING ACE HARDWARE	BOWL CLEANER		11.97
662226	DARLING ACE HARDWARE	TRAY LINERS		8.59
662227	DARLING ACE HARDWARE	CERAMIC HEATER		36.99
662121	DARLING ACE HARDWARE	DRILL		33.96
662220	DARLING ACE HARDWARE	DRIVEWAY MARKER		39.90
662225	DARLING ACE HARDWARE	CLEANER		25.57
662276	DARLING ACE HARDWARE	SURGE PROTECTOR		28.58
11262025	DOHNAL, THEODORE	AIR CONDITIONER/THERMOSTAT		350.00
INV84445	DORNBOS SIGN, INC.	SIGN REPLACEMENTS		94.60
38662	DUKE'S ROOT CONTROL, INC.	SEWER ROOT CONTROL TREATMENT	2026.141	14,287.31
48443	DUNCAN & ALLEN LLP	PROFESSIONAL LEGAL SERVICES FOR ELECTRIC	2026.170	7,373.50
309039	ELHORN ENGINEERING COMPANY	PHOSPHATE	2026.169	4,290.00
113676	ENVIRONMENTAL RESEARCH	LAB TESTS		916.95
II40323	ERIC DALE HEATING & AIR	PSB-HIGH VOLTAGE CIRCUIT		471.04
29583337	GRANGER WASTE SERVICES	ACCT NO. 2782490 CITY BUILDINGS WASTE DE		2,195.10
29576307	GRANGER WASTE SERVICES	ACCT NO. 18400290 RESIDENTIAL DECEMBER 2		35,686.24
29516555	GRANGER WASTE SERVICES	ACCT NO. 18422860 CITY BUILDINGS RECYCLI		72.93
2708476	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT PSB		51.00
2713517	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT MRLEC		88.00
LMN10745	GUTTERS R US	MRLEC SNOW REMOVAL AND ICE CONTROL	2026.112	4,661.20
CI-10054	HYDROCORP LLC	RESIDENTIAL CC PROGRAM YEAR 1 NOVEMBER 2	2026.014	2,859.64
CI-10055	HYDROCORP LLC	YEAR 1 COMMERCIAL CROSS CONNECTION PROGR	2026.010	1,403.99
INV-001437	HYPERION SOLUTIONS GROUP	FIBERNET NETWORK SUPPORT AND MONITORING	2025.332	6,567.54
186416	IMPACT SOLUTIONS	TAX BILLS		831.45
SO-274570	INDUSTRIAL NETWORKING	SIERRA WIRELESS MANAGEMENT RENEWAL 1/1/2		180.00
41881	J AND K PLUMBING SUPPLIES			106.87
41784	J AND K PLUMBING SUPPLIES	PIPE TAP		10.75
1787710	J HARLEN CO., INC.	GLOVES-LUIB		35.40
159	JOHN B. SULLIVAN	PROFESSIONAL SERVICES JULY 1 - SEPT 30		7,297.50
221528	K&H CONCRETE CUTTING	CORE DRILLING -DPW		225.00
219207	KELLOGG COMMUNITY COLLEGE	MENTAL HEALTH CRISIS TRAINING		525.00
12162025	KELLOGG COMMUNITY COLLEGE	2025 WINTER AD VALOREM DIST #1		42,516.99
103968273	KIMBALL MIDWEST	MAINTENANCE SUPPLIES		1,403.23
2511-562299	LEGG LUMBER	CEMETERY		71.92
020497	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - WEST, REUBEN		255.00
020511	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - LAUPP, DAKODA		209.95
53327217	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 GASES		220.82
2025WINTERTAX	MARENGO TOWNSHIP	2025 WINTER PROPERTY TAX PARCEL #15-311-		1,543.58
12152025-C	MARSHALL AREA ECONOMIC	DBOR ADJ PARCEL #13-53-281-024-00		324.02
12152025-D	MARSHALL AREA ECONOMIC	DBOR ADJ PARCEL #13-53-290-024-00		42,403.52

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/19/2025 - 12/19/2025
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
12152025-A	MARSHALL AREA ECONOMIC DBOR ADJ PARCEL #13-53-291-015-00			354.40
12152025-B	MARSHALL AREA ECONOMIC DBOR ADJ PARCEL #13-53-291-012-00			217.68
25-0041BLS	MARSHALL AREA FIRE FIG:CPR TRAINING			495.00
25-0042BLS	MARSHALL AREA FIRE FIG:CPR TRAINING			270.00
12162025	MARSHALL AREA FIRE FIG:2025 WINTER AD VALOREM DIST #1			16,420.56
11262025-30054	MARSHALL HARDWARE, LLC ANTI-FREEZE			35.94
12162025	MARSHALL PUBLIC SCHOOL:2025 WINTER AD VALOREM DIST #1			137,648.36
11242025	MCGINTY, HITCH, PERSON CLIENT NO. 4030.001 SERVICES THROUGH 10/			14,041.00
23-039 - 32	MCKENNA BUILDING INSPECTION CONTRACT FOR FORD OC2026.098			108,444.44
315133625078450	MENARDS COMMERCIAL CREDIT ACCT NO. 587737 SWIVEL TRL JACK,			149.98
315133925033455	MENARDS COMMERCIAL CREDIT ACCT NO. 587737 CAULK GUN, CORK T			48.04
INV-0000013560	METRO WIRELESS BUSINESS DATA SERVICES - 10 GBPS INTERNE2026.006			2,500.00
INV-0000014165	METRO WIRELESS BUSINESS DATA SERVICES - 10 GBPS INTERNE2026.006			2,500.00
12903	MICHIGAN MUNICIPAL TRE:MMTA RENEWAL -NELSON & DOPP			198.00
12152025	MOONEY JR., JOHN PRE CHANGE PARCEL #13-53-006-792-01			370.98
E38114	MWEA 2026 WASTEWATER ADMINISTRATORS CONFERENC			420.00
26585	MWEA 2026-2027 MWEA MEMBERSHIP - HAZEL, CHAD			115.00
24841015-00	NEW PIG CORPORATION ABSORBENT MAT PAD			539.26
528531	NORTH CENTRAL LABORATO:LABORATORY SUPPLIES	2026.009		138.61
528764	NORTH CENTRAL LABORATO:LABORATORY SUPPLIES	2026.009		88.25
932844	NYE UNIFORM COMPANY THOMPSON JACKET			491.50
932831	NYE UNIFORM COMPANY DEKRYGER UNIFORM			369.26
932832	NYE UNIFORM COMPANY POTTER UNIFORM			168.00
932845	NYE UNIFORM COMPANY RITSEMA UNIFORM			168.00
135917	O'LEARY WATER CONDITIO:DPW DELIVERY			32.00
135920	O'LEARY WATER CONDITIO:FIRE DEPT DELIVERY			60.50
435	OAKLAWN OCCUPATIONAL M:DOT PHYSICAL EXAMS & DRUG SCREENING			130.00
2025.225 - #6	PARRISH EXCAVATING, IN:VALLEY VIEW DEVELOPMENT INFRASTRUCTURE P 2025.225			226,319.85
2026.052 - #5	PARRISH EXCAVATING, IN:COSMOPOLITAN AVE WATERMAIN REPLACEMENT 2026.052			29,078.74
2026.052 - #6	PARRISH EXCAVATING, IN:COSMOPOLITAN AVE WATERMAIN REPLACEMENT 2026.052			6,327.00
12082025	POTTER, MATT TRAVEL REIMBURSEMENT 12/4/25 - 12/5/25			44.00
56939157	POWER LINE SUPPLY GREEN FLAG			240.00
56940612	POWER LINE SUPPLY ARIEL SPACER			2,073.05
11262025	POWERPLAN AIS INVOICE #F73794 MAINTENANCE PARTS			482.60
389816	PVS TECHNOLOGIES, INC. TREATMENT CHEMICALS - FERRIC CHLORIDE 2026.015			9,417.51
12032025	QUADIENT FINANCE USA, ACCT NO. 7900 0440 5582 9307 POSTAGE NOV			6,020.00
12/18/2025	ROWE, LAURI UB refund for account: 122200			256.50
53301	SONAR SOFTWARE FIBERNET CUSTOMER MANAGEMENT SOFTWARE DE2026.005			2,188.13
2482207	STANTEC CONSULTING MIC:MARSHALL HOUSING PROJECT WATER AND WASTE2025.256			4,685.50
2482211	STANTEC CONSULTING MIC:WATER & WASTEWATER SPECIFICATIONS AND ST2026.021			6,825.50
2482217	STANTEC CONSULTING MIC:GIS SUPPORT 10/31/25	2025.237		378.00
2487203	STANTEC CONSULTING MIC:CONSTRUCTION ENGINEERING SERVICES-CLARIF2023.209			9,193.00
2482209	STANTEC CONSULTING MIC:SEWER FLOW MONITORING 10/31/25	2025.280		7,718.66
X306276400:01	STOOPS FREIGHTLINER TUBE ASSY			393.58
12/18/2025	SUASTO, JOSEPH UB refund for account: 2900180046			26.38
3676273	SUMMIT FIRE PROTECTION ANNUAL SPRINKLER INSPECT-MRLEC			1,431.00
12162025	TACC 2025 WINTER AD VALOREM DIST #1			62,643.32
IN123038	TELNET WORLDWIDE ACCT NO. 8948 MM YY - NOVEMBER			1,029.84
7604841	TEREX USA, LLC TRUCK MAINT			773.45
158160	THE IRRIGATOR, INC. MRLEC WINTERIZATION IRRIGATION			128.75
2685	THE WOODHILL GROUP, LL:FINANCE & ACCOUNTING SERVICES OCTOBER 20			1,518.75
296	TOP TO BOTTOM TREE SER:ELECTRIC LINE CLEARANCE 12/1/25 - 12/7/22026.011			5,147.50
11282025	TRACTOR SUPPLY CREDIT ACCT NO. 6035 3012 0359 5572 BOOT ALLOWA			58.00
INV00892070	USABBLUEBOOK LAB SUPPLIES			1,943.57
1811	V & V ASSESSING LLC ASSESSING SERVICES JANUARY 2026	2026.001		5,200.00
6129979545	VERIZON WIRELESS ACCT NO. 987146080-00001 11/2/25 - 12/1/			1,851.89
5735919	VITAL RECORDS CONTROL MRLEC SHRED SERVICE 11/25			107.34
34149	WEST SHORE SERVICES, I:WEATHER WARNING SIREN REPLACEMENT & UPGR2025.322			10,600.00
109244819	WEX BANK ACCT NO. 0470-00-462076-1 FUEL NOV 2025			10,181.04
12/18/2025	WILLIAM COX UB refund for account: 3907			3.25
41319561	XEROX FINANCIAL SERVIC:ACCT NO. 1017736 XEROX LEASE 211-1017736			290.00
GRAND TOTAL:				1,095,919.13

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/22/2025 - 12/22/2025
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
782	ABLE HEATING & COOLING	NEW HEATER & COOLING UNIT FOR DPW BUILDING	2026.185	2,460.00
94883	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING AT WATER		81.00
94882	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING AT POWER		81.00
1DLJ-4QTD-WLCK	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 WORK SHIRTS		114.95
1TNC-3R64-MHCG	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 ROUTERS		2,259.00
1VK1-FD3G-CJT6	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 DISPLAYPORT TO V		24.13
17DQ-T6GF-CLGX	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MONITOR STAND		37.96
1T6X-VQNC-HLKP	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 BASKETBALL		29.50
1K64-61VP-7JG1	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 HAND CLEANER TOW		79.00
1J6Q-6HF4-QYLN	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 UNIFORMS - KEDO		18.94
16TL-L1JF-WV1Q	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CHEERLEADING POM		49.99
1T6X-VQNC-VJJ1	AMAZON CAPITAL SERVICE	BOOT ALLOWANCE - HUG, ERIN		136.64
11RY-GPPJ-FHCP	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 AIRFIELD LIGHT B		581.50
1YR9-C311-6FGH	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MULTIGAS DETECTO		890.00
1TDK-T1QR-33NW	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 BASKETBALLS, HOC		388.55
54292	ARLYN SCALES	320D-36 PLATFORM SCALE W/DIGITAL INDICAT	2026.167	2,049.00
12162025	ASHBY, RON	ARTICLE 40 SECTION 1: MEALS 12/14/25		15.00
1669812	CLARK HILL PLC	CLIENT NO. K9950 SERVICES THROUGH 11/30/		6,184.50
1669813	CLARK HILL PLC	CLIENT NO. K9950 SERVICES THROUGH 11/30/		210.00
12012025	COGENT COMMUNICATIONS,	FIBERNET ISP PRIMARY PROVIDER DECEMBER 2	2026.047	10,275.00
DECEMBER2025	CONSUMERS ENERGY	CONSUMERS ENERGY UTILITY BILLS DECEMBER		7,854.13
0216480	COOPERATIVE RESPONSE C	SUPPORT AND CALLS FOR NOVEMBER 2025		1,340.82
1327	GLGC PLUMBING LLC	SERVICE TO WATER LINE AT 109 N. PARKVIEW		150.00
12162025	HEATH, MIRANDA	ARTICLE 40 SECTION 1: MEALS 12/10/25		15.00
12/22/2025	LEATHEAD JR, MICHAEL	UB refund for account: 802020013		12.82
64086	MIDWEST ELECTRIC TRANS	300 KVA PADMOUNT TRANSFORMER	2026.107	17,550.00
528669	NORTH CENTRAL LABORATO	LABORATORY SUPPLIES	2026.009	144.65
135921	O'LEARY WATER CONDITIO	PSB COOLER RENTAL (NOV/DEC) & WATER DELI		156.50
470	OAKLAWN OCCUPATIONAL	MDOT PHYSICAL EXAMS		90.00
12/22/2025	PHELPS, BRIAN	UB refund for account: 701660011		108.38
Q2129070	QUADIENT LEASING USA,	CUST NO. 01041574 POSTAGE MACHINE LEASE		696.73
98572262	SAFETY-KLEEN SYSTEMS,	16G PARTS WASHER SOLVENT		209.46
7007807985	STAPLES	CUST ACCT # DET 10081052 OFFICE SUPPLIES		1,117.67
12112025	TAYLOR, JEFF	TRAVEL REIMBURSEMENT FOR GAS		30.00
2718	THE WOODHILL GROUP, LL	FINANCE & ACCOUNTING SERVICES NOVEMBER 2		1,331.25
297	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 12/15/25 - 12/21	2026.011	5,147.50
392002	VIEW NEWSPAPER GROUP	ACCOUNT ID: 100527 NEWSPAPER ADS NOVEMBE		504.00
12162025	WISE, TIM	ARTICLE 40 SECTION 1: MEALS 12/1/25 - 12		105.00
11292025	WOW! BUSINESS	ACCT NO. 274877501 FIRE STATION		149.39
41348635	XEROX FINANCIAL SERVIC	ACCT NO. 4110874 XEROX LEASE 111-4110874		176.18
41348381	XEROX FINANCIAL SERVIC	ACCT NO. 1017736 XEROX LEASE 111-1017736		2,044.95
GRAND TOTAL:				64,900.09

ITEM: 7.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 5, 2026
SUBJECT: **SPECIAL EVENT REQUEST - ICE, WINE, BEER AND BLUES**

The City has received a request from the Franke Center to hold a fundraising event on January 30, 2026. There will be ice sculpture carving on the sidewalk of Michigan Ave in the downtown area, which will require electricity.

BUDGET IMPACT:

The Franke Center is a non-profit organization and the City services provided are not expected to exceed the \$500 non-profit waiver.

RECOMMENDATION:

Approve the Ice, Wine, Beer and Blues special event request for January 30, 2026 and suspend the Social District from 5 pm-9:30 pm for the event.



City Of Marshall
323 West Michigan Ave
Marshall, MI 49068
Phone: 269.781.5183
Fax: 269.781.2878

Special Events Application

Important: Please fill out each item as completely so that the application can be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Clerk's Office, at the address shown above. Special Events must be approved by the City Council, which typically meets twice per month. We recommend submitting your application at least 90 days before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Council may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Ice, Wine, Beer and Blues

Is the sponsoring organization: ☒ Non-Profit, please provide status letter* ☐ For Profit

Mailing/Billing Address: The Franke Center for the Arts, 214 East Mansion St.

City/State/ZIP Code: Marshall, MI 49068

Business Phone: 269-789-9677

Cell Phone: 517-285-8050

Email Address(es): jgates@thefranke.org

Event Information

*A separate event schedule and/or description may be attached in response to questions 1 through 5.

**For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.

1. Requested day(s), date(s), and time(s) of the Special Event: January 30, 2026

2. Is there a requested alternative date(s)? ☐ Yes ☒ No

If yes, please provide the alternative date(s): _____

3. Please describe the event(s): As in years past, IWBB will feature beer and wine tastings at 10 downtown business locations from 6pm until 9:30pm

Friday and ice carving downtown from about 4:30pm until 9:30pm Friday and from 10am - noon Saturday.

4. What is the requested location(s) of the event(s): Downtown (Michigan Ave.) between Grand St. and Marshall Ave.

5. Does this event require a street closure? ☐ Yes ☒ No Street Name: _____

Start and End Locations: _____

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

General

6. Is this event expected to occur again in a future calendar year? Yes ☒ No ☐
Normal Annual Date? _____
7. Have you included a map indicating the location of your event? Yes ☐ No ☒
8. Is your event located within the Downtown Development Authority? Yes ☒ No ☐
9. Does the applicant wish to prohibit vending within the event area? Yes ☐ No ☒
10. Does the applicant plan to include vending as part of this event? Yes ☐ No ☒
11. Will this event include the use of signs? Yes ☒ No ☐
12. Will the event require the hanging of a banner? Yes ☐ No ☒
13. Is the applicant requesting special parking arrangements, such as reserved parking? Yes ☐ No ☒

Public Services

14. Is the applicant requiring utility connections, such as electric or water services? Yes ☒ No ☐
15. Does the applicant require other public services? Yes ☐ No ☒
- a. Barricades Yes ☐ No ☒
- b. Fencing Yes ☐ No ☒
- c. Street Sweeping Yes ☐ No ☒
- d. Mowing Yes ☐ No ☒
- e. Rubbish Containers Quantity: _____ Yes ☐ No ☒
- f. Picnic Tables Yes ☐ No ☒
- g. Cessation of Lawn Sprinklings Yes ☐ No ☒
- h. Other _____ Yes ☐ No ☒
- i. Map including indicating location of these services? Yes ☐ No ☒
16. Do you plan to utilize volunteers to help run the event? Yes ☒ No ☐
17. Do you plan to rent a park facility for the event? Yes ☐ No ☒

Public Safety

18. Does the applicant have any special security or safety concerns? Yes ☐ No ☒
19. Are you requesting assistance from the Police/Fire Departments? Yes ☐ No ☒
20. Will the event include loud or unusual sounds? Yes ☐ No ☒
- a. Musicians Yes ☐ No ☒
- b. Singers Yes ☐ No ☒
- c. Amplified Announcers Yes ☐ No ☒
- d. Carnival Rides Yes ☐ No ☒
- e. Motor Vehicle Noises Yes ☐ No ☒
- f. Other _____ Yes ☐ No ☒
21. What are the planned hours for loud or unusual sounds? _____
22. Will the event include unusual lighting beyond what is normal at that location? Yes ☐ No ☒

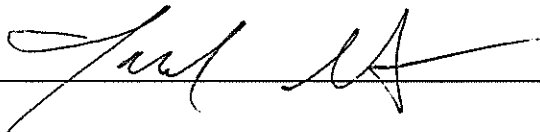
Alcohol Consumption

23. Are alcoholic beverages proposed to be served as part of the event? Yes ☒ No ☐
24. Will you be utilizing a LLC regulated boundary? Yes ☐ No ☒
25. Are you using the Social District for outdoor alcohol consumption? Yes ☐ No ☒
26. Have all necessary liquor licenses been obtain at the time of this application? Yes ☐ No ☒
27. Does the applicant have any other requests that are not listed in this form? Yes ☐ No ☒
28. The applicant is require to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of Marshall as an additionally insured? Yes ☒ No ☐

Questionnaire Explanations

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules, and regulations of the City of Marshall and that the event takes place in accordance with the application as approved by the Marshall City Council, including any conditions placed thereon.

Applicant Signature:  _____

Printed Name: Jacob Gates Date: 11/3/25

The APPLICANT does hereby agree to indemnify, hold harmless and defend the CITY and each of its officers, officials, employees, agents and authorized volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, OWNER, PERMITTEE (Renter) or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fee and litigation expenses), arising or alleged to have arisen directly or indirectly out of the operation and use of CITY property and public right of way. APPLICANT'S obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or authorized volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of CITY or any of its officers, officials, employees, agents or authorized volunteers.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 26 2002

MCCT INC
PO BOX 615 115 E GREEN ST
MARSHALL, MI 49068

Employer Identification Number:
38-3636933
DIN:
17053155038032
Contact Person:
ZENIA LUK ID# 31522
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
July 3, 2001
Advance Ruling Period Ends:
December 31, 2005
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

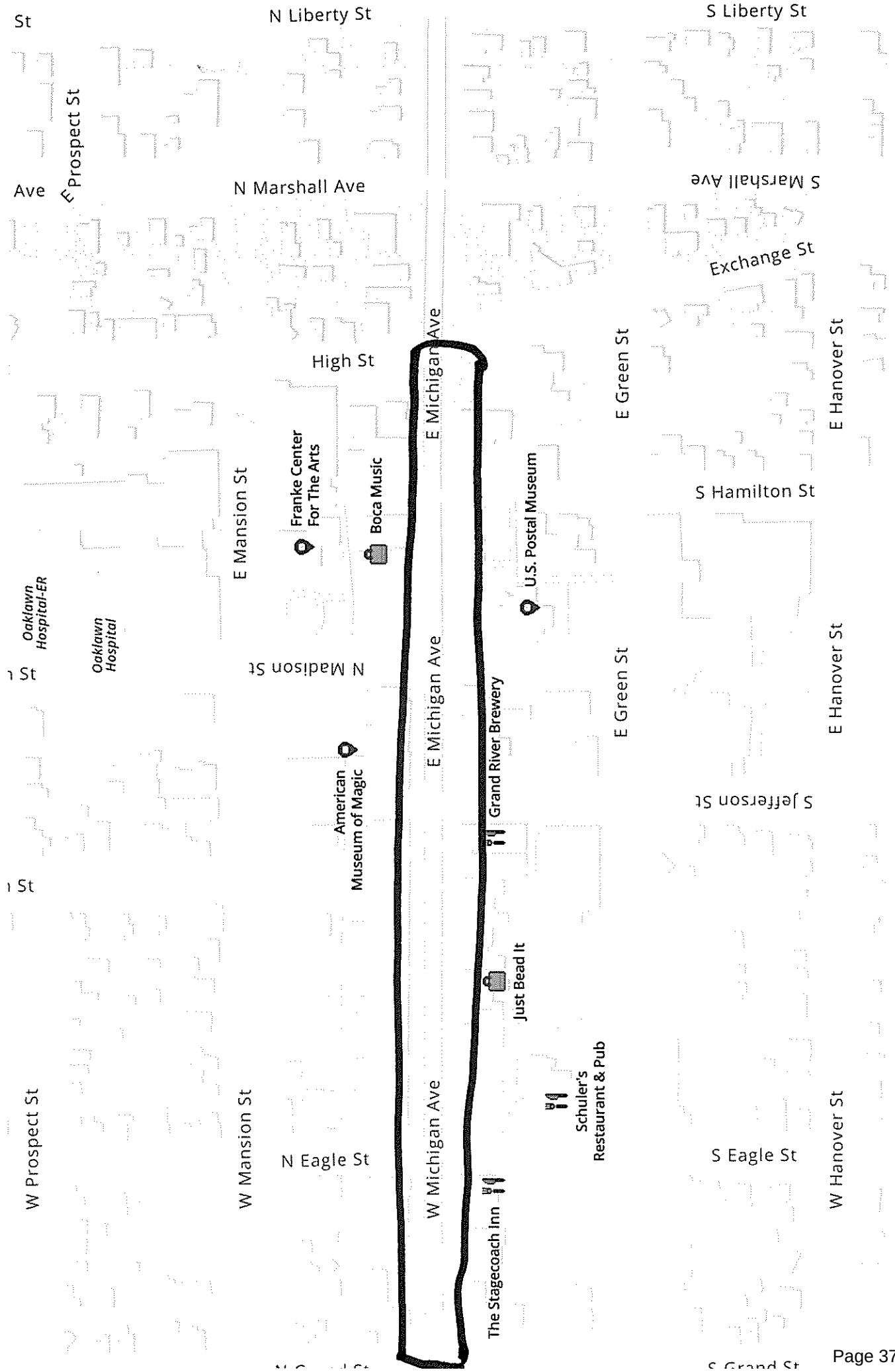
Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make

Letter 1045 (DO/CG)





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/10/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CHRIS MAYE 420 E MICHIGAN AVE. MARSHALL, MI 49068	CONTACT NAME: CHRIS MAYE PHONE (A/C, No, Ext): 269-781-2357 E-MAIL ADDRESS: cmaye@fbinsmi.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Farm Bureau General Insurance Company of MI INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 21547
INSURED MCCT INC dba FRANKE CENTER FOR THE ARTS 214 E MANSION ST MARSHALL, MI 48068		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	N	N	CP-11682738	11/01/2025	11/01/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WCC 3119846	11/01/2025	11/01/2026	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

CITY OF MARSHALL
323 W MICHIGAN AVE
MARSHALL, MI 48068

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Logan Shaul

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ITEM: 9.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: January 5, 2026
SUBJECT: **2025 ACTION PLAN UPDATE**

On January 11, 2025, City Council approved the 2025 Action Plan, which includes 69 department priorities and goals that we endeavored to accomplish this calendar year.

On behalf of the City Leadership Team, I am pleased to present the 2025 End of Year Action Plan report. The report will be available at City Hall and placed on the City website.

BUDGET IMPACT:
None.

RECOMMENDATION:
Receive the 2025 End of Year Action Plan report.



2025 Action Plan

End of Year Update

Finance

Create and Adopt FY2026 Budget

The FY2026 budget was adopted by City Council at its May 19, 2025, meeting, in accordance with the City Charter. The adopted budget is available on the City website.

Complete the FY 2025 Audit

The auditors presented the FY2025 audit at the December 15, 2025, City Council meeting. The City received an unmodified ("clean") opinion, the best possible audit outcome.

Create and Adopt 2026-2031 CIP

The CIP was developed by staff over several months and adopted by City Council following a public hearing on January 21, 2025.

Review existing Property and Liability Insurance program

An RFP was issued; however, the City received only one qualified response. Because coverage with the current provider extends through June 30, 2026, staff plans to use this additional time to re-issue the RFP.

Develop and implement a minimum cash reserve policy for FiberNet

City Council approved the FiberNet minimum cash reserve policy at its December 15, 2025, meeting.

Review the Purchasing Ordinance and Policy

Purchasing responsibilities are being transferred to a different staff member. Work on updating the ordinance and policy has begun and will be brought to City Council next year.

Review current Utility Bill Format for potential redesign

This effort has coincided with the transition of the customer online payment interface and related software.

Review customer on-line payment interface and software program

The City has agreed to transition from Point & Pay to BS&A Payments for our online and credit card payment processing. This move will result in a more seamless payment portal, as well as offering additional payment options (text reminders, text to pay, tap to pay, etc.). We expect this process to be completed by April 2026.

Examine and improve customer outage and response interface and functionality

Electric, Water, Wastewater, and DPW after hours calls moved from NRTC to Cooperative Response Center (CRC) on March 3, 2025, to improve the customer service experience. The City website also has a "Notify Me" section where people can sign up for text and email emergency alerts.

Complete and Implement new Cost Allocation Plan

The City's updated Cost Allocation Plan was completed in the spring by MGT Consulting and implemented in the FY2026 budget.

Complete and Implement LDFA Public Safety funding agreement

An agreement was created by staff and the City Attorney, presented to the DDA/LDFA Finance committee, and then presented to the LDFA at its April meeting. The Board accepted the agreement for the 2026 budget. We hope to continue working with the Board to adopt it for each year going forward.

Clerk

Update the FOIA policy and procedures

The City Council approved the revised FOIA policy on April 21, 2025. Additionally, the City has begun using new FOIA software which has increase efficiencies in processing requests and has made it easier for requesters to gather documents. The Clerk's office has had numerous compliments from other departments, as well as requestors.

Update and implement the Records Retention Policy and Program

The clerk's office continues to work on records retention. We have removed over 50 boxes of outdated documents that were past retention and have worked to rearrange the remaining documents for future efficiency. We will continue to work with the remaining departments to get them up to date in the next year.

Complete the Ward Reapportionment Process

The Clerk's office has worked with the GIS department to gather census data and review the ward map for the city. Based on the results, the variance was not significant enough to warrant a reapportionment mid-census period. The smallest ward is actually the ward that is currently set to experience the most growth in the next few years and therefore we will proceed with reapportionment after the 2030 census. It should be noted that under the Michigan Home Rule City Act, cities are excluded from the requirement as we elect all members of the City Council at large across the City.

Implement the video and audio recording of all Boards and Commission meetings

All regular and special meetings of all City boards and commissions are now recorded and posted on the City YouTube channel, barring any technical issues, typically the next day. These videos can be accessed via the City's webpage.

Police

Evaluate and Improve the Code Enforcement Program

The Marshall Police Department's 2024 Strategic Plan identified several goals related to strengthening code enforcement, including increasing proactive enforcement and reestablishing a dedicated code enforcement assignment. In response, a Detective/Code Enforcement position was created, assigning all investigative and code enforcement duties to a single officer and removing these responsibilities from road patrol. Detective Erin Hug was assigned to this role, and a Letter of Understanding was drafted to reflect the separation of duties in the patrol contract. Additional part-time salary funding for code enforcement was approved for the 2025–2026 budget year.

To support this initiative, the department created a part-time Police Services Assistant (PSA) position focused on code enforcement support. Savanna Graham was hired into this role in August

2025, significantly increasing proactive activity across the city. As of December 5, 2025, the department has documented 264 enforcement actions, the highest annual total in the past decade.

We will continue evaluating the program and anticipate additional improvements in 2026 to enhance service quality and operational efficiency.

Improve the School Resource Officer Program

Improving the School Resource Officer Program was a major department goal for 2025. The first objective—renewing the SRO contract with Marshall Public Schools—was successfully completed. A three-year contract extension was negotiated and approved through June 2028. Contract language and the department’s Special Assignment Policy were updated to align the term of assignment with the agreement. Officer Groeneveld will remain the SRO through June 30, 2028.

A second objective focused on expanding training opportunities. In 2025, SRO Groeneveld completed several professional development courses, attended the NARO Conference, and scheduled additional training sessions with Marshall Public Schools and MPD staff. He conducted a full walkthrough of the high school with MPD, MFD, Marshall Ambulance, and Calhoun County Emergency Management personnel. He facilitated a tabletop evacuation exercise with school administrators and first responders. He also met separately with school administrators regarding school emergency operations and collaborated with the transportation director and staff to review evacuation and emergency operations plans.

SRO Groeneveld continued working with Sgt. Philpott to strengthen the department’s active assailant response training, which will support preparedness efforts in both schools and local businesses.

Another major School Resource Officer goal for 2025 was implementation of the Handle With Care (HWC) program—a statewide system for notifying schools when a student has had a law enforcement contact and may need trauma-informed support. A countywide HWC implementation began in August, and MPD issued a department directive outlining the required process and procedures. We continue to monitor and update the HWC program.

Research and Implement a Drone program

The Marshall Police Department participates in the countywide Calhoun Unmanned Aerial Systems (CALUAS) team, led by the Calhoun County Sheriff’s Department (CCSD). Officer Vandenboss serves as the department’s representative and has obtained his drone pilot certification.

A 2025 goal was the purchase and implementation of a department drone to enhance CALUAS capabilities and improve the services we provide to the community. After researching options and working with CCSD to ensure compatibility, the department identified the DJI Matrice 30T as the preferred platform. A review of the 2024–2025 budget showed adequate funding, and the drone was purchased and delivered in early June. This model aligns with drones used by other local agencies.

A drone policy—mirroring CCSD’s policy—was drafted and implemented, and all required training was completed. The drone was placed into service in July and has since been deployed by both MPD and CALUAS.

The department also worked with the Marshall Fire Department (MFD) to include them in drone operations. MFD was added to the CALUAS MOU agreement in December, along with Emmett Township. Their addition increases the number of trained operators and spotters, improving deployment efficiency and overall program effectiveness.

Increase Traffic Enforcement Efforts

Traffic-related concerns remain one of the most common complaints from residents and were identified as a priority in the 2024 Strategic Plan. In 2025, the department set a goal to increase proactive traffic enforcement while enhancing accident reconstruction and motor-carrier enforcement capabilities.

Annual Total Comparisons

Year	Arrests	Reports	T/S	Citations	FC/Disp
2024	289	1338	1335	191	12384
11 months 2025	390	1350	2351	533	13262
Difference	101	12	1016	342	878
Percentage	39%	1%	76%	179%	7%

These numbers demonstrate significant increases in proactive activity, particularly in traffic stops and citations. December totals will further increase these figures and will be included in the full annual report. It should be noted that the crash total for 2024 was 155 and as of December 5th our 2025 total is at 145 which should result in a similar to 2024.

Traffic Initiatives and Special Assignments

- **Accident Reconstruction**
Officer Patterson, the department's accident investigator, set a goal of becoming an accredited accident reconstructionist. He will pursue the required training over the next three years while actively serving on the Calhoun County Accident Investigation Team (CAIT). He assisted CCSD with nine reconstruction investigations this year and attended tire forensics training.
- **Motor Carrier Enforcement**
Officer Vandeboss completed basic motor carrier training last year and plans to pursue additional training in 2025 to deepen expertise in commercial traffic laws.

A focus on traffic enforcement will remain a priority in 2026. The impact of Ford BlueOval, along with continued community growth, is expected to increase traffic volumes and heighten the need for enhanced traffic safety measures, including targeted enforcement efforts.

Develop and Implement a community camera program

The development and implementation of a community camera program has been on our action plan list over the last two years. In 2024, we met with both Verkada and Avigilon, who provided

presentations on the capabilities of their camera products and software platforms. In April 2025, we met again with Avigilon to review their cloud-based camera solution. During this meeting, we learned that Marshall Public Schools recently purchased new Avigilon cameras and updated software. The Avigilon platform can integrate with the Aware software currently used by Central Dispatch, allowing dispatch to access live camera feeds from the schools during an emergency. Avigilon representatives also indicated they could develop a comprehensive camera plan for the City of Marshall if their products are selected.

Flock Safety has also expressed interest in meeting with the City. Flock is a rapidly expanding provider of license plate reader (LPR) technology and is currently being utilized by the City of Albion, City of Coldwater, and Calhoun County.

We continue to evaluate camera system options for the City of Marshall. Our goal for 2025 was to pursue grant funding to secure a consultant who could develop a city-wide community camera plan. This plan would serve as a roadmap for deploying a scalable camera system over the next several years as funding becomes available.

Throughout 2025, we met with multiple vendors and held several internal discussions with city staff. Progress has been steady but slower than anticipated. In December, we began testing three Verkada cameras in Ketchum Park, with plans to test Avigilon cameras in early 2026. As these discussions have continued, one of the major concerns identified by both staff and vendors has been the need for expanded infrastructure to support a long-term camera system. We will continue to move this project forward in 2026.

Evaluate and research camera and body camera systems for replacement

The Marshall Police Department continued its evaluation of mobile and body-worn camera systems throughout 2025. While our current Safefleet (Coban) system remains functional and adequate, we are exploring cost-effective options that will support the department's operational needs over the long term. Our goal for 2025 was to identify a preferred vendor and establish a five-year funding and implementation plan.

In 2025 we conducted demonstrations of upgraded products offered by our current vendor, Safefleet (Coban), and met with Axon in April for a full product review. Axon remains the industry leader in police camera technology and digital evidence management through Evidence.com. Their equipment and service offerings are high-quality, but they come at a significantly higher cost compared to other vendors.

During this same period, the City of Marshall transitioned to a new IT provider, contracting with Calhoun County IT in November 2025. Because of this major change, the camera system evaluation was postponed to 2026 to ensure that our new IT team can participate in the assessment and planning process.

Calhoun County Sheriff's Office currently utilizes Getac for both their mobile video recorder (MVR) and body-worn camera systems. As we resume this project in 2026, we plan to conduct a full review of our existing system, evaluate alternative solutions including Getac, and explore potential cost-sharing opportunities with county partners.

Improve Community Engagement Efforts

Community engagement remains a core value for the Marshall Police Department. We continue to participate in the City of Marshall special events, assist businesses with trainings, and in 2025 we implemented the Versaterm Community Engagement Software.

Special Events Support

In 2025, the Police Department reviewed and provided support for over 30 special events. We also completed and executed operational plans for our six largest events:

- Oaklawn Color Run
- Memorial Day Parade
- Blues Festival
- Motorfest
- Pastrami Joe's S'more Run
- Christmas Parade

We continue to work closely with city staff to refine and improve the special event review process, with a continued focus on public safety.

Community and Business Trainings

The Marshall Police Department remains committed to providing training and support to the community and local businesses. Below is a summary of key training programs and events supported or delivered in 2025:

- SHARP Self-Defense Community Training – February 3
- SHARP Self-Defense Training for CACC students – March 11
- Fraud Prevention Presentation at Marshall Rotary by Deputy Chief Ambrose – April
- Multi-Jurisdiction Recruiting Event with Detective Hug – May 10
- Election Security Presentation by Sgt. Brown for County Clerks – May
- Active Shooter Training for Southern Michigan Bank with Sgt. Philpott – June
- “Touch-a-Truck” Event with Tractor Supply – June
- National Night Out at Calhoun County Fairgrounds – August 7
- Electric Department Open House with Detective Hug – October
- Gordon Elementary Safety Day with Officer Vandeboss – October
- Ford Safe Driving Event with SRO Groeneveld – October
- Harassment Prevention Presentation at Marshall House Apartments with Detective Hug – November

To support and expand these efforts, the department partnered with the Marshall Community Foundation to create a Community Training Fund in February 2025. This fund helps promote community involvement and provides financial support to sustain and grow our training programs.

Versaterm Community Connect Implementation

On February 10, 2025, the department launched the Versaterm Community Connect engagement platform. This automated customer service tool sends text messages, emails, and mobile-friendly surveys to 911 callers, crime victims, and community members who interact with police services. The program has been highly successful. Highlights include:

- Survey completion rate: 27%
- Total surveys completed: 464
- 911 Dispatch Professional Rating: 4.67 / 5

- Police Officer Response Time: 4.69 / 5
- Police Professionalism: 4.79 / 5
- Overall Satisfaction: 4.62 / 5
- Perceived Safety: 4.33 / 5
- Respondent Comments: 154

The data collected is being actively used to improve services. One key finding is that increased interaction and follow-up communication significantly improves customer satisfaction. As a result, the department has placed greater emphasis on follow-up contact and engagement with complainants. The overwhelmingly positive comments received through the surveys are shared with officers weekly and serve as meaningful encouragement.

We will continue to monitor and analyze this feedback to guide future operations and strengthen our service to the community.

Fire

Reduce ISO rating to a 3 or lower

The ISO inspection was completed. We improved our score by 3 points, but not enough to increase our rating. We asked for explanation from ISO but never received it.

Implement a resident door-to-door free smoke detector installation program

Launched on June 2nd. The initiative is off to a great start with positive feedback from the community. We have been door-to-door to over a 1/3 of the homes in Marshall and have installed over 400 smoke detectors. We will continue in 2026 until we are finished.

Continue Advanced Training Programs

Hazardous Materials Technician, Premier Swift Water Rescue, etc.

Four members completed the Swift Water Rescue Technician course in South Bend, IN. We will continue seeking advanced training opportunities for staff development. Fire Inspector has taken Inspector II & Plan Review.

Continue working with Ford to properly prepare for BlueOval LFP battery manufacturing

Multiple meetings have taken place with the BOBP Fire Official. We are actively collaborating on Emergency Action Plans and coordinating future training for plant staff. Still working with them & Fire Inspector has been working closely with Building Inspectors.

Certify (FF I&II) and train new Part-Paid On-call Employees

Both individuals have successfully completed training and are now certified FF I & II. They have already proven to be valuable assets to the department. Both have also completed their Medical First Responder Class.

Continue Training and fostering Partnerships with surrounding Fire Department agencies

Three joint quarterly trainings have occurred: Marshall: Technical Rope Rescue & Confined Space, Marengo Township: Grain Bin Rescue, and Marshall Township: Fire Ground Communications & 800MHz Radios. A fourth training course is scheduled for fall in Fredonia,

focusing on Auto Extrication. Completed all joint training in 2025 and have worked together on several calls without any issues.

Safety

Continue monthly Safety Program and annual Safety Day

Monthly safety classes continue through the Safety Committee. Notably, our Confined Space Program was successfully utilized on May 5th during a DPW entry, reinforcing our commitment to safe operations even when setup takes extra time. Completed all Safety Classes for 2025, Safety Fair was very successful again. The committee structure allows for feedback from various positions within the different departments providing opportunities for earnest discussions and safety improvements to processes and equipment.

Continue to work with the Employee Events Committee to improve interdepartmental relationships and morale

Two events have been held to date, including a March Madness lunch and Bracket Challenge. We organized and recently held the Summer Picnic, Food Drive for MACS and had another Christmas Cookie Event and raised \$90.00 for MACS during event. Planning is underway for the annual 2025/2026 Action Plan review and employee recognition event to further support interdepartmental camaraderie and morale. Committee has expanded and is looking forward to next year.

Public Services

Complete Verona Road- West Drive construction project

Verona Road and West Drive construction project kicked off in April and is now substantially complete. Minor punchlist items remain and they are expected to be completed in the Spring of 2026.

Continue development and oversight of the MAJOR Campus utility extension

Official substantial completion has been met for Projects 1 through 6, 8, and 9 and the City is operating the water and sewer infrastructure serving the MAJOR Campus. The BlueOval parcel uses metered water for construction activities, and the wastewater treatment plant has received flows from the site. The construction at the WWTP started in August with the headworks wet well walls and foundation. The final completion of the WWTP Improvements is expected in 2027.

Establish MAJOR Campus Stormwater System Operations and Maintenance Plan

This project continues. Additional work has been added to the scope to include analysis of stormwater capacity to support the future planning work being completed by MAEDA. A presentation to City Council on the stormwater assessment district is expected in late Q1 of 2026. This district will be the mechanism in which the City generates revenue for the operation and maintenance of the stormwater infrastructure serving the Major Campus. Several site visits have been conducted over 2025 with a full inventory of the system assets complete. The maintenance and operations plan has been started by the City's consultant.

Complete tree planting program and achieve Tree City USA certification

In partnership with the Marshall Area Conservation Committee (MACC), the City has completed this goal as of this Spring. Sixty trees were planted this year on April 26, 2025. The trees were purchased with funding from a generous donation by Ford BlueOval Battery Park Michigan. With the tree planting, and the Arbor Day proclamation, the City has met all 3 of the standards to be certified as Tree City USA for 2025. The application for Tree City USA will be submitted by the end of the year.

Complete Tree Inventory, Tree Assessment, and Maintenance Program

The City hired Davey Resource Group after issuing an RFP for tree inventory in summer. The inventory work on the contract is complete. The assessment and maintenance program tasks are in process currently with an expected completion in first quarter of 2026.

Complete detailed laser scan and coat basin of the Brooks Memorial Fountain

The laser scan was completed in May. The basin coating is complete as of July 18, 2025.

Continue lead service line inventory and replacements program

For the calendar year of 2025, 64 service lines were investigated and 15 were replaced. The City has 108 unknown service lines left, 33 known lead lines, and 10 galvanized lines.

Establish sewer pipe assessment program and sewer collection model

Initial steps of the sewer collection model have begun with sewer flow monitoring now complete. Sewers were monitored for over 3 months in late summer and early fall. The monitoring is the first step in building a collection model by providing flow data for the entire system at 20 different locations. A summary report on the results of the monitoring is expected from the City's consultant soon.

Complete the Cosmopolitan Watermain construction project

This project consisted of two parts; watermain lining and watermain replacement. Both of these tasks are complete, and the road is nearly 100% restored. The water quality has improved for the residents. The chlorine residual has stayed above normal range compared to other watermain of similar distance from the Water Treatment Plant (WTP). The iron has stayed somewhat higher than we normally see, unfortunately, but city staff are not getting water quality complaints for the area and therefore, staff are not flushing this water main daily. This reduction in flushing has saved the department on time, equipment, and lost water. In 2023 we flushed an estimated 3.6MG and in 2024 we flushed an estimated 2.2MG of water to try and maintain water quality. In 2025 before we replaced the main, we had flushed 3.5MG on Cosmopolitan and since the watermain replacement, the main has only needed flushing once. We do not expect to install the autoflusher previously used as the need for consistent flushing has been alleviated.

Complete Valley View I and Neighborhood Sidewalk construction project.

The neighborhood sidewalk project is substantially complete. The installation of sidewalk on Forest Street and Allen Road occurred in May. After challenges with turf restoration, it appears the work is headed in the right direction. Final closeout will be delayed until Spring to ensure the project meets the turf restoration specifications. The Valley View I public infrastructure project is substantially complete. The developer can connect homes to the public infrastructure when they are ready.

Review Citywide Rubbish contract and program

This request for proposals on this contract will be received on December 23, 2025. The recommendation for award to City Council is expected in January. The current contract with Granger expires at the end of March of 2026.

Complete Risk and Resiliency, Emergency Response, Water Reliability and Asset Management plans for the water utility

The city's consultant has prepared the future demand for water in the City. This is a major component of the Reliability Study. Staff are looking to authorize the risk and resiliency study in the coming weeks. The Emergency Response Plan was completed earlier this year. The Water Asset Management Plan has not progressed much this year, but plans have been made to tackle it in 2026.

Electric

Electric System Reliability—meet or exceed 2024 SAIFI, SAIDI, CAIDI, ASAI

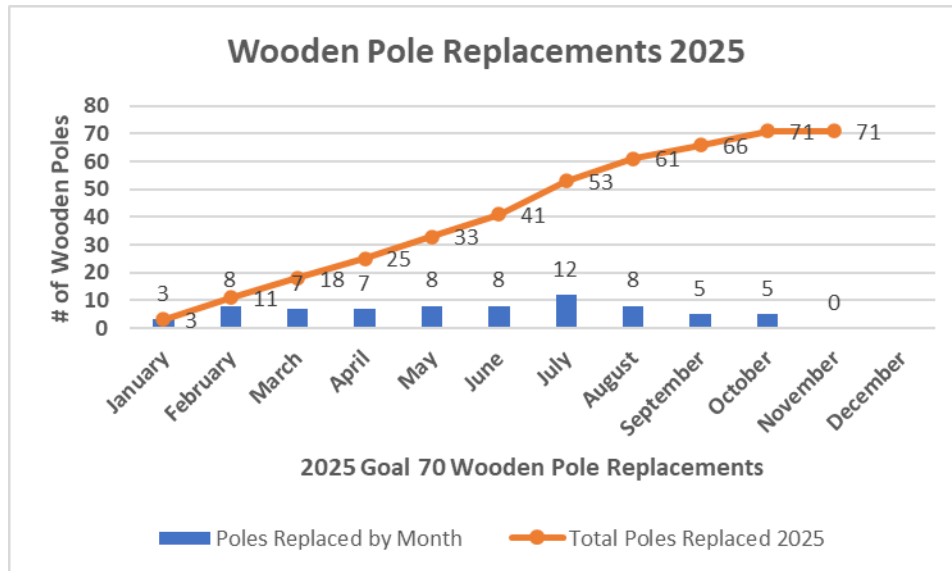
The Electric Department 2025 Distribution System Reliability goals are to improve on its 2024 results reported using the American Public Power Association (APPA) eReliability Tracker software. These indices include: System Average Interruption Frequency Index (SAIFI), System Average Interruption Duration Index (SAIDI), Customer Average Interruption Duration Index (CAIDI) and Average Service Availability Index (ASAI).

Staff enters electric service interruption data—including outage duration and number of affected customers—into the APPA eReliability Tracker software. The software calculates reliability statistics for the City of Marshall electric distribution system. The 2025 electric distribution system reliability goals, results for November 2025 and year-to-date (YTD) 2025 are shown below. In November, the SAIFI, SAIDI and ASAI reliability goals were all achieved, while CAIDI was not. YTD 2025, the SAIFI, SAIDI and ASAI targets were achieved, while CAIDI was not. The Electric Department will continue working to minimize service interruption frequency and duration in 2026.

	2025 Goal	November 2025	January-November 2025
SAIFI (# interruptions)	1.452	0.0038	0.501
SAIDI (minutes)	74.51	0.3193	33.28
CAIDI (minutes)	51.307	83.55	66.308
ASAI (%)	99.9858	99.9992	99.9931

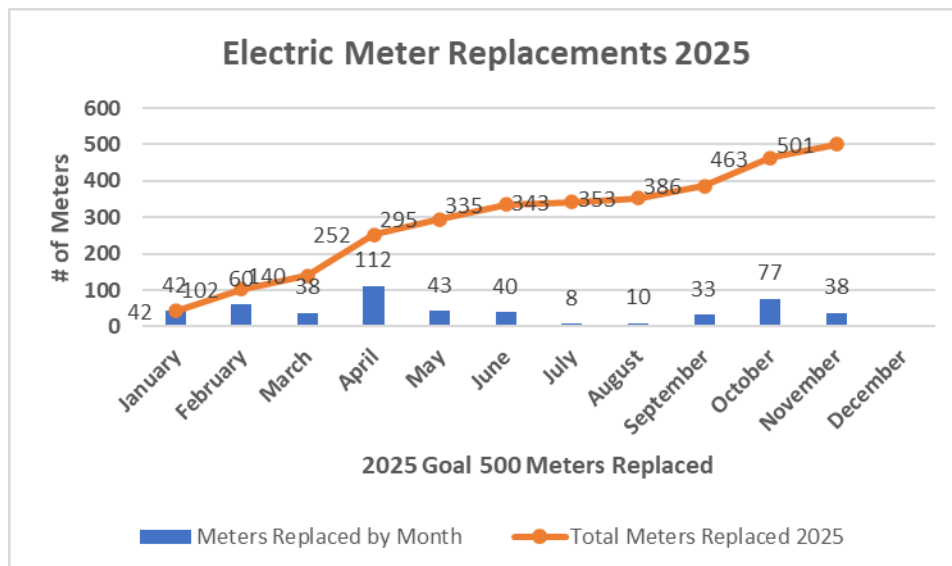
Replace approximately 70 wooden poles

The Electric Department goal is to replace approximately 70 wooden poles in 2025. Through November, 71 new wooden poles have been set, exceeding the 2025 Electric Department goal, with one month remaining in the year.



Replace 500 electromechanical electric meters

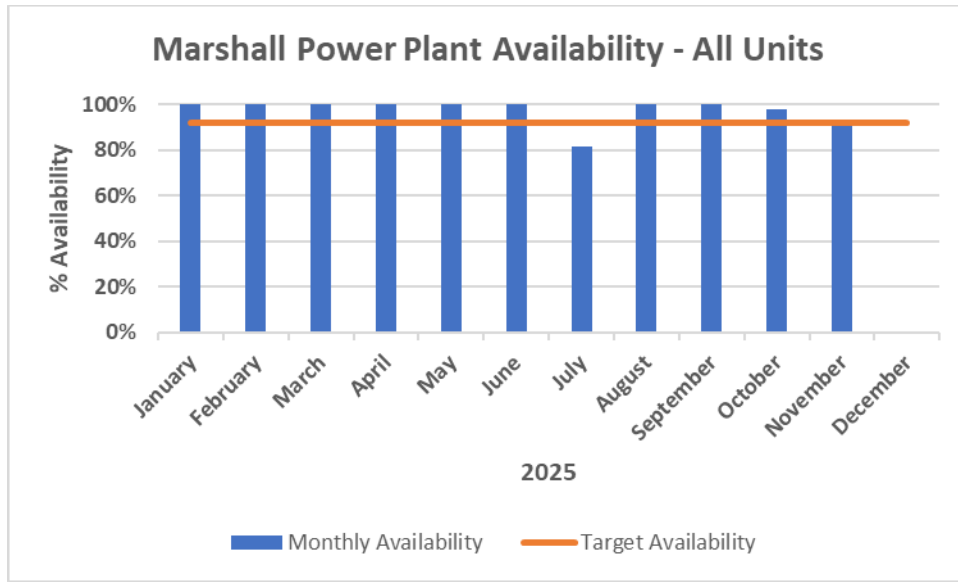
The Electric Department 2025 goal is to replace 500 electromechanical meters. Through November, metering staff have replaced 501 electromechanical meters, exceeding the 2025 goal, with one month remaining in the year.



Maintain 92% or greater generating unit availability

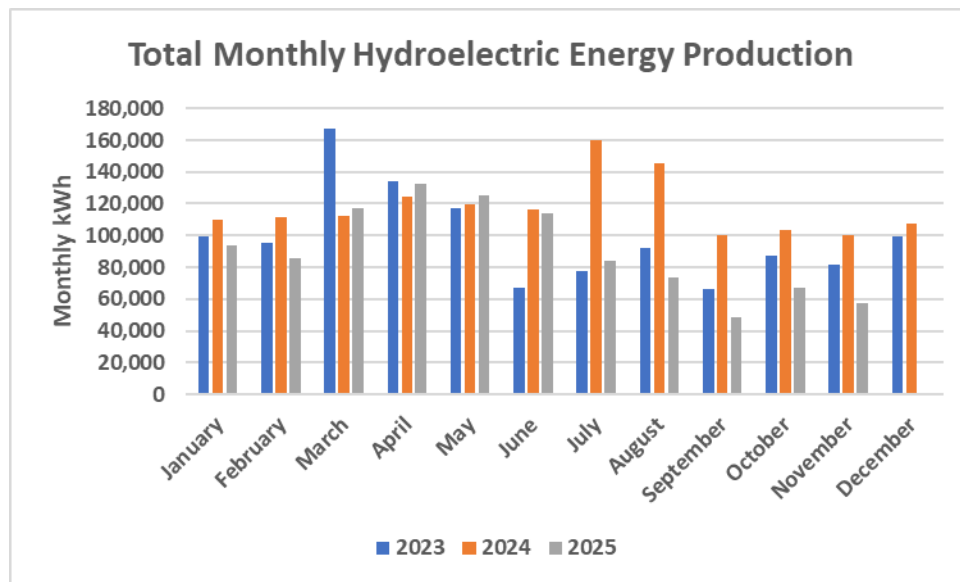
Power Plant Generating Unit Availability is calculated by dividing the total number of hours a generating unit was available for service (whether it was operating or not) by the total number of hours in the time period (month or year). Availability can be tracked for both individual generating units and for all units collectively.

The 2025 Electric Department goal is to meet or exceed a 92% annual availability factor. Through November, collective availability of the five Power Plant generating units was 97.24%, exceeding the 2025 Electric Department goal, with one month remaining in the year.



Generate at least 1,200,000 kWh from Marshall Hydroelectric Project

Through November 2025 hydroelectric energy production totals 999,627 kWh, 83.30% of the annual energy production goal of 1,200,000 kWh, with one month remaining in the year. Kalamazoo River flow has the greatest impact on the facility’s energy production. With less than normal precipitation, the annual energy production goal will not be achieved in 2025. Refer to the production numbers in the bar chart below for comparison purposes. With a return of more normal precipitation, energy production may be expected to increase in 2026.



Maintain competitive rates with Consumers Energy and DTE across all rate classes

In addition to reliable service, competitive electric rates are one of the most critical measures of municipal electric system success. As part of the annual Electric Department Revenue Requirement update presented to City Council earlier this year, rate consultants Courtney & Associates updated electric rate comparisons with Consumers Energy and DTE. With the exception of the largest industrial customers, City of Marshall electric rates remain very

competitive with those of area investor-owned utilities. City of Marshall large customer rates are scheduled to decrease as part of the five-year electric rate plan adopted by Marshall City Council in 2024.

Achieve zero lost time accidents

Through December 15, the Electric Department has experienced zero 2025 lost time accidents.

Develop and Implement Department Organization and Succession Plan

The City of Marshall Electric-FiberNet Department Succession Plan was approved by City Council on April 7, 2025. The Succession Plan recommended two new positions to help ensure smooth transitions in the future—Deputy Director of Electric Utilities and Power Production Superintendent. These two new positions were filled in 2025 with Anthony Darnell (Deputy Director of Electric Utilities) and Matt Powers (Power Production Superintendent).

FiberNet

Finalize Capital Improvement Plan for network components and infrastructure

Significant progress has been made toward modernizing and strengthening the FiberNet network. New core network equipment has been purchased, configured, and installed, providing built-in redundancy to improve reliability and reduce the risk of outages. The network has been reorganized to better manage and isolate different types of traffic, improving performance and stability across the system. In addition, new servers and virtual systems have been deployed to support essential services such as address management, name resolution, and customer speed testing.

Work is also underway to transition FiberNet to a new customer router system using XGS-PON technology, which simplifies both the core network and customer connectivity. This transition will allow unnecessary equipment to be removed from neighborhood network cabinets, significantly reducing maintenance and operational complexity. Over time, this approach will allow many cabinets throughout the city to be fully de-electrified, eliminating aging battery backup systems, cooling equipment, and filtration components that are costly to maintain and, in many cases, already beyond their useful life. These changes position FiberNet for improved reliability, lower operating expenses, and long-term scalability.

Develop and Implement Marketing and Sales program

Before the launch of a new marketing and sales program, we need to address our pricing and tier speeds. A goal for 2026 is to have a cost-of-service study done. Once we have these important pillars in place we can then roll out our new pricing structure, and launch a full marketing campaign.

Develop and Implement Department Organization and Staffing Plan

In October 2025, Anthony Darnell was hired in the new position of Deputy Director of Electric Utilities. Assistant to the Electric Director, Christy Ramey, gained the additional role of FiberNet Business Manager, and with those changes, the FiberNet Department officially moved back under the umbrella of the Electric Director. The department is rounded out with two Fiber Technicians, one Network Engineer, and one part-time customer service representative.

Information Technology

Replace the Citywide telephone system

The City retained the services of Parks Communications Solutions to help guide the City with the development of a request for proposals (RFP) to replace the aged city telephone system. This work was completed in early December. The City will finalize the documentation and work with our new IT providers on a bidding and implementation schedule for 2026.

Review Citywide IT Services contract

In September, the City entered into an agreement with Calhoun County to provide professional services and support for our information technology system citywide. The agreement is for three years, and the transition from the current provider to the County has been seamless and overall, very positive.

Community Development

Adopt the City Master Plan including the Non-Motorized Master Plan

The Master Plan, including the Non-Motorized Plan, has been adopted.

Following the Completion of the Master Plan, review the Zoning Ordinance for updates

Zoning Ordinances will be reviewed upon adoption of the Master Plan. This work has begun and will continue in 2026.

Update Sign Ordinance and Implement updates

The sign ordinance has been revised and was adopted by the Council in the third quarter of 2025.

Achieve Redevelopment Ready Community Certification

The primary items have been completed for RRC recertification and recertification will be achieved as part of zoning ordinance updates in the first quarter of 2026.

Implement the downtown Traffic Calming Project in partnership with MDOT

Due to budget constraints, implementation has been delayed by MDOT until 2026.

Complete the LDFA- Brooks Parcel Inventory Update

The Brooks Parcel Inventory update project was completed. Accurate parcel information is now available, including wetland delineation boundaries. MAEDA marketed the buildable sites, and an interested party has entered into a purchase agreement for all available parcels in the LDFA.

Continue partnership with MAEDA and MEDC to develop the Marshall MAJOR Campus

Ongoing work continues with MAEDA, MDOT, and other partners to identify opportunities in the development of the remaining land on the MAJOR Campus. Recent work includes coordinating with the MAJOR Campus development concept plan to ensure connectivity and non-motorized access while encouraging Industrial development. The goal is to provide input on Zoning Ordinance updates to coordinate with the plan in 2026.

Continue Adaptive Reuse program for the upper floors in the downtown

Five apartments were completed at 125/127 West Michigan Avenue. An apartment is included in the Frentz project on Mansion Street. Three hotel rooms have been completed in the 19 Zero 9 Venue project. Projects at the Masonic Temple, Stagecoach, 211-213 E Michigan and other downtown buildings have been proposed.

Continue Housing Development projects using NIA TIF and other incentives

Development is complete on Forest St using the NE NIA for infrastructure funding. The final house will be permitted in December 2025, ahead of the anticipated completion date of 2026. Infrastructure installation is complete on Valley View Development. Construction of homes is anticipated Spring 2026 once the Master Deed is recorded. Discussions with the County Land Bank regarding the development of the former State Farm property have started.

Significant progress has been made in the South NIA, as several housing units have been constructed and sold. Discussions related to the next phase of the development have started as sales of the duplex product have been robust in the last 12 months. Second half of Rebeccas Street is anticipated to be constructed in 2026. The first phase of the Emerald Hills Development may come for site plan approval in 2026.

The proposed development in Hughes Street received site plan in December 2025 with the expectation that a Brownfield housing incentive will be part of the development. This project has will add 322 housing units in the first phase of development over the next 2-3 years with potential to add significant amount in the coming years.

Overall, housing investment has increased. As part of the push for new housing, the Building Department tracks new home permits pulled:

2025 – 25 new homes permits pulled in town

2024 – 9 new homes permits pulled in town

2025 - 774 Permits issued this year (including Blue Oval) +9 more anticipated

2024 – 566 Permits issued (including Blue Oval)

Investigate opportunities for retail cannabis facilities

No progress has been made as the Master Plan update process did not identify this as a priority. Due to financial revenue sharing from the State, and multiple inquiries from interested growers, this may be worth revisiting under a separate process in 2026.

Complete the improvements to the Athletic Field Expansion/Eaton Park

Construction of the new park is substantially complete. Final work will be completed in the spring of 2026, and upon its completion, we will hold a ribbon cutting thanking our various financial donors and grand opening of the pickleball courts and splashpad at that time.

Pursue the construction of the River District pathway, signage and amenities

A Grant has been secured to fund a 10' wide path to connect the River District and Downtown which will include benches. MAEDA is also looking to coordinate educational signage with this project for completion in 2026.

Develop way-finding signage plans for downtown businesses, City properties and points of interest.

Wayfinding has been identified as a need especially as it relates to locations away from Downtown. This has been identified as a priority in the Master Plan, and a consultant will be engaged to develop a wayfinding plan in 2026.

ITEM: 10.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2025-31 - OPRA DISTRICT ESTABLISHMENT - 211-213 EAST MICHIGAN AVE.**

We have received a request for tax incentives related to the following project that includes both an OPRA and a Brownfield Plan. This request is for the establishment of the OPRA District only. The Brownfield Plan request is separate but that agenda item holds additional information about the proposed project.

OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years. Freezing the taxable value of a property provides an incentive for a property owner to make significant improvements to a building without incurring an increase in property taxes for the period approved by the City.

The plan has been introduced to the DDA/LDFA/BRA, and they have reviewed the project and provided a resolution of support for the project at their December 18th meeting.

As part of their plan, the developer is requesting OPRA district establishment and, subsequently, an OPRA certificate. Tonight a public hearing is held and Council will establish an Obsolete Property Rehabilitation Act (OPRA) District for the associated parcels (listed below).

Developer: Marshall Property Investments, LLC 16660 Sunset Hills Drive, Marshall, MI 49068
Contact: Brad Noel

Location

Parcel ID

211 E. Michigan Avenue 50-001-021-(03,10)

213 E. Michigan Avenue 50-001-021-02

Both buildings are located in the downtown district and were determined functionally obsolete by the City Assessor on April 13, 2025.

Proposed Redevelopment

The project involves full rehabilitation of (2) three-story historic commercial buildings into a mixed-use development featuring:

- 4 first-floor commercial spaces
- 8 upper-floor residential apartments (4 per floor)
- Approximately 12,420 sq. ft. total

- Proposed rehabilitation is expected to involve investment in excess of \$3,000,000. The project will reactivate long-vacant buildings, improve the Michigan Avenue streetscape, and support downtown businesses.

- Buildings are certified as functionally obsolete
- An OPRA would temporarily freeze the taxable value of a property for a period of up to twelve (12) years. The combination of the OPRA and Brownfield plan proposed will reduce taxes for a total of 22 years.
- This incentive supports financial feasibility for a rehabilitation-heavy, mixed-use project.

The proposed resolution regarding the OPRA District establishment has been included for your consideration.

BUDGET IMPACT:

None associated with establishing the district.

RECOMMENDATION:

Approve Resolution 2025-31, A Resolution to establish an OPRA District for 211-213 East Michigan Avenue, and authorize the City Manager and City Clerk to sign the necessary documents.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-31**

**A RESOLUTION TO ESTABLISH AN OBSOLETE PROPERTY REHABILITATION
DISTRICT FOR 211 -213 E. MICHIGAN AVENUE**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Marshall; and

WHEREAS, Marshall Property Investments, LLC has filed a written request with the clerk of the City of Marshall requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 211 & 213 E. Michigan Avenue (Marshall Apartments) located in the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district meets the requirements set forth in section 3 (1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Advisor and/or by public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on January 5, 2026 a public hearing was held and all residents and taxpayers of the City of Marshall were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Marshall to establish the Obsolete Property Rehabilitation District as proposed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL that the following described parcel(s) of land situated in the City of Marshall, County of Calhoun, and the State of Michigan, to wit:

MARSHALL CITY, UPPER VILLAGE E 13 FT OF W 1/2 OF LOT 21 & W 10 FT OF E 1/2 OF LOT 21.EXCEPT THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E ½ OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549). PART OF 2ND FLOOR PUT ON PARCEL 001-021-10 & THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E

1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF
PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549).

MARSHALL CITY, UPPER VILLAGE E 23 FT OF LOT 21.

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 211-213 East Michigan Avenue Obsolete Property Rehabilitation District No.1.

WHEREAS should any section, clause, or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

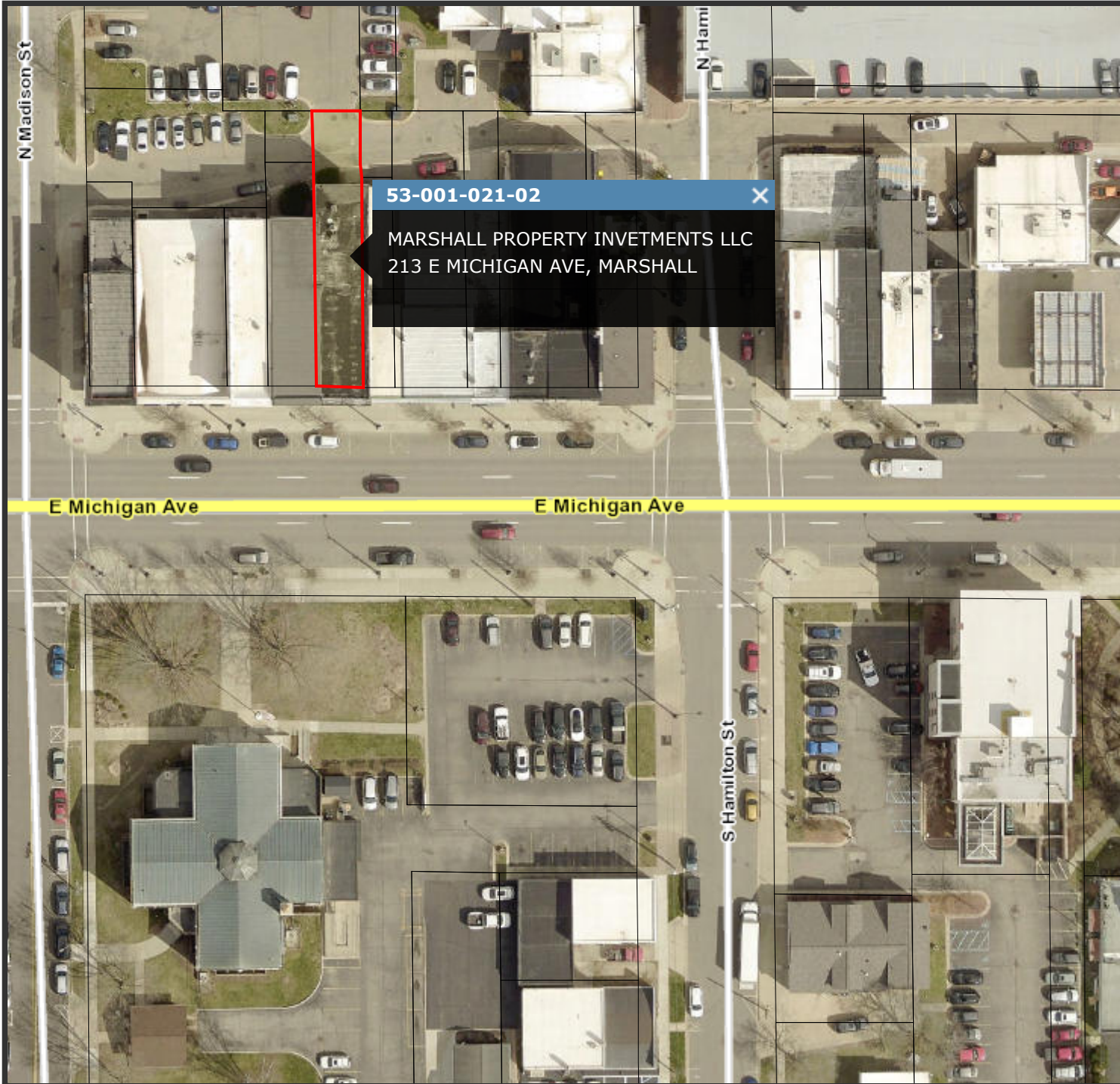
WEREAS All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Resolution declared adopted this 5th day of January 2026.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 5, 2026 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk



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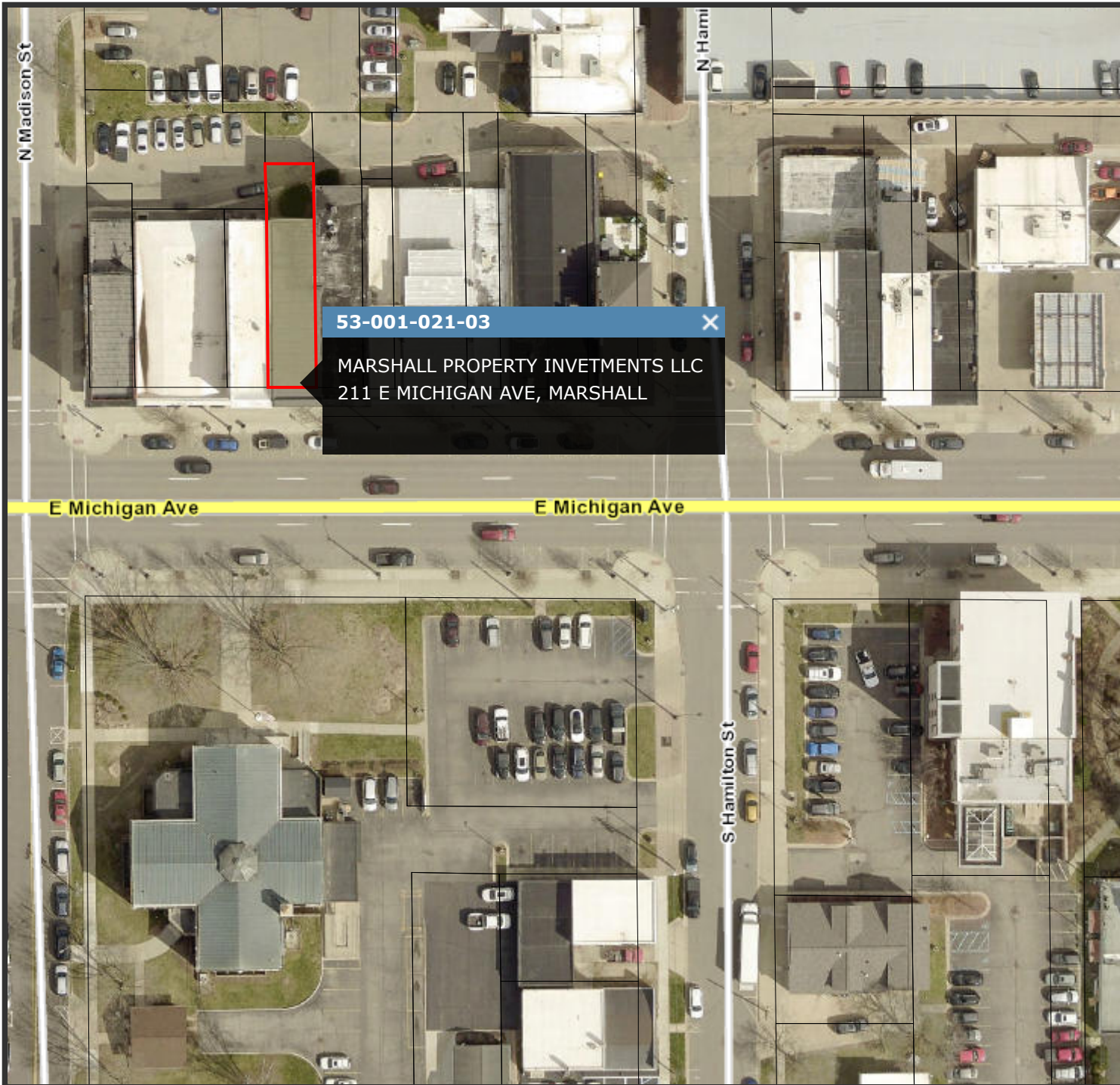


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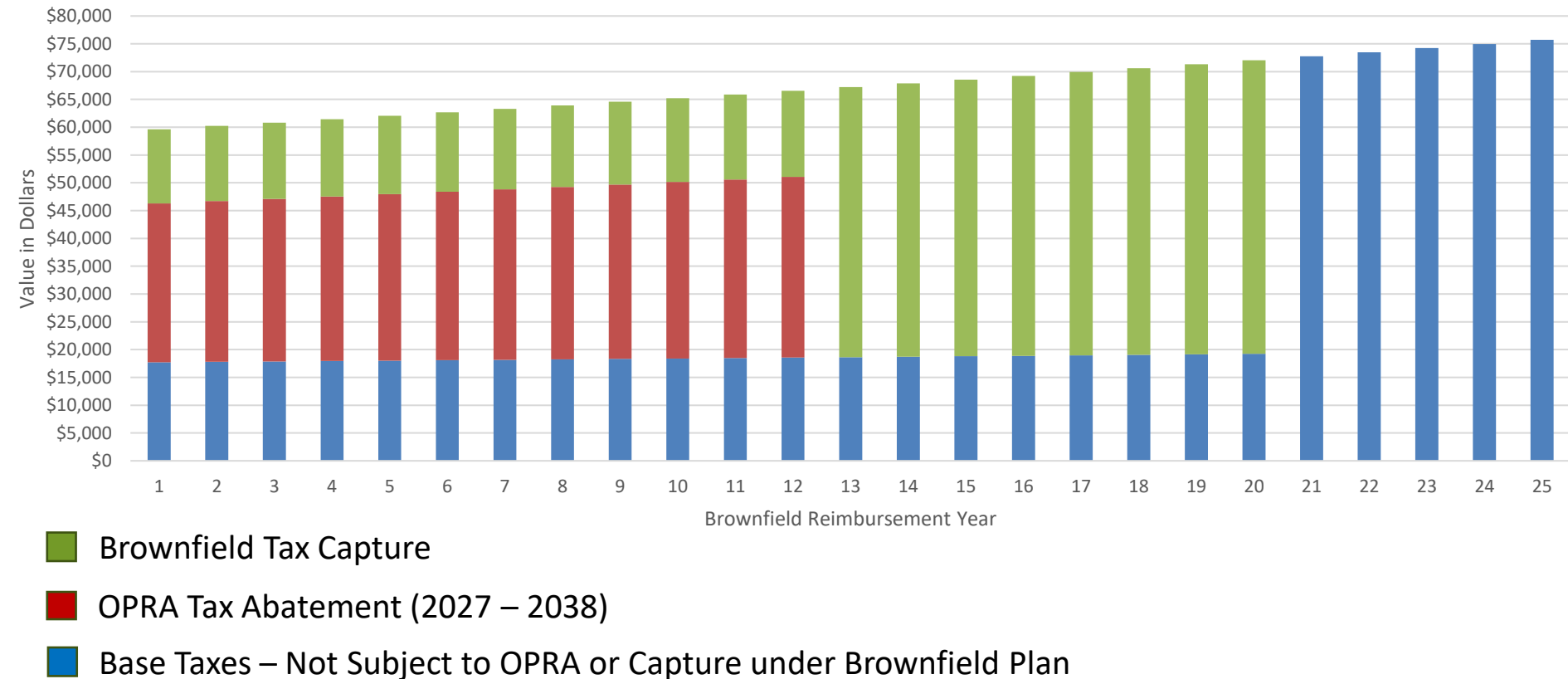
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Tax Capture Representation



Tax Capture Representation

Property Tax Allocation 2027 - 2046	Estimated Value
Brownfield Tax Capture - Developer	\$577,929
Brownfield Tax Capture – State Brownfield Fund	\$43,204
OPRA Tax Abatement	\$365,887
Base Taxes and Debt – Not Captured	\$325,970

ITEM: 10.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2025-32 - BROWNFIELD PLAN REQUEST - 211-213 EAST MICHIGAN AVE.**

We have received a request for tax incentives related to the following project that include both an OPRA and a Brownfield Plan. This request is for the establishment of the Brownfield Plan only.

The plan has been introduced to the DDA/LDFA/BRA and they will be reviewing the project to provide a resolution of support for the project at their December 18th meeting.

As part of their plan, the developer is requesting Brownfield Plan. The first step towards preparing for a Brownfield Plan is to schedule a public hearing to be held January 5th at the 7pm City Council regarding the establishment of a Brownfield Plan for the associated parcels (listed below).

Developer: Marshall Property Investments, LLC 16660 Sunset Hills Drive, Marshall, MI 49068
Contact: Brad Noel

Location

Parcel ID

211 E. Michigan Avenue 50-001-021-(03,10)

213 E. Michigan Avenue 50-001-021-02

Both buildings are located in the downtown district and were determined functionally obsolete by the City Assessor on April 13, 2025.

Proposed Redevelopment

The project involves full rehabilitation of (2) three-story historic commercial buildings into a mixed-use development featuring:

- 4 first-floor commercial spaces
- 8 upper-floor residential apartments (4 per floor)
- Approximately 12,420 sq. ft. total
- Proposed rehabilitation is expected to involve investment in excess of \$3,000,000.

The project will reactivate long-vacant buildings, improve the Michigan Avenue streetscape, and support downtown businesses.

- Buildings are certified as functionally obsolete
- The Brownfield Plan would temporarily pass through property taxes on the rehabilitated structure to reimburse the applicant for qualifying expenses. (The Brownfield Plan

reimbursements really kick in after the OPRA temporarily reduces real property taxes on the rehabilitated structure (12 years) as requested separately). The combination of the OPRA and Brownfield plan proposed will reduce taxes collected for a total of 20 years. A graphic is provided on page 7 of the Brownfield Plan presentation attached.

- This incentive supports financial feasibility for a rehabilitation-heavy, mixed-use project.

BUDGET IMPACT:

The Brownfield Plan delays increases in taxes collected for all taxing entities per the attached plan. Instead, the increases go back to the property owner as reimbursement of qualified expenses.

RECOMMENDATION:

Approve Resolution 2025-32, A Resolution to approve a Brownfield Plan for 211-213 East Michigan Avenue and authorize the City Manager and City Clerk to sign the necessary documents.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-32**

**A RESOLUTION SUPPORTING THE ADOPTION OF A BROWNFIELD PLAN OF FOR
211 -213 E. MICHIGAN AVENUE**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of the City of Marshall (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 3(4) and Section 13 of the Act, has reviewed, adopted, and recommended for approval by the City Council of Marshall, the Brownfield Plan (the "Plan") attached hereto, to be carried out within the City of Marshall, relating to the development of property located at 211-213 East Michigan Avenue, Marshall, Michigan 49068 (the "Site"), as shown in Figures 1 and 2 of the Plan and more particularly described in the legal description of the property contained within the attached Plan; and

WHEREAS, the City of Marshall BRA has reviewed the Plan, and has been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Section 14(5) of the Act; and

WHEREAS, as a result of the review of the Plan the City of Marshall BRA concurs with the approval of the individual Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby determined that it is in the best interest of the City to formally support the Plan pursuant to the procedure in Section 14(8) of the Act 381 of the Public Acts of 1996, as amended; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement and/or by public posting of the hearing on the establishment of the proposed district; and

WHEREAS should any section, clause, or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

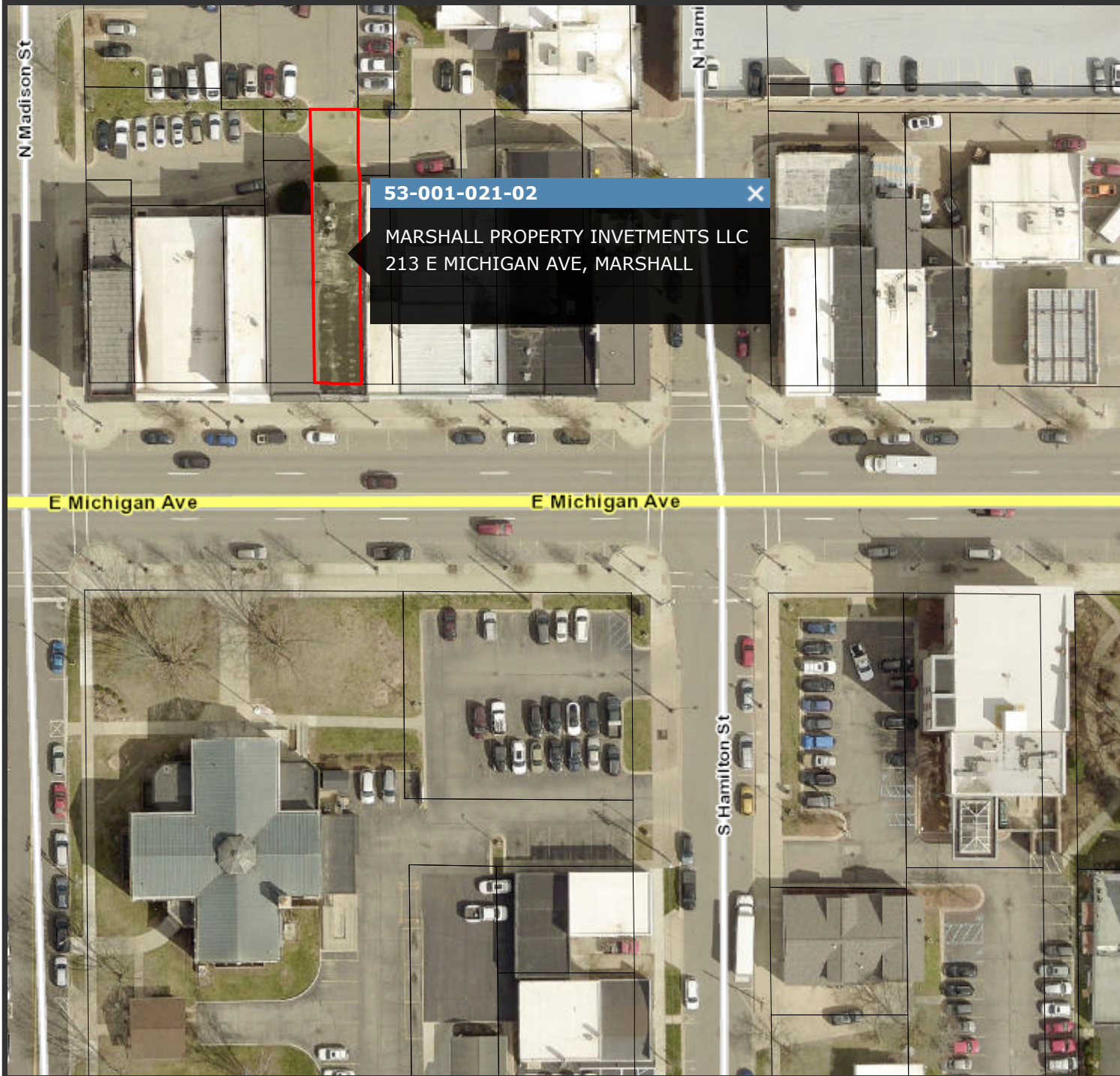
WEREAS All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Resolution declared adopted this 5th day of January 2026.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 5, 2026 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk



Calhoun GIS

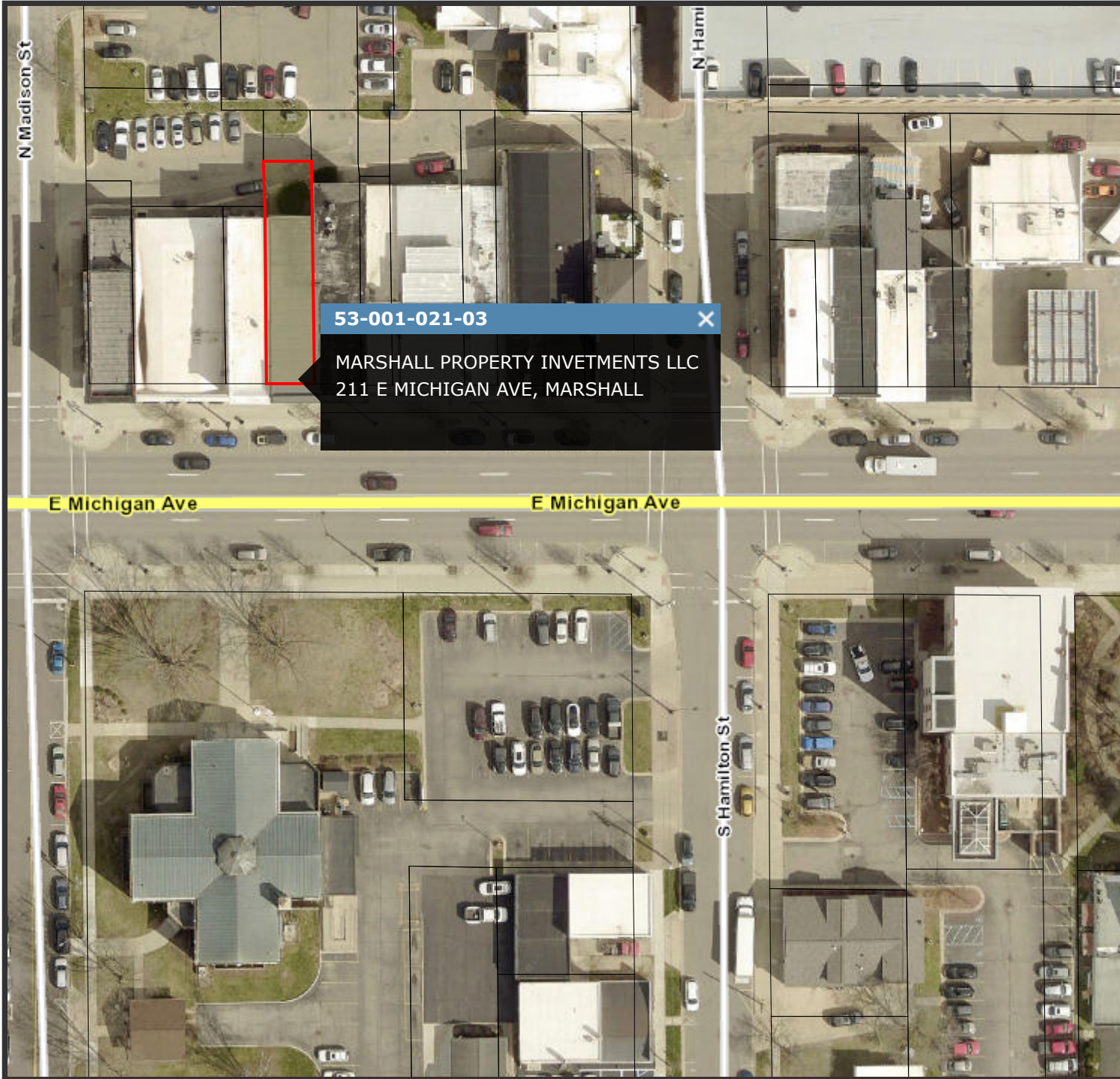


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12.03.25

MEMO: 211-213 Michigan Ave.

To
Downtown
Development
Authority /
Brownfield
Redevelopment
Authority

FROM
City of Marshall –
Community
Development
Department

RE
OPRA and
Brownfield TIF
Overview –
211–213 E.
Michigan Avenue
Redevelopment
Project

Q: What is this project?

A: This project is about fixing up and reusing older downtown buildings that aren't being fully used. The goal is to take buildings that are sitting empty or half-empty and turn them into useful space again (like apartments, offices, or small shops).

Q: Why does this type of project need help?

A: Older buildings often hide expensive problems, like:

- Hidden water damage (rotted wood, mold, weakened floors)
- Old plumbing and wiring (outdated pipes, unsafe wiring that doesn't meet code)
- Outdated heating and cooling systems (old boilers or furnaces that can't be repaired)
- Hazardous materials (asbestos in insulation or ceiling tiles, lead paint)
- New safety rules (sprinklers, fire exits, and accessibility upgrades like ramps or elevators)

These problems often don't show up until construction starts and walls, floors, and ceilings are opened up, which makes costs much harder to predict.

Lenders and investors don't like surprises, so they tend to be more cautious and lend less money when a building is old and has this kind of hidden risk.

That's why tools like Brownfield and OPRA are considered.

Q: Why can't the free market handle this without incentives?

A: The honest answer is simple: the market has already passed. If this project worked financially on its own, someone would have done it already.

These buildings have sat underused because the risks and costs did not match the returns without support. Private investors usually choose easier projects (like new construction on clean sites) because the risks are lower and the timelines are more predictable (therefore more likely to get a better bank loan).

Doing nothing isn't neutral. It usually means continued vacancy, more building deterioration, and fewer opportunities for downtown growth.

Q: What is Brownfield and why is it important here?

A: Brownfield helps pay back some of the most expensive, unavoidable parts of a project, like:

- Environmental cleanup (removing asbestos, mold, lead paint)
- Demolition (tearing out unsafe walls, floors, or ceilings)
- Site work (fixing foundations, drainage, or soil problems)
- Certain structural repairs, when they are needed to fix unsafe, blighted, or obsolete conditions (not just to make the building nicer)

The developer still pays all costs up front. Brownfield works by using a portion of the new property taxes created by the improved building to slowly pay those costs back over time.

Think of it like:

“Help pay back the hardest, most expensive, building-saving work once the project is completed.”

Q: What is OPRA?

A: OPRA stands for ‘Obsolete Property Rehabilitation Act’. It is a temporary reduction in property taxes while an older, obsolete building is being fixed and improved. It doesn’t erase taxes forever, it just lowers them for a few years.

Q: What makes the early years difficult?

A: When the building first opens after construction:

- The owner starts paying back large construction loans immediately
- Apartments or shops don’t fill up right away (units start empty and slowly lease up)
- Maintenance costs are high (new systems need adjustment and repairs pop up)
- Insurance costs are high (because the building is newly renovated and more valuable)

In simple terms: The bills are big before the income is steady.

Q: How do OPRA and Brownfield work together?

A: They fix different problems:

- Brownfield helps pay back the most expensive cleanup and safety work (like asbestos removal and serious structural fixes).
- OPRA makes the tax bill smaller while the business inside the building is still getting established.

Together, they make it more likely the project can be finished and stay financially healthy over the long term.

Q: Does OPRA delay Brownfield?

A: No. Brownfield can start as soon as the improved value appears on the tax roll. OPRA just means there is less tax money available in the early years, so it takes longer to fully pay everything back.

Think of it like: the faucet turns on at the same time, but it starts as a trickle instead of a full stream.

Q: How long can Brownfield last?

A: It depends on the project.

Some projects can go up to 30 years, but state law requires the timeline to be reasonable and based on real costs and realistic tax projections.

Q: Why would the City consider delaying some tax revenue?

A: Because the alternative is not neutral, it is often worse.

Instead of:

- Empty buildings
- Declining downtown activity
- Lower long-term property values

The City can get:

- Active buildings
- More foot traffic
- Stronger local businesses
- Higher long-term tax base

Think of it like: waiting a little now to gain more later.

Q: What is the Board actually deciding?

A: The Board is deciding whether the long-term benefits to downtown are worth the short-term shift in when tax revenue is collected.

Q: What's the bottom line?

A:

- Brownfield helps pay for the hardest, most expensive work (like asbestos cleanup and major safety repairs).
- OPRA helps during the startup phase of the business model.
- The City trades short-term timing for long-term downtown strength.
- The Board decides if that trade makes sense for Marshall.

11.17.25

Memo



211 - 213 Michigan Ave

To

Marcia Strange
Derek Perry
City of Marshall

FROM

Ryan Kilpatrick
Flywheel Companies

RE

211-213 Michigan Ave
Property
Rehabilitation and
Brownfield Request

MEMORANDUM

Overview of Brownfield Plan & OPRA Request – 211 & 213 E. Michigan Avenue (Marshall Apartments)

This memo serves to introduce a Brownfield Plan and OPRA request associated with the redevelopment of 211 and 213 E. Michigan Avenue, “Marshall Apartments”. It summarizes the project, the incentives requested, the eligible activities, total investment, and exactly how and when the developer will be reimbursed.

1. Project Overview

Developer:

Marshall Property Investments, LLC
16660 Sunset Hills Drive, Marshall, MI 49068
Contact: Brad Noel

Location	Parcel ID
211 E. Michigan Avenue	50-001-021-(03,10)
213 E. Michigan Avenue	50-001-021-02

Both buildings are located in the downtown district and were determined functionally obsolete by the City Assessor on April 13, 2025.

Proposed Redevelopment

The project involves full rehabilitation of (2) three-story historic commercial buildings into a mixed-use development featuring:

- 4 first-floor commercial spaces
- 8 upper-floor residential apartments (4 per floor)
- Approximately 12,420 sq. ft. total

The project will reactivate long-vacant buildings, improve the Michigan Avenue streetscape, and support downtown businesses.

Total Estimated Project Investment: \$3,587,015 (includes both reimbursable and non-reimbursable costs)

2. Incentives Requested

A. Obsolete Property Rehabilitation Act (OPRA)

The developer is requesting OPRA district establishment and, subsequently, an OPRA certificate.

- Buildings are certified as functionally obsolete
- OPRA would temporarily reduce real property taxes on the rehabilitated structure (typically up to 12 years)
- This incentive supports financial feasibility for a rehabilitation-heavy, mixed-use project

B. Brownfield Tax Increment Financing (TIF) Plan

The Brownfield Plan requests reimbursement for eligible environmental and redevelopment activities necessary to complete the project.

Total Eligible Activities (Reimbursable): \$577,929

This amount includes:

- EGLE-Eligible Activities:
 - Phase I ESA, Phase II ESA, and reporting
- Michigan Strategic Fund-Eligible Activities:
 - Asbestos survey and abatement
 - Lead-related activities
 - Monitoring and reporting
 - Interior/exterior demolition
- Local/Administrative Costs:
 - Brownfield Plan preparation
 - Act 381 Work Plan preparation and implementation
 - Contingency (up to 15%)
 - 5% simple interest on unreimbursed eligible costs

High-Level Cost Breakdown

- Asbestos/Lead: \$256,605
- Demolition: \$105,000
- Contingency: \$53,321
- Plan/Work Plan Preparation & Implementation: \$35,000
- EGLE Due Diligence: \$11,800
- Interest (5% simple): \$116,203

Total Developer Reimbursement: \$577,929

Total Tax Increment Capture Needed: \$621,132 (includes required State Revolving Fund pass-through)

3. Additional Notes

- This project is also seeking financing support via the Michigan Economic Development Corporation and that financing is contingent upon local support.
- No residents will be displaced; the buildings are currently vacant.
- No relocation assistance is required.
- The redevelopment aligns with downtown revitalization goals and activates long-underutilized structures.
- An inter-local agreement with the DDA will be required if tax increment is allowed to be captured for the brownfield eligible activities
- This Brownfield Plan does not include BRA administrative fees, meaning the Authority is not retaining any portion of the tax increment for its own operations; instead, 100% of the available increment (after required state pass-throughs) is directed toward reimbursing eligible project costs.

4. Next Steps

- Set the public hearing to consider creation of an OPRA District (City Council, December 2, 2025)
- Review the full brownfield plan and consider the amount and duration of the request (DDA & BRA, December 18th, 2025). If approved, forward recommendation to the City Council for final approval.
- Final consideration of the OPRA and Brownfield Plan (City Council, January 5th, 2026).

**CITY OF MARSHALL
BROWNFIELD REDEVELOPMENT AUTHORITY**

BROWNFIELD PLAN

**Marshall Apartments
211 and 213 E. Michigan Avenue
Marshall, Michigan 49068**

Prepared For:

City of Marshall Brownfield Redevelopment Authority
323 W. Michigan Avenue
Marshall, Michigan 49068
Contact: Derek Perry, City Manager
Email: dperry@cityofmarshall.com

Prepared By:

Triterra
1375 S. Washington Avenue, Suite 100
Lansing, Michigan 48910
Contact: Dave Van Haaren | Connor Zook
dave.vanhaaren@triterra.us | connor.zook@triterra.us
Phone: 517-853-2152 | 517-853-2154

September 18, 2025

Approved by the City of Marshall BRA on _____
Concurrence by the City of Marshall DDA on _____
Approved by the City of Marshall City Council on _____

TABLE OF CONTENTS

PROJECT SUMMARY.....	1
1.0 INTRODUCTION	3
1.1 Proposed Redevelopment and Future Use for Each Eligible Property.....	3
1.2 Eligible Property Information	3
1.2.1 Environmental.....	4
1.2.2 Functionally Obsolete	4
1.2.3 Eligibility	4
2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE	5
2.1 Description of Costs to Be Paid with Tax Increment Revenues.....	5
2.2 Summary of Eligible Activities.....	5
2.3 Estimate of Captured Taxable Value and Tax Increment Revenues.....	6
2.4 Method of Financing Plan Costs and Description of Advances by the Municipality .	7
2.5 Maximum Amount of Note or Bonded Indebtedness	7
2.6 Duration of Brownfield Plan	7
2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions	8
2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property	9
2.9 Estimates of Residents and Displacement of Individuals/Families	10
2.10 Plan for Relocation of Displaced Persons	10
2.11 Provisions for Relocation Costs.....	10
2.12 Strategy for Compliance with Michigan’s Relocation Assistance Law	10
2.13 Other Materials that the Authority or Governing Body Considers Pertinent	10

FIGURES

Figure 1: Property Location Map

Figure 2: Eligible Property Boundary Map

TABLES

Table 1: Brownfield Eligible Activities

Table 2: Tax Increment Revenue Capture Estimates

Table 3: Tax Increment Revenue Reimbursement Allocation Table

ATTACHMENTS

Attachment A: Legal Description of the Property

Attachment B: Site Plans

Attachment C: Assessor Statement of Functional Obsolescence

PROJECT SUMMARY

Project Name:	Marshall Apartments
Developer:	Marshall Property Investments, LLC (the “Developer”) 16660 Sunset Hills Drive Marshall, Michigan 49068 Mr. Brad Noel
Property Location:	211 E. Michigan Avenue, Marshall, Michigan 49068 213 E. Michigan Avenue, Marshall, Michigan 49068
Parcel Information:	50-001-021-(03,10) 50-001-021-02
Type of Eligible Property:	“Functionally Obsolete”
Project Description:	A redevelopment of the Property located at 211 and 213 E. Michigan Avenue, Marshall, Calhoun County, Michigan 49068. The project includes the rehabilitation of the two existing three-story former commercial buildings. The buildings will include a total of four commercial spaces on the first floor and eight (4/floor) residential apartments between the second and third floors. Brownfield eligible activities include EGLE Pre-approved activities, asbestos and lead activities, demolition activities, preparation and implementation of a Brownfield Plan and Act 381 Work Plan, and a 5% simple interest.
Total Capital Investment:	Total capital investment is estimated at \$3,587,015 of which \$577,929 is currently proposed for Brownfield Reimbursement to the Developer.
Estimated Job Creation/Retention:	This project is estimated to create 8 temporary construction related jobs and 8 full-time equivalent jobs, post construction, with an average wage of \$15h/hour, centered around the new commercial space operations.

Duration of Plan: The duration of the Plan includes capture of Tax Increment Revenue (TIR) for reimbursement to the Developer for 20 years.

Total Captured Tax Increment Revenue: **\$621,132**

Distribution of New Taxes Paid	Amount
Developer Reimbursement	\$577,929
<i>Sub-Total Reimbursement</i>	<i>\$577,929</i>
State Brownfield Revolving Fund	\$43,204
<i>Sub-Total State Brownfield Revolving Fund</i>	<i>\$43,204</i>
Grand Total	<i>\$621,132</i>

1.0 INTRODUCTION

The City of Marshall Brownfield Redevelopment Authority (the “Authority” or “BRA”), duly established by resolution of the City of Marshall City Council (the “City”), pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, MCLA 125.2651 et. seq., as amended (“Act 381”), is authorized to exercise its powers within the City of Marshall, Michigan.

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The Project is a complete rehabilitation of the two existing three-story, former commercial buildings, totaling 12,420 square feet, on the Property into a new mixed-use building.

The rehabilitated building will include a total of four commercial spaces on the first floor and eight (4/floor) residential apartments between the second and third floors.

The total anticipated investment into the redevelopment project is estimated at \$3,587,015. The development will result in the complete rehabilitation of two functionally obsolete, deteriorating, former commercial buildings in the City of Marshall. This development will dramatically improve the appearance of the Property. The project will significantly increase density to the area and provide additional support to existing retail establishments in the City.

The improvements to the Property will be permanent and significantly increase the taxable value of the Property. These improvements will also assist in increasing the property values of the neighborhood.

The Project would not be possible without financial support through Brownfield tax increment financing (TIF).

This project is estimated to create 8 temporary construction related jobs and 8 full-time equivalent jobs, post construction, with an average wage of \$15h/hour, centered around the new commercial space operations.

1.2 Eligible Property Information

This Plan is presented to support the Developer in the rehabilitation of the existing building, the property of which consists of two parcels, located at 211 and 213 E. Michigan Avenue in Marshall, Calhoun County, Michigan (the “Property”). The location of the Property is depicted in Figure 1.

The Property consists of two parcels of land totaling approximately 0.14 acres. The Property is fully defined in the following table and Section 2.8 of this Brownfield Plan.

Eligible Property		
Address	Tax ID	Basis of Eligibility
211 E. Michigan Avenue	50-001-021-(03,10)	"Functionally Obsolete"
213 E. Michigan Avenue	50-001-021-02	"Functionally Obsolete"

The Property is zoned B-3 (Neighborhood Commercial) and is located within Marshall's Downtown District.

The Property is surrounded by active residential and commercial property. Property layout and boundaries are depicted in Figure 2. The legal description of the Property is included in Attachment A.

By at least 1888, the Property was developed with the two existing three-story commercial buildings with residential units on the upper floor(s). Storage sheds were constructed and/or razed on the northern portion of the Property between at least 1888 and 1931, and the northern portion of the Property has remained paved parking/alleyway since at least 1986. The Property has been occupied by various low-risk commercial office, retail, and/or restaurant operations since at least 1888. The Property buildings are currently vacant/unoccupied.

1.2.1 Environmental

Environmental assessments and investigations (e.g. Phase I ESAs, Phase II ESAs) known to have been performed at the Property occurred in 2025. No contamination is known to exist on the Property.

1.2.2 Functionally Obsolete

On April 13, 2025, Mr. Edward VanderVries, the Assessor for the City of Marshall determined the buildings on the Property to be Functionally Obsolete. Refer to Attachment C, Assessor Statement of Obsolescence.

1.2.3 Eligibility

The Property is considered an "eligible property" as defined by Act 381, Section 2 because: (a) the Property was previously utilized as a commercial property; and (b) has been determined to be "functionally obsolete" as defined in Section 2(u) of Act 381.

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

2.1 Description of Costs to Be Paid with Tax Increment Revenues

The Developer will be reimbursed with the new local and state taxes levied by the Project for the costs of eligible activities necessary to support redevelopment of the Property. The activities that are intended to be carried out at the Property are considered “eligible activities” as defined by Sec 2 of Act 381.

Brownfield eligible activities proposed by the Developer include EGLE Pre-approved activities, asbestos and lead activities, demolition activities, preparation and implementation of a Brownfield Plan and Act 381 Work Plan, and a 5% simple interest.

The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental local and state tax revenues generated by the Property and captured by the BRA, subject to any limitations and conditions described in this Plan and the terms of a Reimbursement Agreement between the Developer and the Authority (the “Reimbursement Agreement”).

2.2 Summary of Eligible Activities

The total cost of activities eligible for Developer reimbursement from tax increment revenues is projected to be \$577,929. The eligible activities are summarized in the table on the following page.

Summary of Eligible Activities	
EGLE Eligible Activities	
Pre-Approved Activities	\$11,800
EGLE Eligible Activities Sub-Total	\$11,800
MSF Eligible Activities	
Asbestos and Lead Activities	\$256,605
Demolition	\$105,000
MSF Eligible Activities Sub-Total	\$361,605
Contingency (up to 15%)	\$53,321
Brownfield Plan and Act 381 Work Plan Preparation	\$20,000
Brownfield Plan and Act 381 Work Plan Implementation	\$15,000
Interest (up to 5% simple)	\$116,203
Total Eligible Cost for Reimbursement	\$577,929

A detailed breakdown of eligible activities is provided in Table 1, Brownfield Eligible Activities.

The costs listed above are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Property. The actual cost of those eligible activities encompassed by this Brownfield Plan that will qualify for reimbursement from tax increment revenues captured by the BRA shall be governed by the terms of a Reimbursement Agreement. No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652).

The Reimbursement Agreement, this Brownfield Plan and the MSF Act 381 Work Plan will dictate the total cost of eligible activities subject to reimbursement. As long as the total cost limit described in this Brownfield Plan and the MSF Act 381 Work Plan is not exceeded, line-item costs of Eligible Activities may be adjusted within, and between, Eligible Activities after the Brownfield Plan is approved.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

The costs of eligible activities included in, and authorized by, this Brownfield Plan will be reimbursed with incremental local tax revenues generated by the Property and captured by the BRA.

The 2025 taxable value of the Property is \$160,700. This is the initial taxable value for this Brownfield Plan.

The projected taxable value is estimated at \$800,000 in 2027. The actual taxable value will be determined by the City Assessor after the development is completed.

It is projected that the BRA will capture tax increment revenues from 2027 through 2046 to allow for reimburse the Developer for eligible activity costs outlined in the Brownfield Plan.

The estimated taxable value and estimated tax increment revenue by year and in aggregate for this Project are presented in Table 2, Tax Increment Revenue Capture Estimates, and Table 3, Tax Increment Revenue Allocation Table.

The captured incremental taxable value and associated tax increment revenue will be based on the actual increased taxable value from all real and personal taxable improvements on the Property as determined by the local assessor and the actual millage rates levied by the various taxing jurisdictions during each year of the plan. The actual tax increment captured will be based on taxable value set through the property assessment process by the local unit of government and the millage rates set each year by the taxing jurisdictions.

The DDA has the authority to capture tax increment revenues, other than the State Education Tax and local or intermediate school district taxes, generated from the Property. However, it is anticipated that an Interlocal Agreement will be executed between the BRA

and DDA, to allow 100% of the DDA's incremental revenue to be passed through the BRA and used for purposes identified in the Brownfield Plan.

2.4 Method of Financing Plan Costs and Description of Advances by the Municipality

The Developer is ultimately responsible for financing the costs of its specific eligible activities included in this Plan. The BRA will not advance any funds to finance the Developer eligible activities described in this Plan. All Plan financing commitments and activities and cost reimbursements authorized under this Plan shall be governed by the Reimbursement Agreement. The inclusion of eligible activities and estimates of costs to be reimbursed in this Plan is intended to authorize the BRA to fund such reimbursement. The amount and source of any tax increment revenues that will be used for purposes authorized by this Plan, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Plan, will be provided solely under the Reimbursement Agreement contemplated by this Plan.

Reimbursements under the Reimbursement Agreement shall not exceed the cost of eligible activities and reimbursement limits described in this Brownfield Plan.

2.5 Maximum Amount of Note or Bonded Indebtedness

Eligible activities are to be financed by the Developer. The BRA will not incur any note or bonded indebtedness to finance Brownfield eligible activities outlined in this Brownfield Plan.

2.6 Duration of Brownfield Plan

The duration of this Plan is projected to be 22 years total with 20 years of tax capture after the first year of tax capture anticipated as 2027. The duration of the Plan includes 20 years of Tax Increment Revenue (TIR) capture for reimbursement to the Developer.

In no event shall the duration of the Plan exceed 35 years following the date of the resolution approving the Plan, nor shall the duration of the tax capture exceed the lesser of the period authorized under subsections (4) and (5) of Section 13 of Act 381 or 30 years, except as authorized by those subsections or other provisions of Act 381. Further, in no event shall the beginning date of the capture of tax increment revenues be later than five years after the date of the resolution approving the Plan.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

The following table presents a summary of the new tax revenues generated by the taxing jurisdictions whose millage is subject to capture by the BRA under this Brownfield Plan. These are estimations based on the components of the proposed redevelopment.

Projected Impact to Taxing Jurisdictions			
Taxing Unit	New Taxes to Taxing Units	New Taxes Captured for Developer Reimbursement	Total New Taxes
School Operating		\$256,763	\$256,763
State Education Tax (SET)		\$86,407	\$86,407
County Veterans		\$621	\$621
Parks		\$1,241	\$1,241
Medical Care		\$1,543	\$1,543
MSL Ambulance Authority		\$4,335	\$4,335
City Leaf/Brush		\$4,586	\$4,586
Senior Millage		\$4,625	\$4,625
City Rec		\$5,608	\$5,608
Dial-A-Ride		\$5,608	\$5,608
County 911		\$6,092	\$6,092
School Sinking Fund		\$6,204	\$6,204
D.D.A		\$9,668	\$9,668
Library Operating		\$10,258	\$10,258
Tacc - Transit		\$16,538	\$16,538
K.C.C.		\$22,450	\$22,450
County General		\$33,382	\$33,382
Calhoun I.S.D.		\$38,497	\$38,497
City General		\$106,706	\$106,706
School Debt	\$57,605		\$57,605
City Roads Debt	\$28,802		\$28,802
Total	\$86,407 (12.2%)	\$621,132 (87.8%)	\$707,539

Impact to specific taxing jurisdictions is further presented in Table 2, Tax Increment Revenue Capture Estimates, and a schedule of tax increment revenue is presented in Table 3, Tax Increment Revenue Allocation Table.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

BS&A Parcel Reports with tax/legal descriptions of the Property is provided in Attachment A. The general Property location and boundaries are shown in Figure 2.

The subject Property includes all tangible personal property that now or in the future comes to be owned or installed on the Property by the Developer or occupants.

Eligible Property		
Address	Tax ID	Legal Description
211 E. Michigan Avenue	50-001-021-(03,10)	MARSHALL CITY, UPPER VILLAGE E 13 FT OF W 1/2 OF LOT 21 & W 10 FT OF E 1/2 OF LOT 21.EXCEPT THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALLSPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549). PART OF 2ND FLOOR PUT ON PARCEL 001-021-10 & THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THEUPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549).
213 E. Michigan Avenue	50-001-021-02	MARSHALL CITY, UPPER VILLAGE E 23 FT OF LOT 21.

The general Property location and characteristics are described in Section 3.0 and depicted on Figures 1 and 2.

The Property is considered an “eligible property” as defined by Act 381, Section 2 because: (a) the Property was previously utilized as a commercial property; and (b) has been determined to be “functionally obsolete” as defined in Section 2(u) of Act 381.

The subject Property includes all tangible personal property that now or in the future comes to be owned or installed on the Property by the Developer or occupants.

2.9 Estimates of Residents and Displacement of Individuals/Families

No occupied residences are involved in the redevelopment, no persons reside at the Property, and no families or individuals will be displaced as a result of this development.

2.10 Plan for Relocation of Displaced Persons

No persons will be displaced as a result of this development. Therefore, a plan for relocation of displaced persons is not applicable and is not needed for this Brownfield Plan.

2.11 Provisions for Relocation Costs

No persons will be displaced as a result of this development, and no relocation costs will be incurred. Therefore, provision for relocation costs is not applicable and is not needed for this Brownfield Plan.

2.12 Strategy for Compliance with Michigan’s Relocation Assistance Law

No persons will be displaced as result of this development. Therefore, no relocation assistance strategy is needed for this Brownfield Plan.

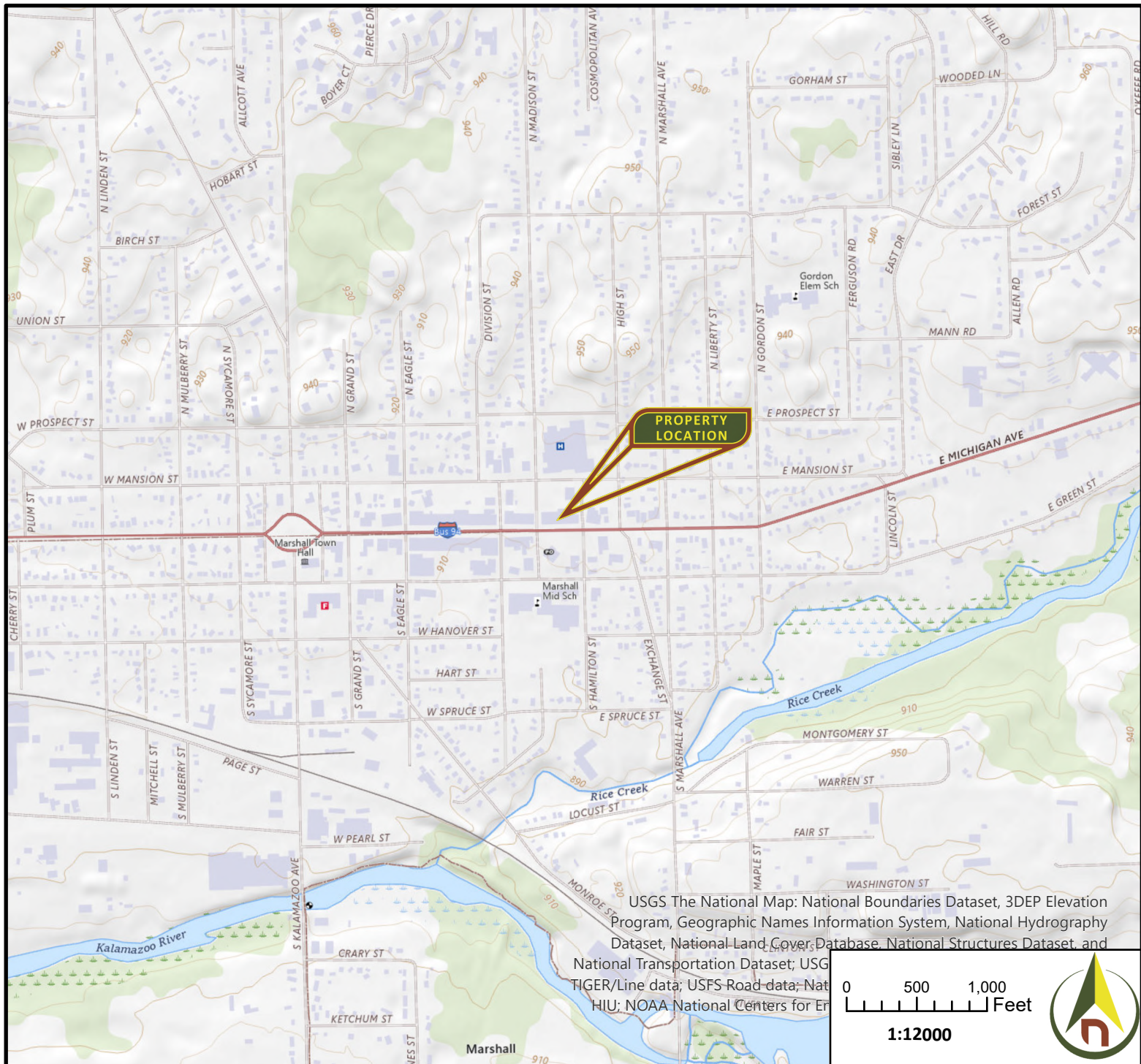
2.13 Other Materials that the Authority or Governing Body Considers Pertinent

The Authority, with the concurrence of the City of Marshall City Council, as the governing body, in accordance with the Act, may amend this Brownfield Plan in the future in order to fund additional eligible activities associated with the Project or subject property described herein.

FIGURES

Figure 1: Property Location Map

Figure 2: Eligible Property Boundary Map



TRI TERRA

FIGURE 1 SUBJECT PROPERTY LOCATION

211 & 213 E. MICHIGAN AVENUE,
MARSHALL, MICHIGAN 49068

CALHOUN COUNTY
T02S, R06W, SECTION 25

PROJECT NUMBER 25-4083





	FIGURE 2	211-213 E. MICHIGAN AVENUE MARSHALL, MICHIGAN 49068
	ELIGIBLE PROPERTY BOUNDARY MAP	
PROJECT NUMBER: 25-4083	DATE: 03/24/2025	DIAGRAM CREATED BY: CJZ

TABLES

Table 1: Brownfield Eligible Activities

Table 2: Tax Increment Revenue Capture Estimates

Table 3: Tax Increment Revenue Reimbursement Allocation Table

Table 1
Brownfield Eligible Activities
211-213 E. Michigan Avenue
Marshall, Michigan

					REIMBURSEMENT ALLOCATION		
ELIGIBLE ACTIVITIES	NO. OF UNITS	UNIT TYPE	UNIT RATE	ESTIMATED TOTAL COST	EGLE ACTIVITIES	MSF ACTIVITIES	LOCAL-ONLY ACTIVITIES
EGLE ELIGIBLE ACTIVITIES							
Pre-Approved Activities							
Phase I Environmental Site Assessments	1	LS	\$ 3,000	\$ 3,000	\$ 3,000		
Phase II Site Investigations	1	LS	\$ 6,300	\$ 6,300	\$ 6,300		
Phase II Reporting	1	LS	\$ 2,500	\$ 2,500	\$ 2,500		
EGLE ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 11,800	\$ 11,800	\$ -	\$ -
MSF ELIGIBLE ACTIVITIES							
Asbestos and Lead Activities							
Asbestos - Survey/Assessment	1	LS	\$ 6,135	\$ 6,135		\$ 6,135	
Asbestos - Abatement	1	LS	\$ 198,650	\$ 198,650		\$ 198,650	
Asbestos - Abatement Air Monitoring	1	LS	\$ 38,670	\$ 38,670		\$ 38,670	
Asbestos - Abatement Reporting	1	LS	\$ 1,250	\$ 1,250		\$ 1,250	
Abestos Abatement - Soft Costs	1	LS	\$ 11,900	\$ 11,900		\$ 11,900	
Subtotal Asbestos and Lead Activities				\$ 256,605		\$ 256,605	\$ -
Demolition							
Demolition - Building Interior and Exterior	1	LS	\$ 100,000	\$ 100,000		\$ 100,000	
Demolition - Soft Costs	1	LS	\$ 5,000	\$ 5,000		\$ 5,000	
Subtotal Demolition Activities				\$ 105,000	\$ -	\$ 105,000	\$ -
MSF ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 361,605	\$ -	\$ 361,605	\$ -
MSF AND EGLE ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 373,405	\$ 11,800	\$ 361,605	\$ -
Contingency (up to 15%)				\$ 53,321	\$ -	\$ 53,321	\$ -
Brownfield Plan and Act 381 Work Plan Preparation	1	LS	\$ 20,000	\$ 20,000		\$ 20,000	
Brownfield Plan Implementation	1	LS	\$ 15,000	\$ 15,000		\$ 15,000	
Interest (up to 5%, simple)				\$ 116,203	\$ -	\$ 116,203	
TOTAL ELIGIBLE COST FOR REIMBURSEMENT				\$ 577,929	\$ 11,800	\$ 566,129	\$ -
State Brownfield Revolving Fund				\$ 43,204			
GRAND TOTAL				\$ 621,132			
					2.04%	97.96%	0.00%

NOTES:

These costs and revenue projections should be considered approximate estimates based on expected conditions and available information.

It cannot be guaranteed that the costs and revenue projections will not vary from these estimates.

Costs for Phase I ESAs, Phase II ESAs, Asbestos Surveys, Brownfield Plan are excluded from contingency calculation.

Table 2
Tax Increment Revenue Capture Estimates
211-213 E. Michigan Avenue
Marshall, MI

Estimated Taxable Value (TV) Increase Rate:		1% per year									
	Calendar Year	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
	Plan Year	3	4	5	6	7	8	9	10	11	12
	Capture Year	1	2	3	4	5	6	7	8	9	10
Base Taxable Value (TV) of Land		\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600
Base Taxable Value (TV) of Building		\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100
Estimated New TV for Land		\$ 42,016	\$ 42,436	\$ 42,861	\$ 43,289	\$ 43,722	\$ 44,159	\$ 44,601	\$ 45,047	\$ 45,497	\$ 45,952
Estimated New TV for Building		\$ 757,984	\$ 765,564	\$ 773,219	\$ 780,952	\$ 788,761	\$ 796,649	\$ 804,615	\$ 812,661	\$ 820,788	\$ 828,996
Incremental Difference for Land (New TV - Base TV)		\$ 416	\$ 836	\$ 1,261	\$ 1,689	\$ 2,122	\$ 2,559	\$ 3,001	\$ 3,447	\$ 3,897	\$ 4,352
Incremental Difference for Building (New TV - Base TV)		\$ 638,884	\$ 646,464	\$ 654,119	\$ 661,852	\$ 669,661	\$ 677,549	\$ 685,515	\$ 693,561	\$ 701,688	\$ 709,896
Total Incremental Difference		\$ 639,300	\$ 647,300	\$ 655,380	\$ 663,541	\$ 671,783	\$ 680,108	\$ 688,516	\$ 697,008	\$ 705,585	\$ 714,248

School Capture		Millage Rate										
School Operating	17.8293	\$	11,398	\$	11,541	\$	11,685	\$	11,830	\$	11,977	\$ 12,126
State Education Tax (SET)	6.0000	\$	3,836	\$	3,884	\$	3,932	\$	3,981	\$	4,031	\$ 4,081
School Total:	23.8293	34.77%	\$ 15,234	\$	15,425	\$	15,617	\$	15,812	\$	16,008	\$ 16,206
										\$ 16,407	\$	16,609
											\$ 16,814	\$ 17,020

Local Capture		Millage Rate										
County Veterans	0.0999	\$	0	\$	0	\$	0	\$	0	\$	0	\$ 0
Parks	0.1996	\$	0	\$	0	\$	0	\$	1	\$	1	\$ 1
Medical Care	0.2481	\$	0	\$	0	\$	0	\$	1	\$	1	\$ 1
MSL Ambulance Authority	0.6973	\$	0	\$	1	\$	1	\$	1	\$	2	\$ 3
City Leaf/Brush	0.7376	\$	0	\$	1	\$	1	\$	2	\$	2	\$ 3
Senior Millage	0.7439	\$	0	\$	1	\$	1	\$	2	\$	2	\$ 3
City Rec	0.9020	\$	0	\$	1	\$	1	\$	2	\$	3	\$ 4
Dial-A-Ride	0.9020	\$	0	\$	1	\$	1	\$	2	\$	3	\$ 4
County 911	0.9799	\$	0	\$	1	\$	1	\$	2	\$	3	\$ 4
School Sinking Fund	0.9978	\$	0	\$	1	\$	1	\$	2	\$	3	\$ 4
D.D.A	1.5551	\$	1	\$	1	\$	2	\$	3	\$	4	\$ 5
Library Operating	1.6499	\$	1	\$	1	\$	2	\$	3	\$	4	\$ 5
Tacc - Transit	2.6600	\$	1	\$	2	\$	3	\$	4	\$	7	\$ 8
K.C.C.	3.6109	\$	2	\$	3	\$	5	\$	6	\$	9	\$ 11
County General	5.3692	\$	2	\$	4	\$	7	\$	9	\$	14	\$ 16
Calhoun I.S.D.	6.1919	\$	3	\$	5	\$	8	\$	10	\$	13	\$ 16
City General	17.1629	\$	7	\$	14	\$	22	\$	29	\$	36	\$ 44
Local Total:	44.7080	65.23%	\$ 19	\$	37	\$	56	\$	76	\$	95	\$ 114
Total Capturable Taxes:	68.5373	100.00%	\$ 15,253	\$	15,462	\$	15,674	\$	15,887	\$	16,103	\$ 16,321
											\$ 16,541	\$ 16,763
											\$ 16,988	\$ 17,215

Non-Capturable Millages		Millage Rate										
School Debt	4.0000	\$	2,557	\$	2,589	\$	2,622	\$	2,654	\$	2,687	\$ 2,720
City Roads Debt	2.0000	\$	1,279	\$	1,295	\$	1,311	\$	1,327	\$	1,344	\$ 1,360
Total Non-Capturable Taxes:	6.0000	\$	3,836	\$	3,884	\$	3,932	\$	3,981	\$	4,031	\$ 4,081
											\$ 4,131	\$ 4,182
											\$ 4,234	\$ 4,285

Notes:
= PA 146 Obsolete Property Rehabilitation Act Abatement 2026 - 2037

Table 2
Tax Increment Revenue Capture Estimates
211-213 E. Michigan Avenue
Marshall, MI

Estimated Taxable Value (TV) Increase Rate:		1%									
Calendar Year		2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
Plan Year		13	14	15	16	17	18	19	20	21	22
Capture Year		11	12	13	14	15	16	17	18	19	20
Base Taxable Value (TV) of Land		\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600	\$ 41,600
Base Taxable Value (TV) of Building		\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100	\$ 119,100
Estimated New TV for Land		\$ 46,412	\$ 46,876	\$ 47,345	\$ 47,818	\$ 48,296	\$ 48,779	\$ 49,267	\$ 49,760	\$ 50,257	\$ 50,760
Estimated New TV for Building		\$ 837,286	\$ 845,659	\$ 854,115	\$ 862,656	\$ 871,283	\$ 879,996	\$ 888,796	\$ 897,684	\$ 906,661	\$ 915,727
Incremental Difference for Land (New TV - Base TV)		\$ 4,812	\$ 5,276	\$ 5,745	\$ 6,218	\$ 6,696	\$ 7,179	\$ 7,667	\$ 8,160	\$ 8,657	\$ 9,160
Incremental Difference for Building (New TV - Base TV)		\$ 718,186	\$ 726,559	\$ 735,015	\$ 743,556	\$ 752,183	\$ 760,896	\$ 769,696	\$ 778,584	\$ 787,561	\$ 796,627
Total Incremental Difference		\$ 722,998	\$ 731,835	\$ 740,760	\$ 749,775	\$ 758,879	\$ 768,075	\$ 777,363	\$ 786,744	\$ 796,218	\$ 805,787

School Capture		Millage Rate									
School Operating		17.8293		\$ 12,891	\$ 13,048	\$ 13,207	\$ 13,368	\$ 13,530	\$ 13,694	\$ 13,860	\$ 14,027
State Education Tax (SET)		6.0000		\$ 4,338	\$ 4,391	\$ 4,445	\$ 4,499	\$ 4,553	\$ 4,608	\$ 4,664	\$ 4,720
School Total:		23.8293	34.77%	\$ 17,229	\$ 17,439	\$ 17,652	\$ 17,867	\$ 18,084	\$ 18,303	\$ 18,524	\$ 18,748
				\$ 17,229	\$ 17,439	\$ 17,652	\$ 17,867	\$ 18,084	\$ 18,303	\$ 18,524	\$ 18,748

Total New Taxes	Pass-Through	Captured
\$ 256,763	\$ -	\$ 256,763
\$ 86,407	\$ -	\$ 86,407
\$ 343,171	\$ -	\$ 343,171

Local Capture		Millage Rate									
County Veterans		0.0999		\$ 0	\$ 1	\$ 74	\$ 75	\$ 76	\$ 77	\$ 78	\$ 79
Parks		0.1996		\$ 1	\$ 1	\$ 148	\$ 150	\$ 151	\$ 153	\$ 155	\$ 157
Medical Care		0.2481		\$ 1	\$ 1	\$ 184	\$ 186	\$ 188	\$ 191	\$ 193	\$ 195
MSL Ambulance Authority		0.6973		\$ 3	\$ 4	\$ 517	\$ 523	\$ 529	\$ 536	\$ 542	\$ 549
City Leaf/Brush		0.7376		\$ 4	\$ 4	\$ 546	\$ 553	\$ 560	\$ 567	\$ 573	\$ 580
Senior Millage		0.7439		\$ 4	\$ 4	\$ 551	\$ 558	\$ 565	\$ 571	\$ 578	\$ 585
City Rec		0.9020		\$ 4	\$ 5	\$ 668	\$ 676	\$ 685	\$ 693	\$ 701	\$ 710
Dial-A-Ride		0.9020		\$ 4	\$ 5	\$ 668	\$ 676	\$ 685	\$ 693	\$ 701	\$ 710
County 911		0.9799		\$ 5	\$ 5	\$ 726	\$ 735	\$ 744	\$ 753	\$ 762	\$ 771
School Sinking Fund		0.9978		\$ 5	\$ 5	\$ 739	\$ 748	\$ 757	\$ 766	\$ 776	\$ 785
D.D.A		1.5551		\$ 7	\$ 8	\$ 1,152	\$ 1,166	\$ 1,180	\$ 1,194	\$ 1,209	\$ 1,223
Library Operating		1.6499		\$ 8	\$ 9	\$ 1,222	\$ 1,237	\$ 1,252	\$ 1,267	\$ 1,283	\$ 1,298
Tacc - Transit		2.6600		\$ 13	\$ 14	\$ 1,970	\$ 1,994	\$ 2,019	\$ 2,043	\$ 2,068	\$ 2,093
K.C.C.		3.6109		\$ 17	\$ 19	\$ 2,675	\$ 2,707	\$ 2,740	\$ 2,773	\$ 2,807	\$ 2,841
County General		5.3692		\$ 26	\$ 28	\$ 3,977	\$ 4,026	\$ 4,075	\$ 4,124	\$ 4,174	\$ 4,224
Calhoun I.S.D.		6.1919		\$ 30	\$ 33	\$ 4,587	\$ 4,643	\$ 4,699	\$ 4,756	\$ 4,813	\$ 4,871
City General		17.1629		\$ 83	\$ 91	\$ 12,714	\$ 12,868	\$ 13,025	\$ 13,182	\$ 13,342	\$ 13,503
Local Total:		44.7080	65.23%	\$ 215	\$ 236	\$ 33,118	\$ 33,521	\$ 33,928	\$ 34,339	\$ 34,754	\$ 35,174
Total Capturable Taxes:		68.5373	100.00%	\$ 17,444	\$ 17,675	\$ 50,770	\$ 51,388	\$ 52,012	\$ 52,642	\$ 53,278	\$ 53,921
				\$ 17,444	\$ 17,675	\$ 50,770	\$ 51,388	\$ 52,012	\$ 52,642	\$ 53,278	\$ 53,921

\$ 621	\$ -	\$ 621
\$ 1,241	\$ -	\$ 1,241
\$ 1,543	\$ -	\$ 1,543
\$ 4,335	\$ -	\$ 4,335
\$ 4,586	\$ -	\$ 4,586
\$ 4,625	\$ -	\$ 4,625
\$ 5,608	\$ -	\$ 5,608
\$ 5,608	\$ -	\$ 5,608
\$ 6,092	\$ -	\$ 6,092
\$ 6,204	\$ -	\$ 6,204
\$ 9,668	\$ -	\$ 9,668
\$ 10,258	\$ -	\$ 10,258
\$ 16,538	\$ -	\$ 16,538
\$ 22,450	\$ -	\$ 22,450
\$ 33,382	\$ -	\$ 33,382
\$ 38,497	\$ -	\$ 38,497
\$ 106,706	\$ -	\$ 106,706
\$ 277,962	\$ -	\$ 277,962
\$ 621,132	\$ -	\$ 621,132

Non-Capturable Millages		Millage Rate									
School Debt		4.0000		\$ 2,892	\$ 2,927	\$ 2,963	\$ 2,999	\$ 3,036	\$ 3,072	\$ 3,109	\$ 3,147
City Roads Debt		2.0000		\$ 1,446	\$ 1,464	\$ 1,482	\$ 1,500	\$ 1,518	\$ 1,536	\$ 1,555	\$ 1,573
Total Non-Capturable Taxes:		6.0000		\$ 4,338	\$ 4,391	\$ 4,445	\$ 4,499	\$ 4,553	\$ 4,608	\$ 4,664	\$ 4,720
				\$ 4,338	\$ 4,391	\$ 4,445	\$ 4,499	\$ 4,553	\$ 4,608	\$ 4,664	\$ 4,720

\$ 57,605	\$ 57,605	\$ -
\$ 28,802	\$ 28,802	\$ -
\$ 86,407	\$ 86,407	\$ -

\$ 707,539	\$ 86,407	\$ 621,132
------------	-----------	------------

Table 3
Tax Increment Revenue Reimbursement Allocation Table
211-213 E. Michigan Avenue
Marshall, Michigan

Developer/City Projected Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	51.9%	\$ 299,967	\$ -	\$ 299,967
Local	48.1%	\$ 277,962	\$ -	\$ 277,962
TOTAL		\$ 577,929	\$ -	\$ 577,929
EGLE	2.2%	\$ 12,906		
MSF	97.8%	\$ 565,022		

Estimated Total Years of Plan:	20
--------------------------------	----

Calendar Year	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Plan Year	2	3	4	5	6	7	8	9	10	11
Capture Year	1	2	3	4	5	6	7	8	9	10

Available Tax Increment Revenue (TIR)										
Total State Tax Capture Available	\$ 15,234	\$ 15,425	\$ 15,617	\$ 15,812	\$ 16,008	\$ 16,206	\$ 16,407	\$ 16,609	\$ 16,814	\$ 17,020
Capture for State Brownfield Revolving Fund (3 mills of SET) (25-Yrs)	\$ 1,918	\$ 1,942	\$ 1,966	\$ 1,991	\$ 2,015	\$ 2,040	\$ 2,066	\$ 2,091	\$ 2,117	\$ 2,143
State TIR Available for Reimbursement to Developer	\$ 13,316	\$ 13,483	\$ 13,651	\$ 13,821	\$ 13,993	\$ 14,166	\$ 14,341	\$ 14,518	\$ 14,697	\$ 14,877
Total Local Tax Capture Available	\$ 19	\$ 37	\$ 56	\$ 76	\$ 95	\$ 114	\$ 134	\$ 154	\$ 174	\$ 195
Local TIR Available for Reimbursement to Developer	\$ 19	\$ 37	\$ 56	\$ 76	\$ 95	\$ 114	\$ 134	\$ 154	\$ 174	\$ 195
Total State & Local TIR Available for Reimbursement to Developer	\$ 13,335	\$ 13,520	\$ 13,707	\$ 13,897	\$ 14,088	\$ 14,281	\$ 14,475	\$ 14,672	\$ 14,871	\$ 15,072

DEVELOPER	Beginning Balance														
	\$ 577,929	\$ 564,594	\$ 551,074	\$ 537,366	\$ 523,469	\$ 509,382	\$ 495,101	\$ 480,626	\$ 465,953	\$ 451,082	\$ 436,011				
MSF Eligible Activities	\$ 565,022	\$ 551,985	\$ 538,767	\$ 525,366	\$ 511,780	\$ 498,007	\$ 484,045	\$ 469,893	\$ 455,548	\$ 441,009	\$ 426,274				
State Tax Reimbursement	\$ 293,268	\$ 13,019	\$ 13,182	\$ 13,346	\$ 13,512	\$ 13,680	\$ 13,850	\$ 14,021	\$ 14,194	\$ 14,369	\$ 14,545				
Local Tax Reimbursement	\$ 271,754	\$ 18	\$ 37	\$ 55	\$ 74	\$ 93	\$ 112	\$ 131	\$ 151	\$ 170	\$ 190				
EGLE Eligible Activities	\$ 12,906	\$ 12,608	\$ 12,306	\$ 12,000	\$ 11,690	\$ 11,375	\$ 11,056	\$ 10,733	\$ 10,405	\$ 10,073	\$ 9,737				
State Tax Reimbursement	\$ 6,699	\$ 297	\$ 301	\$ 305	\$ 309	\$ 312	\$ 316	\$ 320	\$ 324	\$ 328	\$ 332				
Local Tax Reimbursement	\$ 6,207	\$ 0	\$ 1	\$ 1	\$ 2	\$ 2	\$ 3	\$ 3	\$ 3	\$ 4	\$ 4				
TOTAL ANNUAL DEVELOPER REIMBURSEMENT		\$ 13,335	\$ 13,520	\$ 13,707	\$ 13,897	\$ 14,088	\$ 14,281	\$ 14,475	\$ 14,672	\$ 14,871	\$ 15,072				

Table 3
Tax Increment Revenue Reimbursement Allocation Table
211-213 E. Michigan Avenue
Marshall, Michigan

Administrative Fees & Loan Funds*	
State Brownfield Revolving Fund	\$ 43,204
BRA Administrative Fees	\$ -
Local Brownfield Revolving Fund	\$ -

* During the life of the Plan

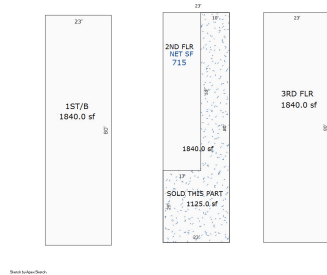
	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS
	12	13	14	15	16	17	18	19	20	21	
	11	12	13	14	15	16	17	18	19	20	
Available Tax Increment Revenue (TIR)											
Total State Tax Capture Available	\$ 17,229	\$ 17,439	\$ 17,652	\$ 17,867	\$ 18,084	\$ 18,303	\$ 18,524	\$ 18,748	\$ 18,973	\$ 19,201	
Capture for State Brownfield Revolving Fund (3 mills of SET) (25-Yrs)	\$ 2,169	\$ 2,196	\$ 2,222	\$ 2,249	\$ 2,277	\$ 2,304	\$ 2,332	\$ 2,360	\$ 2,389	\$ 2,417	\$ 43,204
State TIR Available for Reimbursement to Developer	\$ 15,060	\$ 15,244	\$ 15,430	\$ 15,617	\$ 15,807	\$ 15,998	\$ 16,192	\$ 16,387	\$ 16,585	\$ 16,784	
Total Local Tax Capture Available	\$ 215	\$ 236	\$ 33,118	\$ 33,521	\$ 33,928	\$ 34,339	\$ 34,754	\$ 35,174	\$ 35,597	\$ 36,025	
Local TIR Available for Reimbursement to Developer	\$ 215	\$ 236	\$ 33,118	\$ 33,521	\$ 33,928	\$ 34,339	\$ 34,754	\$ 35,174	\$ 35,597	\$ 36,025	
Total State & Local TIR Available for Reimbursement to Developer	\$ 15,275	\$ 15,479	\$ 48,547	\$ 49,138	\$ 49,735	\$ 50,338	\$ 50,946	\$ 51,561	\$ 52,182	\$ 52,809	
DEVELOPER											
	\$ 420,736	\$ 405,256	\$ 356,709	\$ 307,571	\$ 257,836	\$ 207,498	\$ 156,552	\$ 104,991	\$ 52,809	\$ (0)	
MSF Eligible Activities	\$ 411,340	\$ 396,206	\$ 348,743	\$ 300,702	\$ 252,078	\$ 202,865	\$ 153,056	\$ 102,646	\$ 51,630	\$ (0)	
State Tax Reimbursement	\$ 14,723	\$ 14,903	\$ 15,085	\$ 15,269	\$ 15,454	\$ 15,641	\$ 15,830	\$ 16,021	\$ 16,214	\$ 16,409	\$ 293,268
Local Tax Reimbursement	\$ 210	\$ 231	\$ 32,378	\$ 32,772	\$ 33,170	\$ 33,572	\$ 33,978	\$ 34,388	\$ 34,802	\$ 35,221	\$ 271,754
EGLE Eligible Activities	\$ 9,396	\$ 9,050	\$ 7,966	\$ 6,869	\$ 5,758	\$ 4,634	\$ 3,496	\$ 2,345	\$ 1,179	\$ (0)	
State Tax Reimbursement	\$ 336	\$ 340	\$ 345	\$ 349	\$ 353	\$ 357	\$ 362	\$ 366	\$ 370	\$ 375	\$ 6,699
Local Tax Reimbursement	\$ 5	\$ 5	\$ 740	\$ 749	\$ 758	\$ 767	\$ 776	\$ 785	\$ 795	\$ 804	\$ 6,207
TOTAL ANNUAL DEVELOPER REIMBURSEMENT	\$ 15,275	\$ 15,479	\$ 48,547	\$ 49,138	\$ 49,735	\$ 50,338	\$ 50,946	\$ 51,561	\$ 52,182	\$ 52,809	\$ 621,132

Attachment A

Legal Description of the Property

211 E MICHIGAN AVE MARSHALL, MI 49068 (Property Address)

Parcel Number: 53-001-021-03



Item 1 of 1

0 Images / 1 Sketch

Property Owner: MARSHALL PROPERTY INVETMENTS LLC

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: N/A
 - # of Buildings: 1
 - Total Sq.Ft.: 2,555
- > Property Tax information found
- > Assessed Value: \$66,200 | Taxable Value: \$66,200
- > Building Department information found

Owner and Taxpayer Information

Owner

MARSHALL PROPERTY
INVETMENTS LLC
16660 SUNSET HILL DR
MARSHALL, MI 49068

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2025

Property Class	201 COMMERCIAL-IMPROVED	Unit	53 CITY OF MARSHALL
School District	MARSHALL PUBLIC SCHOOLS	Assessed Value	\$66,200
MAP #	Not Available	Taxable Value	\$66,200
USE TYPE	0	State Equalized Value	\$66,200
LAST REVIEW	Not Available	Date of Last Name Change	11/25/2024
ASSESSOR USE	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date

No Data to Display

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2025	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2024	\$61,300	\$61,300	\$50,960
2023	\$62,500	\$62,500	\$48,534
2022	\$60,200	\$60,200	\$46,223

Land Information

Zoning Code	B-3 CEN	Total Acres	0.070
Land Value	\$20,800	Land Improvements	\$1,480
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	102-COM DOWNTOWN	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	23.00 ft	132.00 ft
Total Frontage: 23.00 ft		Average Depth: 132.00 ft

Legal Description

MARSHALL CITY, UPPER VILLAGE E 13 FT OF W 1/2 OF LOT 21 & W 10 FT OF E 1/2 OF LOT 21. EXCEPT THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549). PART OF 2ND FLOOR PUT ON PARCEL 001-021-10

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	0
Date Form Filed	No Data to Display	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	Not Available
Split Number	0	Courtesy Split	Not Available
Parent Parcel	No Data to Display		

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Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
05/30/2024	\$405,000.00	WD	JOHNSON BENJAMIN & LYNNE	MARSHALL PROPERTY INVETMENTS LLC	19-MULTI PARCEL ARM'S LENGTH	4828/0782

Building Information - 2555 sq ft Shopping Centers - Mixed w/Residential Units (Commercial)

Floor Area	2,555 sq ft	Estimated TCV	\$110,102
Occupancy	Shopping Centers - Mixed w/Residential Units	Class	C
Stories Above Ground	2	Average Story Height	11 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	<i>No Data to Display</i>	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	37%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	47 yrs

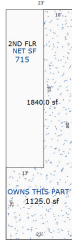
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211 E MICHIGAN AVE MARSHALL, MI 49068 (Property Address)

Parcel Number: 53-001-021-10



Item 1 of 1

0 Images / 1 Sketch

Property Owner: MARSHALL PROPERTY INVETMENTS LLC

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: N/A
 - # of Buildings: 1
 - Total Sq.Ft.: 147
- > Property Tax information found
- > Assessed Value: \$3,100 | Taxable Value: \$3,100
- > Building Department information found

Owner and Taxpayer Information

Owner

MARSHALL PROPERTY
INVETMENTS LLC
16660 SUNSET HILL DR
MARSHALL, MI 49068

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2025

Property Class	210 COMMERCIAL BUILDING ON LEASED LAND	Unit	53 CITY OF MARSHALL
School District	MARSHALL PUBLIC SCHOOLS	Assessed Value	\$3,100
MAP #	Not Available	Taxable Value	\$3,100
USE TYPE	0	State Equalized Value	\$3,100
LAST REVIEW	Not Available	Date of Last Name Change	11/25/2024
ASSESSOR USE	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date

No Data to Display

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June 1st

Final

2025	0.0000 %	0.0000 %
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Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2024	\$2,900	\$2,900	\$2,826
2023	\$3,000	\$3,000	\$2,692
2022	\$2,900	\$2,900	\$2,564

Land Information

Zoning Code		Total Acres	0.000
Land Value	\$0	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	102-COM DOWNTOWN	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		

Total Frontage: 0.00 ft	Average Depth: 0.00 ft
--------------------------------	-------------------------------

Legal Description

THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549).

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	0
Date Form Filed	No Data to Display	Unallocated Div.s of Parent	0
Date Created	02/14/2017	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	Not Available
Split Number	0	Courtesy Split	Not Available

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Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
05/30/2024	\$405,000.00	WD	JOHNSON BENJAMIN & LYNNE	MARSHALL PROPERTY INVETMENTS LLC	19-MULTI PARCEL ARM'S LENGTH	4828/0782
02/06/2024	\$10,000.00	WD	DOUBLE RJ LLC	HALEY SUZANNE C	03-ARM'S LENGTH	4809/0365
02/01/2016	\$4,500.00	WD	DOUBLE RJ LLC	JOHNSON BENJAMIN/LYNNE HALEY	31-SPLIT IMPROVED	4041/549

Building Information - 3680 sq ft Multiple Residences (Commercial)

Floor Area	3,680 sq ft	Estimated TCV	\$6,206
Occupancy	Multiple Residences	Class	C
Stories Above Ground	2	Average Story Height	11 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	<i>No Data to Display</i>	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	49%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	41 yrs

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213 E MICHIGAN AVE MARSHALL, MI 49068 (Property Address)

Parcel Number: 53-001-021-02



Image placeholder

Item 1 of 2

[0 Images / 2 Sketches](#)

Property Owner: MARSHALL PROPERTY INVETMENTS LLC

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: N/A
 - # of Buildings: 1
 - Total Sq.Ft.: 4,600
- > Property Tax information found
- > Assessed Value: \$91,400 | Taxable Value: \$91,400
- > 2 Building Department records found

Owner and Taxpayer Information

Owner

MARSHALL PROPERTY
INVETMENTS LLC
16660 SUNSET HILL DR
MARSHALL, MI 49068

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2025

Property Class	201 COMMERCIAL-IMPROVED	Unit	53 CITY OF MARSHALL
School District	MARSHALL PUBLIC SCHOOLS	Assessed Value	\$91,400
MAP #	Not Available	Taxable Value	\$91,400
USE TYPE	0	State Equalized Value	\$91,400
LAST REVIEW	Not Available	Date of Last Name Change	11/25/2024
ASSESSOR USE	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date

No Data to Display

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2025	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2024	\$84,800	\$84,800	\$69,199
2023	\$165,200	\$165,200	\$65,904
2022	\$158,700	\$158,700	\$62,766

Land Information

Zoning Code	B-3 CEN	Total Acres	0.070
Land Value	\$20,800	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	102-COM DOWNTOWN	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

MARSHALL CITY, UPPER VILLAGE E 23 FT OF LOT 21.

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	0
Date Form Filed	No Data to Display	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	Not Available
Split Number	0	Courtesy Split	Not Available
Parent Parcel	No Data to Display		

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
05/30/2024	\$405,000.00	WD	JOHNSON BENJAMIN & LYNNE	MARSHALL PROPERTY INVETMENTS LLC	19-MULTI PARCEL ARM'S LENGTH	4828/0782
02/01/2016	\$4,500.00	WD	JOHNSON BENJAMIN & LYNNE	DOUBLE RJ LLC	21-NOT USED/OTHER	

Building Information - 4600 sq ft Shopping Centers - Mixed w/Residential Units (Commercial)

Floor Area	4,600 sq ft	Estimated TCV	\$162,020
Occupancy	Shopping Centers - Mixed w/Residential Units	Class	C
Stories Above Ground	2	Average Story Height	13 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	<i>No Data to Display</i>	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	Zoned A.C. Warm & Cooled Air
Physical Percent Good	37%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	47 yrs

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Attachment B

Site Plans and Renderings

211 + 213 E MICHIGAN AVE

211 + 213 E MICHIGAN AVE, MARSHALL, MI

RENDERING - FOR REFERENCE ONLY



EXISTING PHOTOS - FOR REFERENCE ONLY



PROJECT NOTES

- CONSTRUCTION MUST COMPLY WITH ALL NATIONAL, STATE, AND LOCAL BUILDING CODES, AS WELL AS ALL LOCAL ORDINANCES.
- DO NOT SCALE DRAWINGS. NOMINAL DIMENSIONS ARE SHOWN. REFER TO DETAILS, NOTES, SPECIFICATIONS AND PARTITION KEY FOR INFORMATION. CONTACT ARCHITECT IF ADDITIONAL INFORMATION IS REQUIRED.
- EXISTING BUILDING AND SITE INFORMATION WAS OBTAINED FROM THE OWNER AND ADDITIONAL FIELD MEASUREMENTS BY THE ARCHITECT. THE CONTRACTOR SHALL VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO COMMENCEMENT OF WORK. DRAWINGS MAY CONTAIN DISCREPANCIES DUE TO CONCEALED CONDITIONS, INACCURACIES IN THE ORIGINAL DRAWINGS, INACCESSIBLE LOCATIONS, UNRECORDED BUILDING ALTERATIONS AND OTHER CONFLICTING INFORMATION. INFORMATION OUTSIDE OF CONTRACT AREA IS RELATIVE AND FOR REFERENCE ONLY. ALWAYS VERIFY FIELD CONDITIONS BEFORE COMMENCING WORK. NOTIFY ARCHITECT IF FIELD CONDITIONS CONFLICT SUBSTANTIALLY WITH PROPOSED WORK.
- INSTRUCTIONS FOR BUILDING CONSTRUCTION MAY BE LOCATED IN ANY PART OF THE CONSTRUCTION DRAWINGS. FAILURE OF THE GENERAL CONTRACTOR OR HIS SUB CONTRACTORS AND SUPPLIERS TO SEE INFORMATION IN ANY PART OF THE CONTRACT DOCUMENTS WILL NOT BE A VALID REASON FOR ISSUING A CHANGE ORDER.
- ALL HOLES CREATED FROM ABANDONED DUCT, CONDUIT, ELEC. DEVICES, ETC., WHICH ARE IN VIEW AND ARE NOT SCHEDULED TO BE BOARDED OVER, OR ON A WALL TO BE DEMOLISHED, ARE TO BE FILLED AND PATCHED TO MATCH EXISTING.
- PATCH AND REPAIR ALL EXISTING WALL SURFACES ADJACENT TO NEW WORK AS REQUIRED TO ACHIEVE AN UNINTERRUPTED SURFACE APPEARANCE. PATCH AND REPAIR ALL FLOORING FOR EXISTING BUILDINGS TO ACHIEVE A CONTINUOUS, SMOOTH, AND FLUSH FLOOR SURFACE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING REQUIRED TO EXECUTE WORK. THE CONTRACTOR SHALL COORDINATE ALL TEMPORARY CONSTRUCTION WITH THE ARCHITECT AND OWNER TO ASSURE A MINIMUM AMOUNT OF INTERRUPTION WITH THE OWNER'S ACTIVITIES.
- IF THE PROJECT IS A REMODEL, THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL SURFACES NOT BEING REMODELED IN THE PROJECT AND IN THE PATH OF THE CONTRACTORS TRAVEL, SETUP AND/OR PROJECT MATERIAL STORAGE. THE CONTRACTOR MUST RETURN THE AREAS DISTURBED AS REQUIRED FOR ACCESS TO ITS PRE-EXISTING CONDITION.
- THE CONTRACTOR AND ALL SUB-CONTRACTORS SHALL BE RESPONSIBLE TO OBTAIN AND PAY FOR ALL LOCAL/REQUIRED PERMITS AND INSPECTIONS.
- ALL SAFETY ISSUES RELATED TO CONSTRUCTION ARE THE RESPONSIBILITY OF THE CONTRACTOR AND MUST COMPLY WITH ALL STATE, LOCAL, ENVIRONMENTAL AND LABOR LAWS DURING THE CONSTRUCTION OF THIS PROJECT.
- ALL WORK TO BE GUARANTEED A MINIMUM OF ONE YEAR FROM THE DATE OF OWNER ACCEPTANCE OF WORK, EXCEPT WHERE MANUFACTURER'S GUARANTEE IS LONGER.
- IF DISCREPANCIES OCCUR BETWEEN DRAWINGS AND FIELD CONDITIONS CONTACT THE ARCHITECT TO VERIFY HOW TO PROCEED BEFORE DOING SO.
- SEE T001 FOR ADDITIONAL PROJECT NOTES, MOUNTING HEIGHTS, AND SYMBOLS
- 3D VIEWS AND RENDERINGS ON THIS PAGE AND THROUGHOUT THE SET ARE FOR REFERENCE ONLY. VERIFY ALL CONSTRUCTION DETAILS THROUGHOUT THE ENTIRE SET OF DOCUMENTS
- THE PROJECT SHALL CONFORM TO UNDERWRITERS LABORATORY FIRE RESISTANCE DIRECTORY AND BUILDING MATERIALS DIRECTORY.
- ANY MATERIAL SUBSTITUTIONS TO A LISTED UL DESIGN NUMBER SHALL BE COORDINATED BY THE CONSTRUCTION MANAGER, CONTRACTOR, SUBCONTRACTOR AND/OR MATERIAL SUPPLIER FOR COMPLIANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL APPROVALS - FOR ANY MATERIALS SUBSTITUTION IN THE REQUIRED UL DESIGN ASSEMBLY - BY THE FIRE MARSHAL AND BUILDING INSPECTOR HAVING JURISDICTION PRIOR TO ACCEPTANCE.
- FOR ANY CHANGE OF UL DESIGN NUMBER, OR ANY CHANGE IN MATERIAL(S) IN A UL DESIGN ASSEMBLY, IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL OTHER RELATED MATERIALS OR ASSEMBLIES AFFECTED BY THE CHANGE OF MATERIAL OR UL DESIGN NUMBER ASSEMBLY.
- PROVIDE COMPLETE UL APPROVED THROUGH-PENETRATION FIRESTOP SYSTEMS AT ALL RATED WALL PENETRATIONS.
- PROVIDE FIRESTOPPING AS REQUIRED AT ALL OPENINGS FOR PLUMBING, CONDUIT, DUCTWORK, ETC AT FIRE RATED ASSEMBLIES.
- REFER TO THE FLOOR PLANS FOR IDENTIFICATION OF ALL FIRE AND SMOKE-RATED PARTITIONS.

PROJECT DESCRIPTION

PROPOSED RENOVATION OF EXISTING BUILDING(S).

ZONING MAP

ZONING - B3 - NEIGHBORHOOD COMMERCIAL



CONTEXT MAP



DRAWING LIST

SHEET NUMBER	DRAWING TITLE	9/11/24 - DESIGN DEVELOPMENT
00 GENERAL		
T000	TITLE SHEET	X
T001	RENDERINGS	X
T002	GENERAL MOUNTING HEIGHTS + ABBREVIATIONS	X
T003	PLUMBING MOUNTING HEIGHTS	X
T005	CODE COMPLIANCE	X
T006	AREA PLANS	X
01 CIVIL		
C100	ARCHITECTURAL SITE PLAN	X
03 ARCHITECTURAL		
A000	EXISTING FLOOR PLANS	X
A110	DEMOLITION PLANS	X
A121	NEW FLOOR PLANS	X
A130	ENLARGED PLANS	X
A131	ENLARGED PLANS	X
A132	ENLARGED PLANS	X
A133	ENLARGED PLANS	X
A134	ENLARGED PLANS	X
A140	FINISH SCHEDULE	X
A141	FINISH PLANS	X
A200	REFLECTED CEILING PLANS	X
A210	CEILING DETAILS	X
A220	ROOF PLAN	X
A310	INTERIOR DETAILS	X
A400	DOOR DETAILS	X
A401	DOOR SCHEDULE	X
A410	WINDOW SCHEDULE AND DETAILS	X
A500	EXTERIOR ELEVATIONS	X
04 MEP		
MEP101	MECH, ELEC, PLUMB SPECS/NOTES	X
Grand total: 26		



ARCHITECTURE/INTERIOR DESIGN
Driven Design Studio PLLC
117 West Michigan Avenue
Battle Creek, MI 49017
(269) 753-8040
cody@drivendesignstudio.com

OWNER
Brad Noel
211/213 E Michigan Ave
Marshall, MI
bradnoel00@gmail.com

THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF DRIVEN DESIGN. THE DOCUMENT & THE INFORMATION IT CONTAINS MAY NOT BE REPRODUCED OR USED FOR OTHER THAN THE SPECIFIC PROJECT FOR WHICH IT WAS PREPARED WITHOUT THE EXPLICIT CONSENT OF DRIVEN DESIGN.

NOT FOR CONSTRUCTION

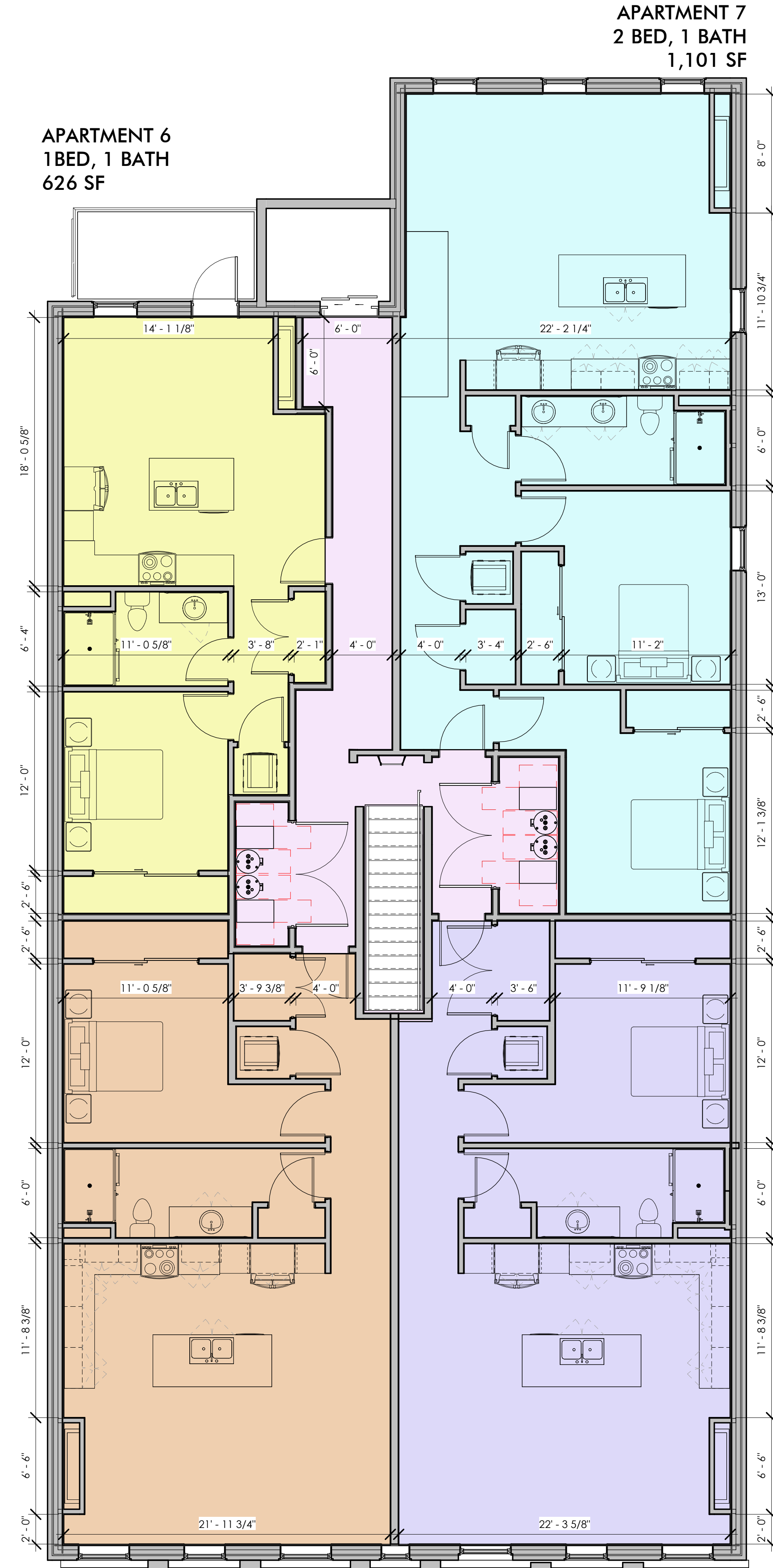
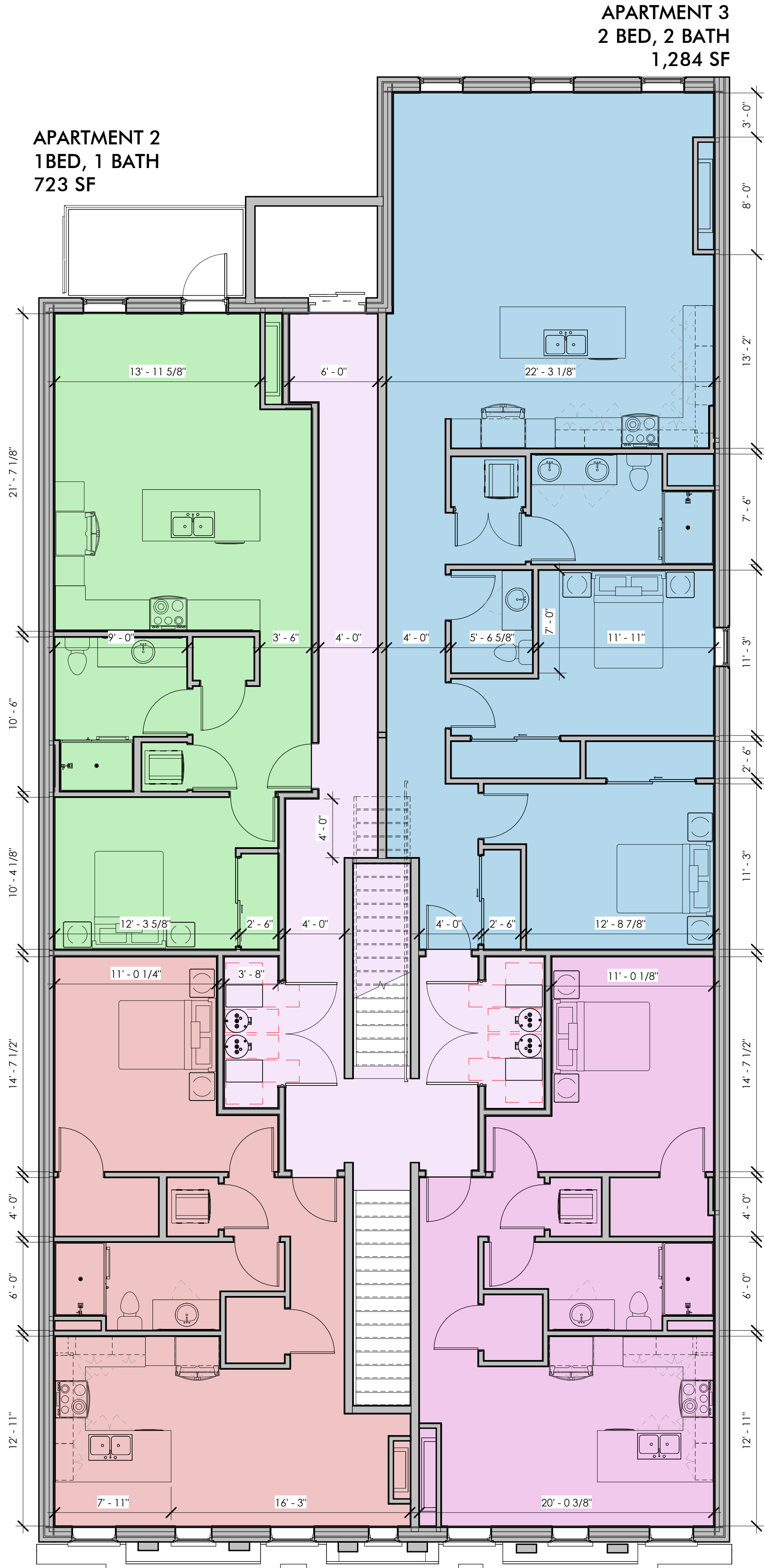
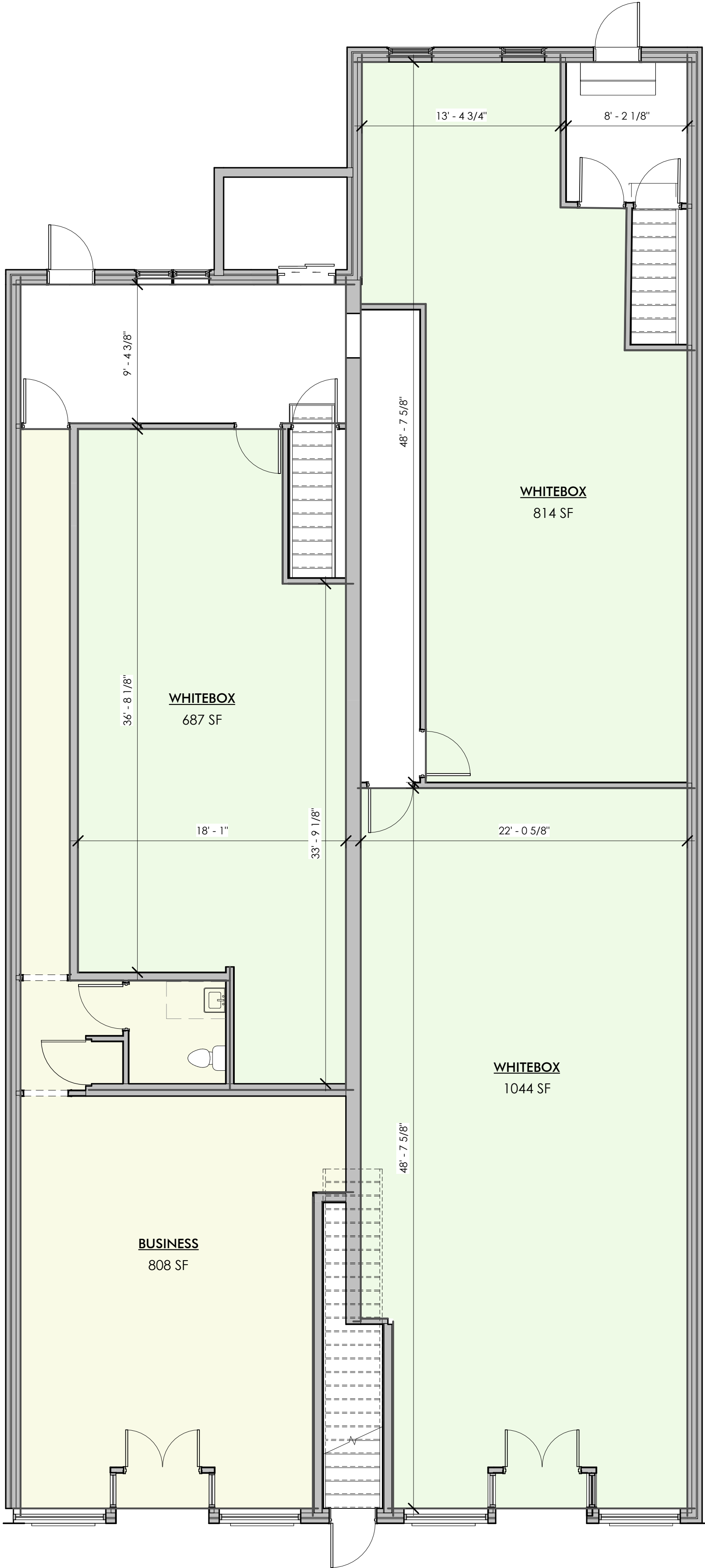
PROJECT NAME
211 + 213 E MICHIGAN AVE
PROJECT ADDRESS
211 + 213 E MICHIGAN AVE, MARSHALL, MI

ISSUE
DESIGN DEVELOPMENT

DRAWN BY CMN
DATE 2/26/2025 9:36:43 AM
SCALE
STAMP

PROJECT NUMBER
2024.125

TITLE SHEET
T000



1 FIRST FLOOR AREA PLAN
3/16" = 1'-0"

2 SECOND FLOOR AREA PLAN
3/16" = 1'-0"

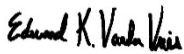
3 THIRD FLOOR AREA PLAN
3/16" = 1'-0"

Attachment B

Statement of Functional Obsolescence

Statement of Obsolescence from Assessor

The building located at 211-213 E. Michigan Ave; Marshall MI is the subject of this request. The building is a three-story downtown building constructed around 1915. The first floor of the building has been used as commercial retail space for many years, most recently a dentist office. The second and third floors were previously used as apartments and storage. The second and third floors are completely unusable in their present condition. After a review of the property on April 3, 2025, obsolescence is evident in the lack of modern electrical, plumbing, and mechanical systems as well as the extreme poor condition of the walls, floors, and ceilings. The windows and doors are also very old and inefficient by today's standards. The first floor contains obsolescence in the form of super-adequacy as it was over plumbed to serve the dentist's office. Significant renovation and rehabilitation will be required before this building would be suitable for occupancy.



Edward VanderVries, MMAO IV
Assessor, City of Marshall

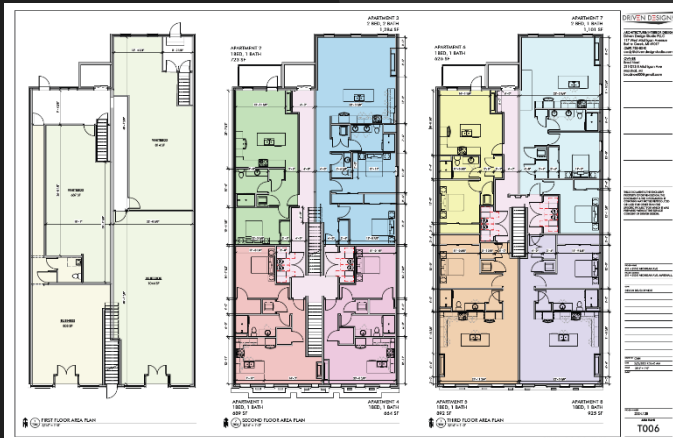
April 13, 2025

Date



Marshall Apartments

Brownfield Redevelopment Project Marshall, MI



TRIOTERRA
Brownfield Development
Environmental Consulting
Natural Resources

Eligible Property

Project Name:

- Marshall Apartments

Developer:

- Marshall Property Investments, LLC

Subject Property:

- 211-213 E. Michigan Avenue
- Parcels 50-001-021-(03,10), 50-001-021-02
0.14 acres

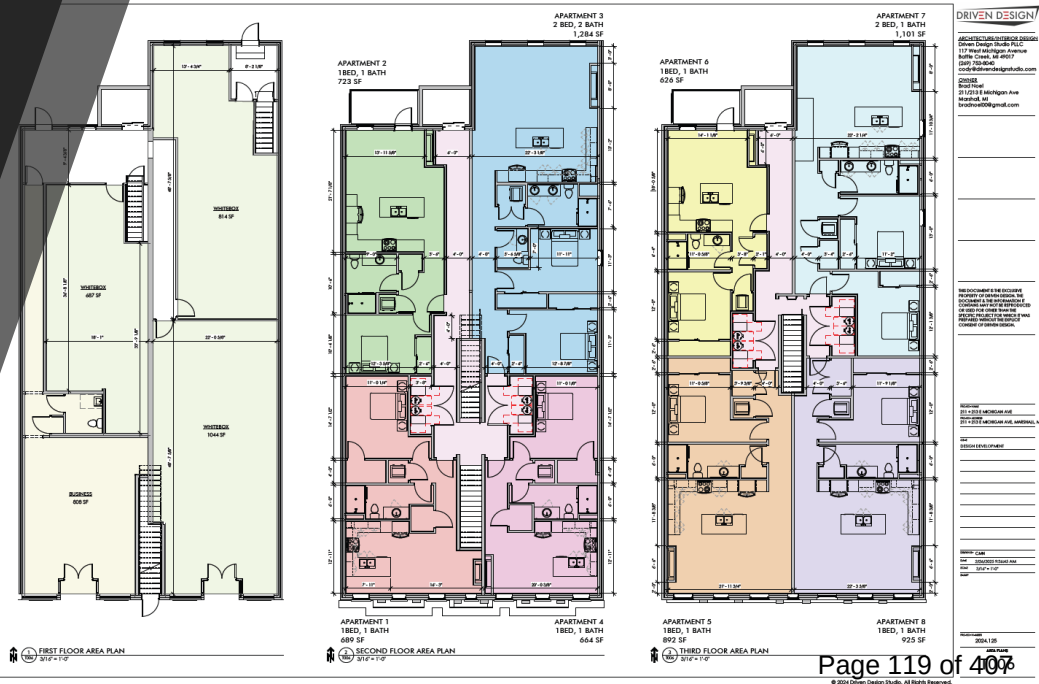
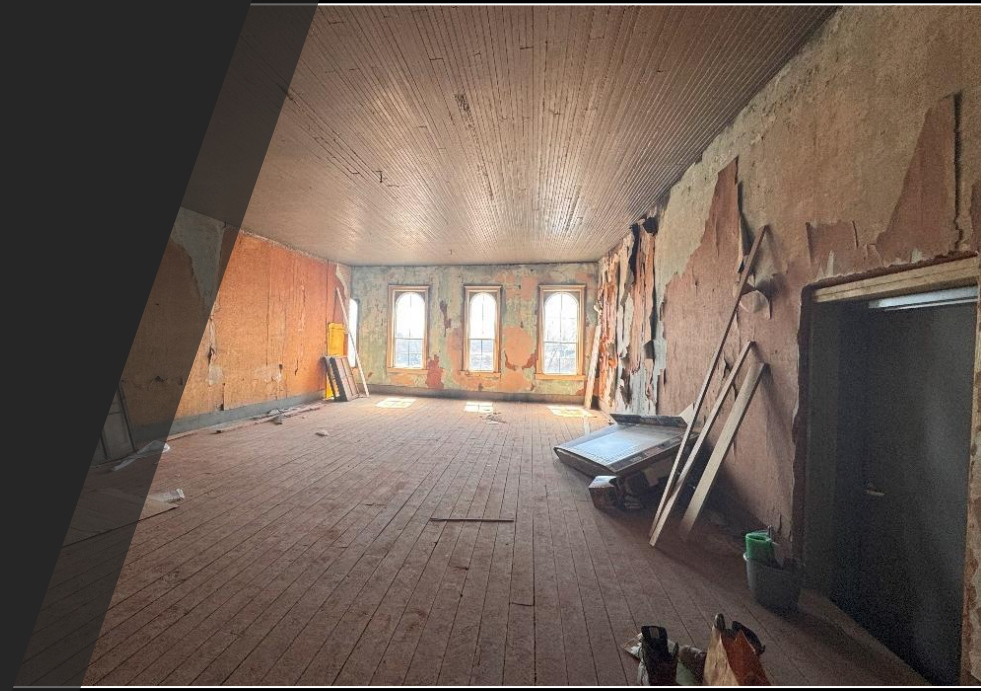
Eligibility Status:

- Functionally Obsolete



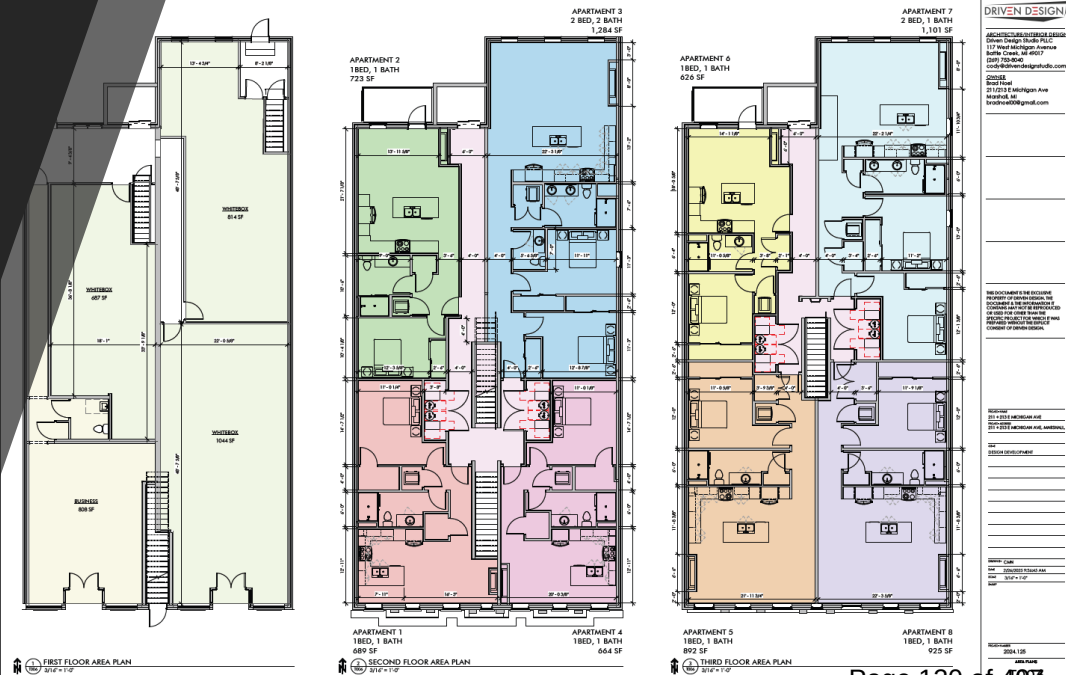
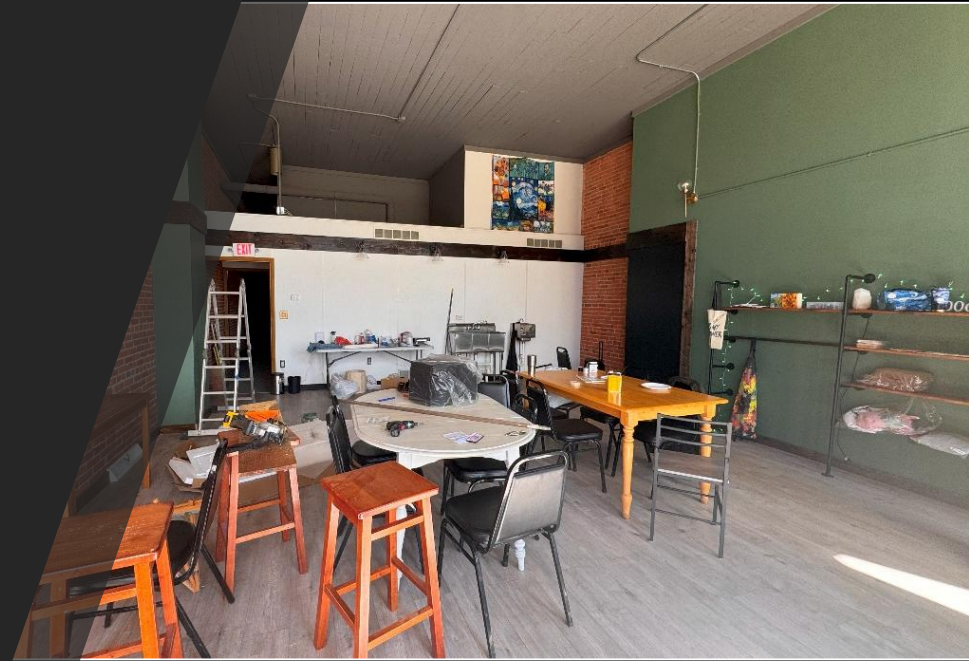
Project Summary

- Rehabilitation: two 3-story buildings totaling 12,420 square feet
- Mixed-use development into 4 commercial units on ground floor and 8 (4/floor) apartments on second and third floors
- 8 full time equivalent jobs centered around the new commercial spaces. Eight temporary construction jobs.



Project Summary

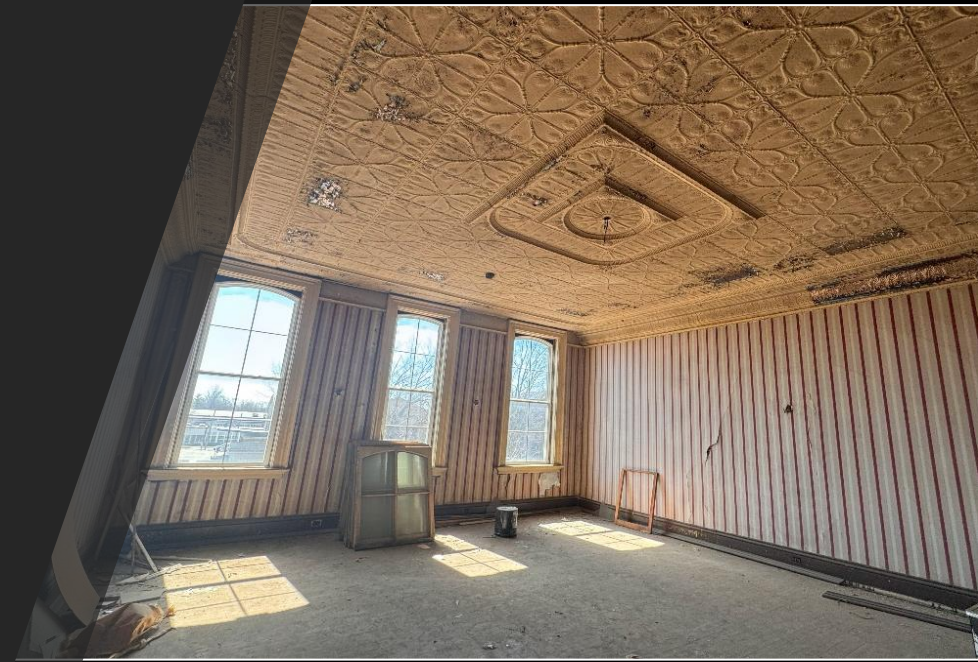
- Reactivation of vacant 1st floor into commercial space
- Reactivation of vacant 2nd and 3rd floors into residential space
- Promotes future reactivation of nearby buildings
- \$3,590,000 in total investment



Brownfield Conditions

Functionally Obsolete

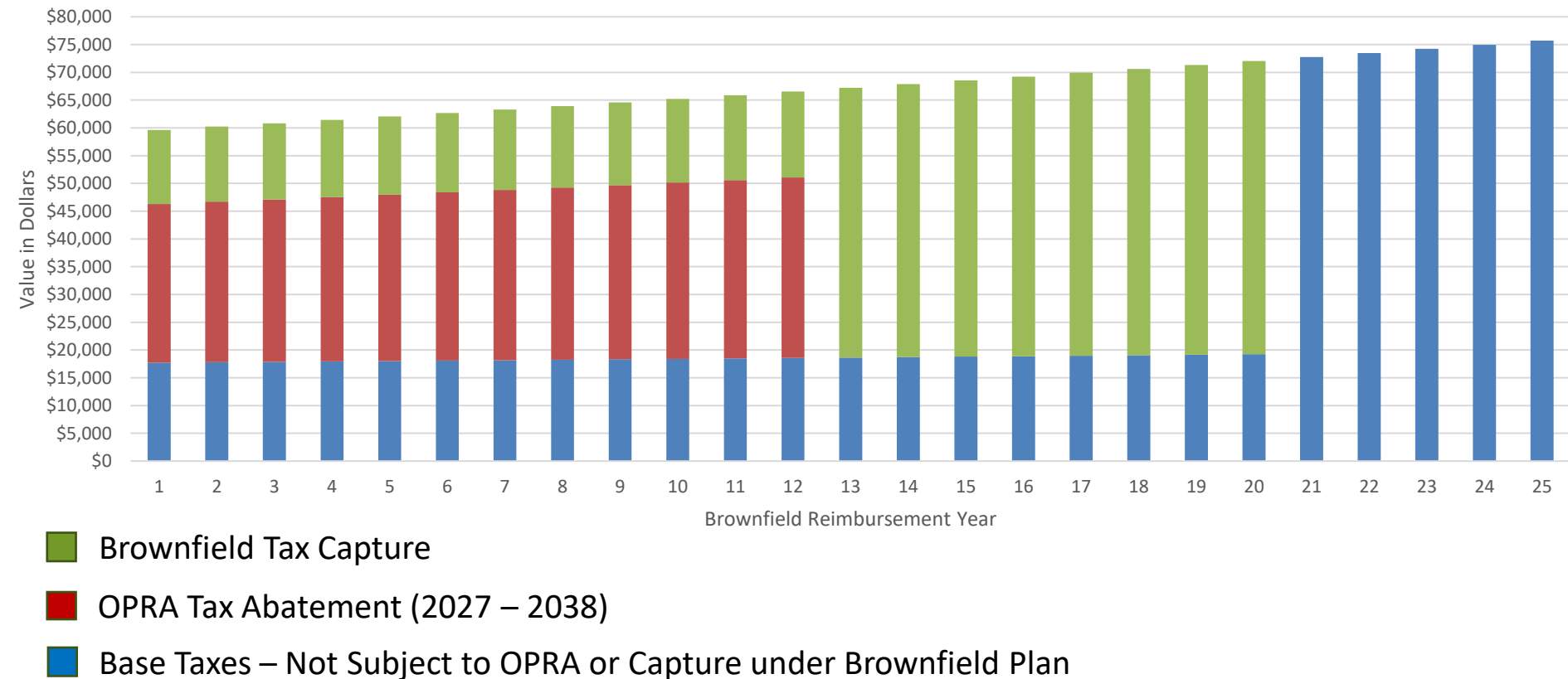
- The building, constructed by 1888, was determined to be functionally obsolete by the city assessor.
- Asbestos and Lead containing materials have been identified within the building. These materials include floor tiling throughout the building, wood panel adhesive, and window glazing; all of which will require abatement prior to demolition activities.
- “Obsolescence is evident in the lack of modern electrical, plumbing, and mechanical systems as well as the extreme poor condition of the walls, floors, and ceilings.” (Statement of Obsolescence from Assessor, 2025)



New Taxes – Captured for Eligible Activities

Summary of Eligible Activities	
MSF Eligible Activities	Cost
Pre-Approved Activities	\$11,800
Total Environmental Eligible Activities	\$11,800
Asbestos and Lead Activities	\$256,605
Demolition	\$105,000
Total Non-Environmental Eligible Activities	\$361,605
Contingency (up to 15%)	\$53,321
Brownfield Plan and Act 381 Work Plan Preparation	\$20,000
Brownfield Plan and Act 301 Work Plan Implementation	\$15,000
Interest (up to 5% simple)	\$116,203
Total Eligible Cost for Reimbursement	\$577,929

Tax Capture Representation



Tax Capture Representation

Property Tax Allocation 2027 - 2046	Estimated Value
Brownfield Tax Capture - Developer	\$577,929
Brownfield Tax Capture – State Brownfield Fund	\$43,204
OPRA Tax Abatement	\$365,887
Base Taxes and Debt – Not Captured	\$325,970

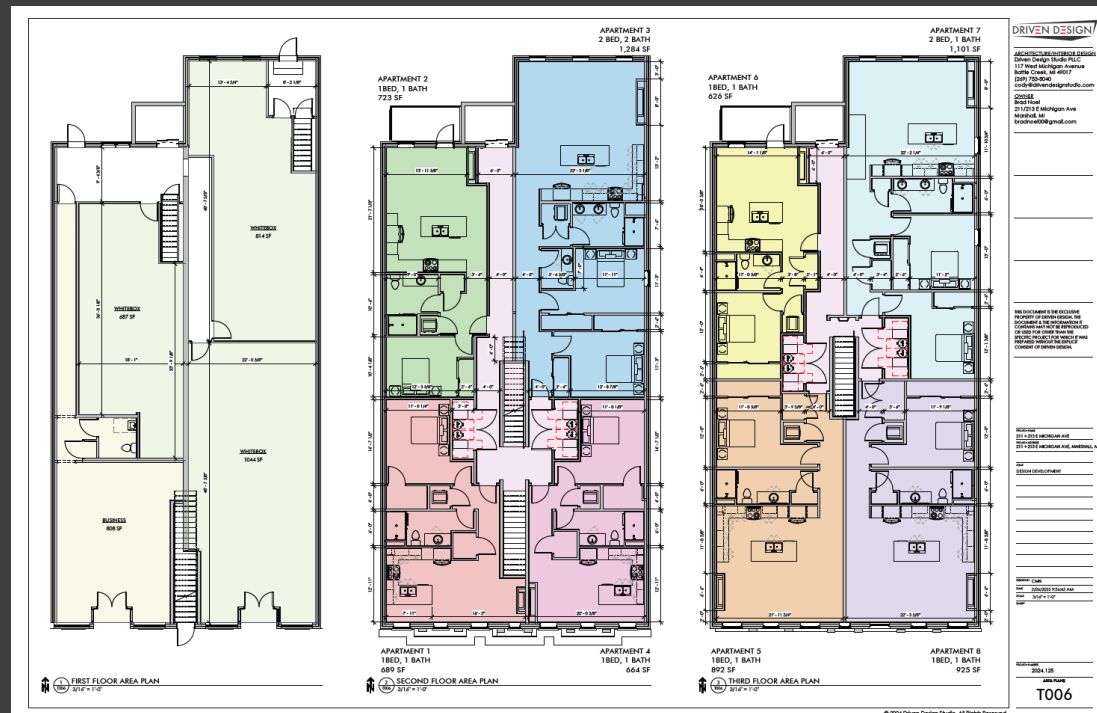
Proposed Brownfield Incentives

Brownfield Plan

- 22 years (20 years of Capture)
- State and Local tax capture
- OPRA 12-year tax abatement
- Eligible activities:
 - Pre-Approved Activities
 - Asbestos and Lead Activities
 - Demolition
 - Contingency (up to 15%)
 - Brownfield Plan and Act 381 Work Plan Preparation and Implementation
 - Interest (up to 5% simple)
- \$577,929 in eligible Brownfield costs

THANK YOU

- Dave Van Haaren, Triterra
- 517-702-0470
- dave.vanhaaren@triterra.us



ITEM: 10.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **SPECIAL LAND USE APPLICATION #25.02a - 775 INDUSTRIAL RD.**

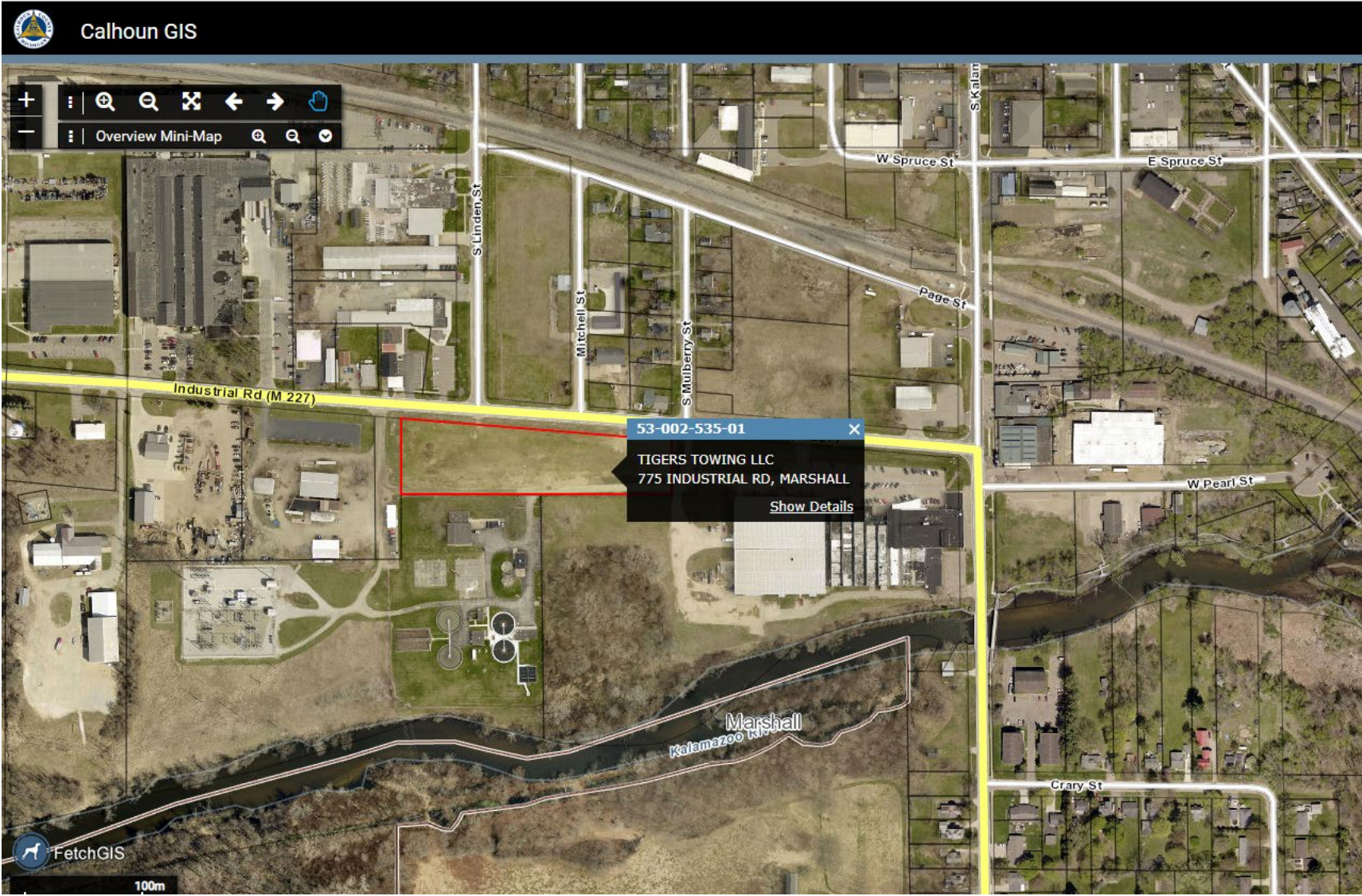
The Planning Commission has made a recommendation to approve Special Land Use application (SLU) for both outdoor storage and personal storage for the project proposed by Tiger's Towing at 775 Industrial Road. Tonight we are holding the required public hearing before review and requested approval by City Council. The project requires the SLU process be finalized before this project can be submitted to the Building Department for plan review and subsequent building permits.

BUDGET IMPACT:

Any additional development would be added to the tax roll, leading to a corresponding increase in taxes levied.

RECOMMENDATION:

Approve Special Land Use #25.02a for outdoor storage of vehicles and #25.02b for self-storage units for Tiger's Towing project at 775 Industrial Road.



SPECIAL LAND USE APPLICATION

City of Marshall
Fee \$600.00

Section 6.2 of the Marshall City Zoning Ordinance gives citizens the opportunity to file for a Special Land Use Permit when it is required by zoning district.

Process

- ☒ Application, fee, and all required materials are submitted by due date. Once found to be complete, the application is placed on the Planning Commission agenda for acceptance.
- ☒ **Planning Commission meeting #1:** At this meeting, a public hearing is scheduled for the following month.
- ☒ Neighbors within 300 feet of the property seeking special land use are notified of the public hearing.
- ☒ **Planning Commission meeting #2:** Public hearing is held and discussion takes place. A recommendation on the application is given for City Council.
- ☐ **City Council meeting:** Item is placed on the agenda, a staff report and Planning Commission comments are offered for review and City Council grants final approval, disapproval, or approval with conditions.

Address of subject property 775 Industrial Road Marshall, Mi 49068

Applicant's name Thomas Carpenter - AR Engineering, LLC Phone (269)250-5991

Applicant's address 5725 Venture Park Dr. Suite A City Kalamazoo Zip 49009

Owner's Name Karrie Hammer Phone (269)601-2311

Owner's Address 19218 11 Mile Road City Battle Creek Zip 49014

Explain need for a Special Land Use permit at the subject property (attach more if necessary):

Owner is requesting approval for outdoor storage in conjunction with the towing company and mini storage facility proposed for the property.

Applicant's Signature  Date 9/18/2025

Owner's Signature _____ Date _____

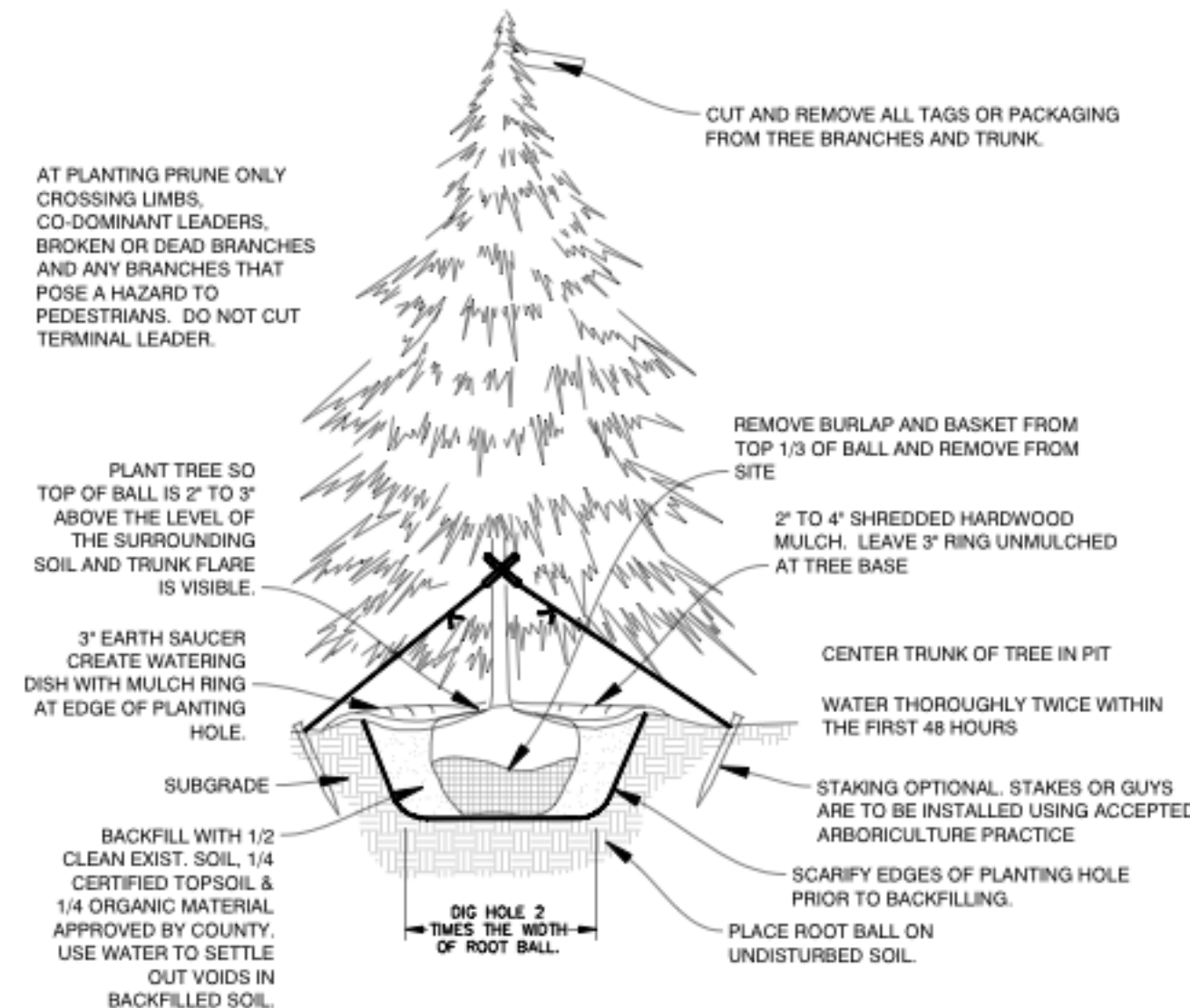
The following items MUST be submitted for the application to be complete:

- ☒ A plot plan showing property boundaries and legal description
- ☒ Existing structures, uses and zoning on subject and adjacent properties
- ☒ Location of all abutting streets, easements, and similar public areas
- ☒ Proposed compliance plan (if applicable) including hours, signs, parking, etc.

1. INSTALL CONSTRUCTION FENCE AROUND DRIP LINES OF EXISTING TREES TO REMAIN, NO COMPACTION OR INCREASED DEPTH OF SOIL OVER THE ROOT SYSTEM AREA PRIOR TO AND DURING CONSTRUCTION.
2. ALL LAWN AREAS SHALL BE SEEDED AND MULCHED WITH THE FOLLOWING MIXTURE: 20% IMPROVED PERENNIAL RYEGRASS, 40% FINE FESCUE, AND 40% KENTUCKY BLUEGRASS AT A RATE OF 3-4 LBS/ 1000 SFT.
3. ALL EDGING SHALL BE STANDARD COMMERCIAL-STEEL EDGING 3/8" X 4", ROLLED EDGE, FABRICATED IN SECTIONS OF STANDARD LENGTHS, WITH LOOPS STAMPED FROM OR WELDED TO FACE OF SECTIONS TO RECEIVE STAKES IN STANDARD FINISH OF GREEN PAINT.
4. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI 260.1 "AMERICAN STANDARD FOR NURSERY STOCK - MEASURE" ACCORDING TO ANSI 260.1 STANDARDS.
5. MAINTAIN AND ESTABLISH LAWN BY WATERING, FERTILIZING, WEEDING, MOWING, TRIMMING, AND GRASS SEEDING, AND TOPDRESSING WITH TOP DRESSING, AND RE-PLANT BARE OR ERODED AREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN.
6. BEGIN LAWN MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL ACCEPTABLE LAWN IS ESTABLISHED: A MINIMUM OF 60 DAYS AFTER SUBSTANTIAL COMPLETION.
7. PROTECT ADJACENT AND JOINING STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND PLANTINGS FROM HYDROSEEDING OVER-SPRAY AND DAMAGE CAUSED BY PLANTING OPERATIONS.

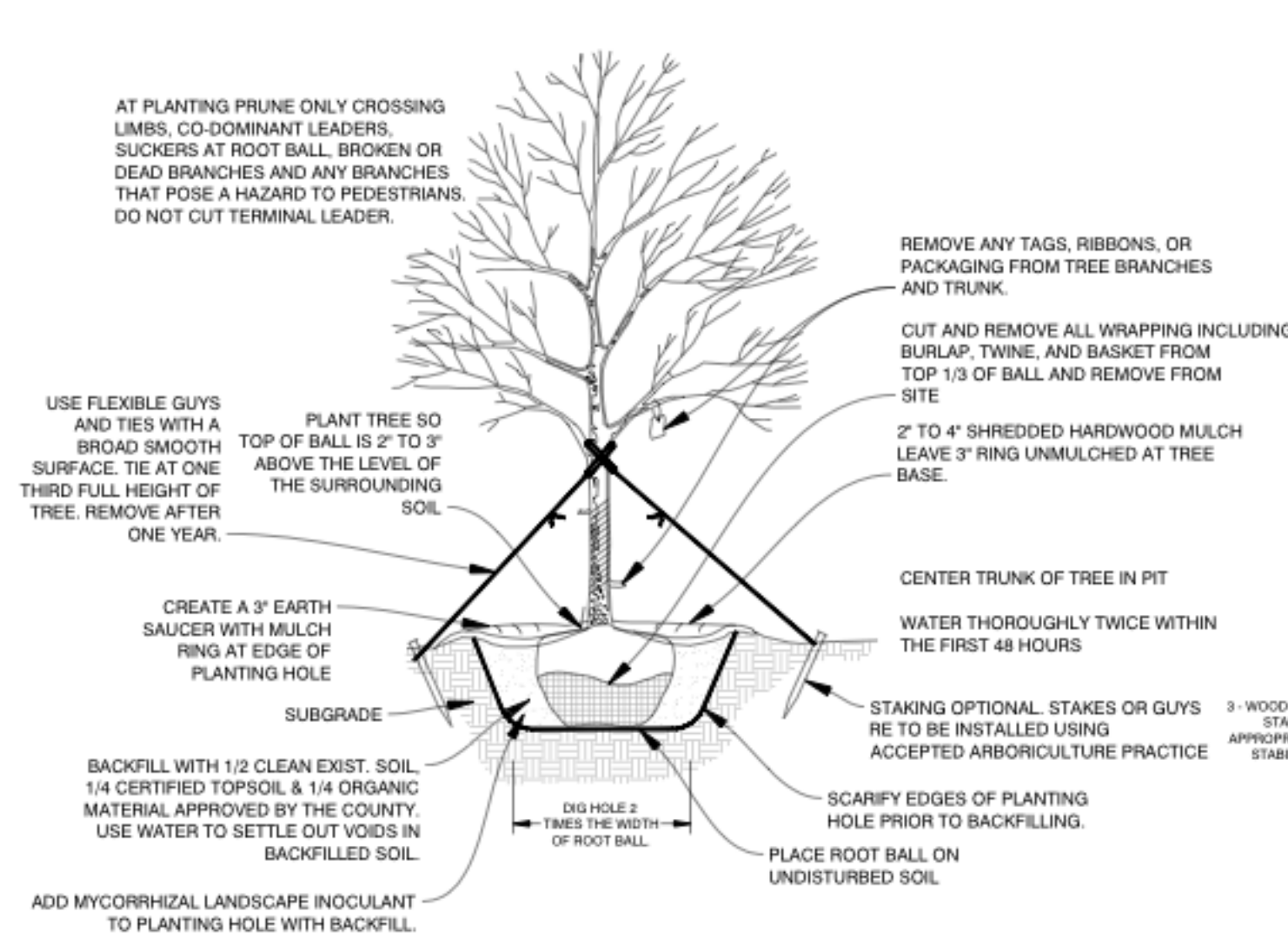
8. REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICK, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER FROM SITE.
9. MAINTAIN LAWN UNTIL A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED, FREE OF WEEDS AND SURFACE IRREGULARITIES, WITH COVERAGE EXCEEDING 90% OVER ANY 10 SF AND BARE SPOTS DO NOT EXCEED 5 BY 5 INCHES.
10. MAINTAIN TREES AND SHRUBS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION BY PRUNING, CULTIVATING, WATERING, WEEDING, FERTILIZING, RESTORING PLANTING SAUCERS, TIGHTENING AND ADJUSTING STAKES AND GUY SUPPORTS, AND RESETTING TO PROPER GRADES OR VERTICAL POSITION, AS REQUIRED TO ESTABLISH HEALTHY VIABLE PLANTINGS. SPRAY AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.
11. REMOVE AND REPLACE DEAD PLANTS IMMEDIATELY. REPLACE PLANTS THAT ARE MORE THAN 25% DEAD OR IN AN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD. A LIMIT OF ONE REPLACEMENT OF EACH PLANT WILL BE REQUIRED, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE TO COMPLY WITH REQUIREMENTS.
12. TREES, AND SHRUBS SHALL BE WARRANTED FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION AGAINST DEFECTS INCLUDING DETHING AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.

AT PLANTING PRUNE ONLY
CROSSING LIMBS,
CO-DOMINANT LEADERS,
BROKEN OR DEAD BRANCH
AND ANY BRANCHES THAT
POSE A HAZARD TO
PEDESTRIANS. DO NOT CUT
TERMINAL LEADER.

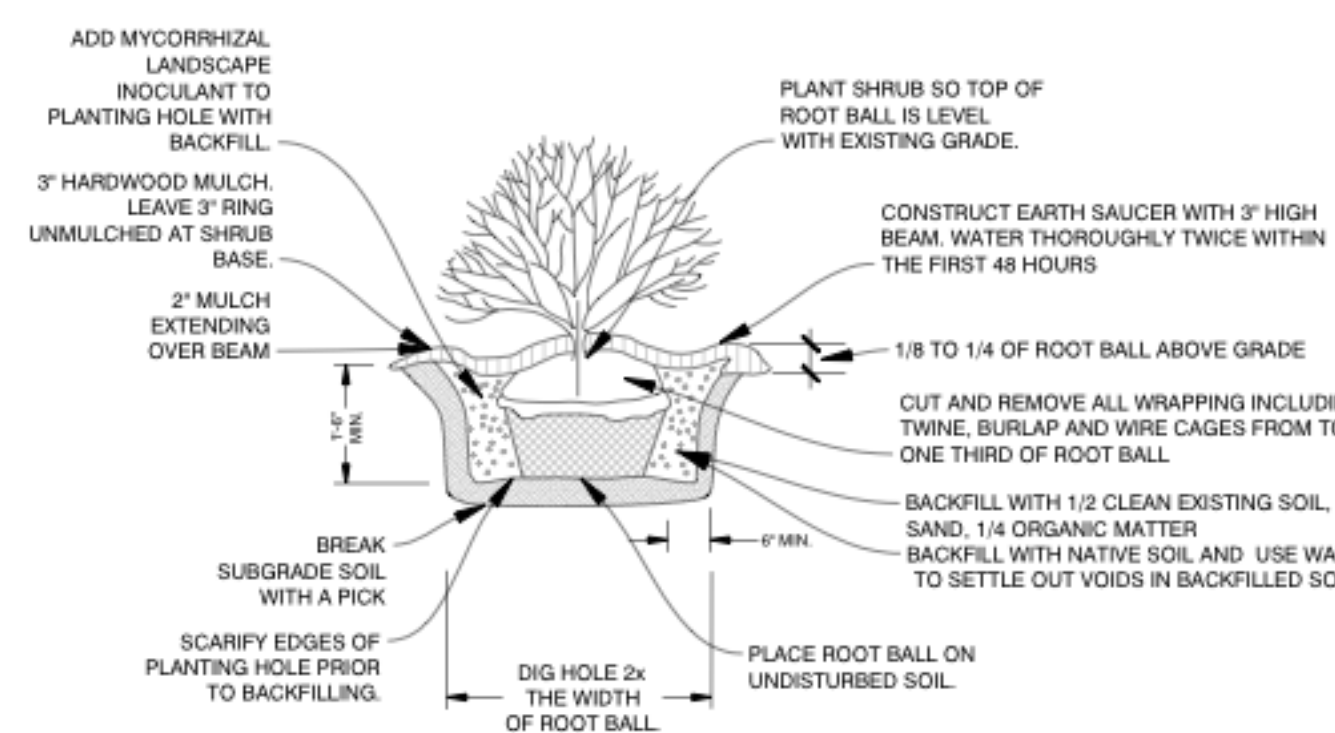
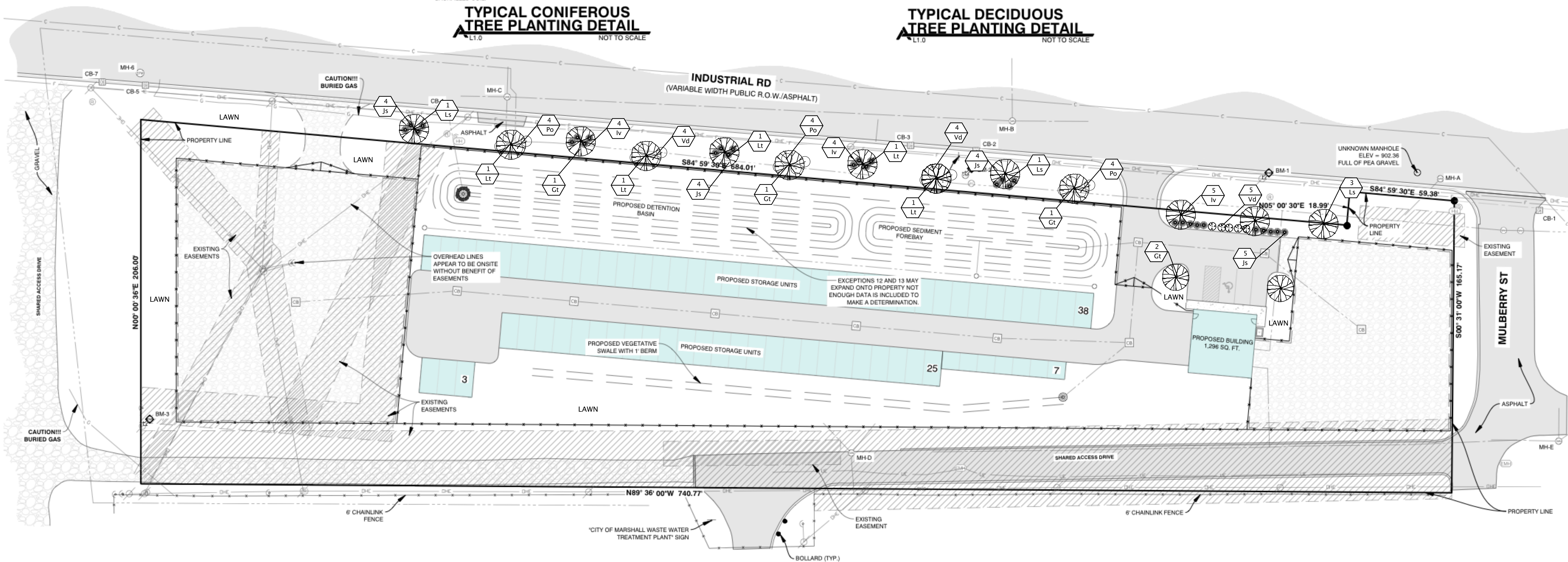


**TYPICAL CONIFEROUS
TREE PLANTING DETAIL**

AT PLANTING PRUNE ONLY CROSSING LIMBS, CO-DOMINANT LEADERS, SUCKERS AT ROOT BALL, BROKEN OR DEAD BRANCHES AND ANY BRANCHES THAT POSE A HAZARD TO PEDESTRIAN DO NOT CUT TERMINAL LEADER.



**TYPICAL DECIDUOUS
TREE PLANTING DETAIL**



A TYPICAL SHRUB PLANTING DETAIL
L1.0 NOT TO SCALE

PLANT LIST:					
SYM.	BOTANICAL NAME:	COMMON NAME:	Native:	Size:	ROOT:
TREES:					
Ls	Liquidambar styraciflua	American Sweetgum	N	2.5' Cal.	B&B
Gt	Gleditsia trichanthes var. inermis	Thornless Honeylocust	N	2.5' Cal.	B&B
Lt	Liliodendron tulipifera	Tulip Tree	N	2.5' Cal.	B&B
SHRUBS:					
Iv	Ilex verticillata	Winterberry Holly	N	30-36"	Contain
Po	Physocarpus opulifolius	Common Ninebark	N	30-36"	Contain
Ju	Juniperus 'Seagreen'	Seagreen Juniper	N	30-36"	Contain
Vb	Viburnum dentatum	Arrowwood Viburnum	N	30-36"	Contain

PARKING LOT SCREENING
REQUIREMENT 1 TREE 5 SHRUBS 30 L.F.
TOTAL DISTANCE EAST PARKING 68L.F.
REQUIRED 3 TREES 15 SHRUBS
PROVIDED 3 TREES 15 SHRUBS

GREENBELT ROW SCREENING
REQUIREMENT 1 TREE 4 SHRUBS EVERY 40 L.F.
TOTAL DISTANCE 397 L.F.
REQUIRED: 10 TREES 40 SHRUBS
PROVIDED: 10 TREES 40 SHRUBS



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING LLC



No.	ISSUED FOR:	DATE	BY
0	SITE PLAN REVIEW	09/17/2025	tc
1	.	.	.
2	.	.	.
3	.	.	.
4	.	.	.

LANDSCAPE PLAN

TIGER TOWING
DRIVEN DESIGN

7775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.

PROJECT:

CLIENT:

SITE ADDRESS:

JOB NUMBER
25103008

DATE
10/03/2025

SHEET NUMBER

L1.0

TIGER TOWING

775 INDUSTRIAL RD
SECTION 26, T.02S, R.06W
CITY OF MARSHALL
CALHOUN COUNTY, MI

SITE DEVELOPMENT PLANS
NOVEMBER 03, 2025

ISSUED FOR: CITY REVISIONS

SHEET INDEX	
No.	SHEET TITLE
T1.0	TITLE SHEET
C1.0	EX CONDITIONS - DEMO PLAN
C2.0	SITE LAYOUT
C3.0	UTILITY PLAN
C4.0	GRADING - SESC PLAN
C5.0	DETAILS
L1.0	LANDSCAPE PLAN
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.	.
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OWNERS:

TIGER TOWING
19218 11 MILE RD
MARSHALL, MI 49068

REVISIONS			
No.	ISSUED FOR:	DATE:	BY:
0	SITE PLAN REVIEW	10/10/2025	tc
1	CITY REVISIONS	11/03/2025	LM
2	.	.	.
3	.	.	.
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5	.	.	.

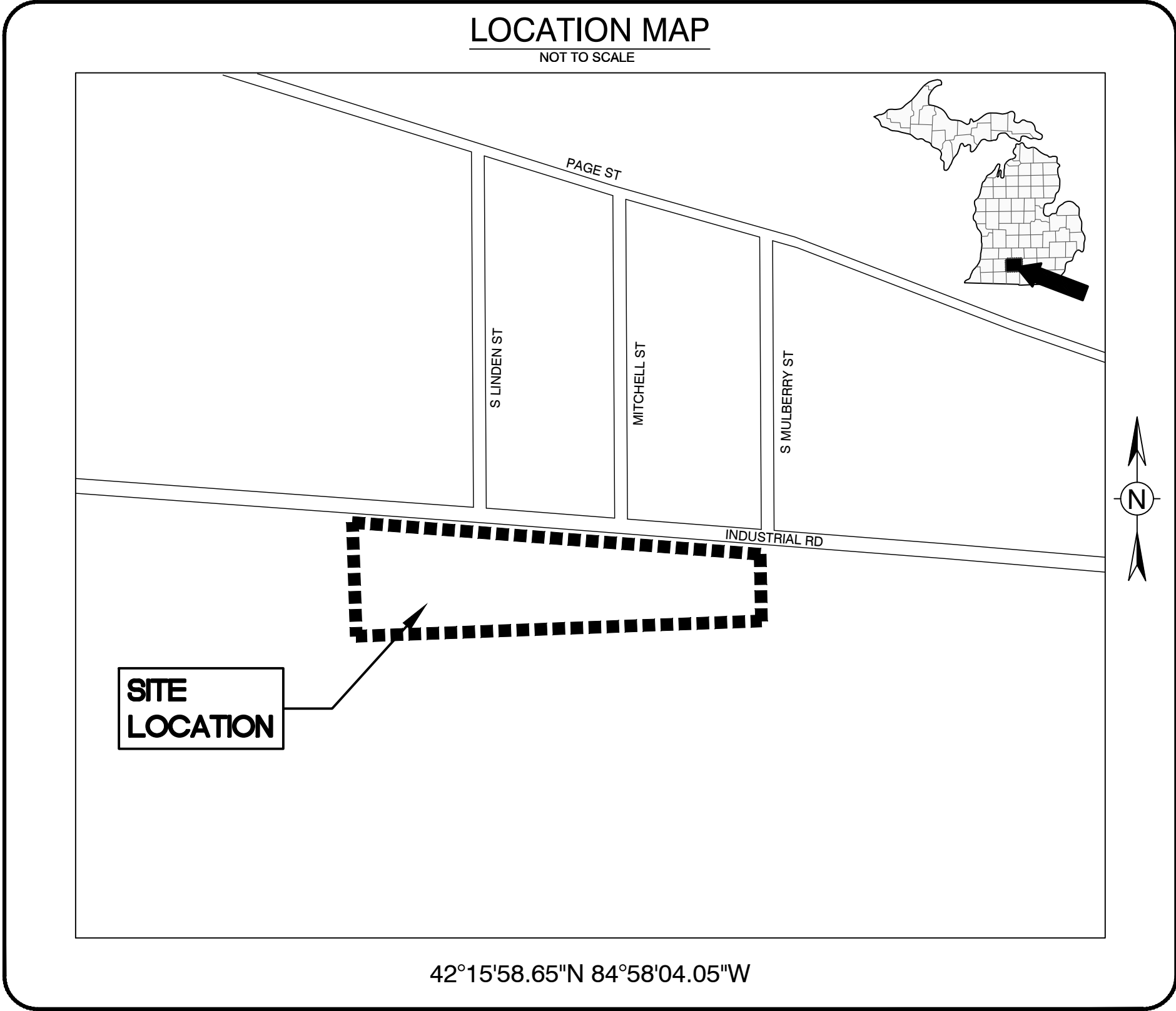
CIVIL ENGINEER:

AR ENGINEERING, LLC.
5725 VENTURE PARK DRIVE, SUITE A
KALAMAZOO, MI 49008
TEL. (269) 250-5991 FAX. (866) 569-0604



WHITNEY L. PIZZALA, P.E.

DATE



UTILITY CONTACTS

CABLE	AT&T 15869 W MICHIGAN AVE MARSHALL, MI 49068 (269) 269-8040	TELEPHONE	AT&T 15869 W MICHIGAN AVE MARSHALL, MI 49068 (269) 269-8040
WATER	CITY OF MARSHALL 832 EAST GREEN STREET MARSHALL, MI 49068 (269) 781-8631	SEWER	CITY OF MARSHALL 832 EAST GREEN STREET MARSHALL, MI 49068 (269) 781-8631
GAS	CONSUMERS ENERGY 2500 E CORK ST KALAMAZOO, MI 49001 (269) 337-2381	ELECTRIC	CITY OF MARSHALL 832 EAST GREEN STREET MARSHALL, MI 49068 (269) 781-8631
		MISS DIG	811

DEMOLITION NOTES

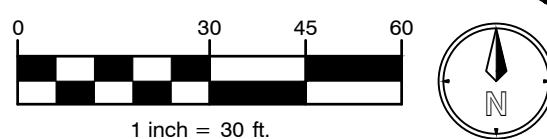
- ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT TIME OF CONSTRUCTION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, PERMIT COSTS, TAP FEES, METER DEPOSITS, PERMANENT UTILITY APPLICATIONS, BONDS, AND OTHER FEES REQUIRED FOR PROPOSED WORK. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THOSE REQUIRED BY THE CITY OF MARSHALL, CALHOUN COUNTY AND THE STATE OF MICHIGAN.
- CONTACT MISS DIG "811" FOR LOCATION OF UNDERGROUND UTILITIES A MINIMUM OF 48 HOURS BEFORE COMMENCING EXCAVATION WORK. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO ARE NOT PART OF THE "MISS DIG" ALERT SYSTEM. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
- DEMOLISH & REMOVE ALL EXISTING SITE FEATURES AS REQUIRED.
- ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO DEMOLITION.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT FOR THIS SITE.
- ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR SHALL TAKE PRECAUTIONS TO AVOID TRACKING SOIL ONTO ADJACENT ROADWAYS. CONTRACTOR SHALL SWEEP IMMEDIATELY IF OCCURS.
- ANY DISTURBED AREA WHICH WILL BE LEFT UNWORKED 15 DAYS OR LONGER MUST BE SEEDED TO ESTABLISH VEGETATION FOR TEMPORARY STABILIZATION. BASINS TO BE SEEDED AND MULCH BLANKETS APPLIED IMMEDIATELY TO PROVIDE A STABLE BASE AND AVOID EXCESSIVE EROSION.
- REVIEW ALL THE REMOVALS AND PROTECTION WITH OWNER PRIOR TO COMMENCING CONSTRUCTION. INSTALL TEMPORARY SNOW FENCE AROUND ALL TREES REQUIRING PROTECTION. SNOW FENCE SHALL BE PLACED AT EDGE OF DRIP LINE.
- SAWCUT ALL CURB, SIDEWALK, AND PAVEMENTS PRIOR TO REMOVAL. ADDITIONAL SAWCUT MAY BE NECESSARY PRIOR TO REPLACEMENT TO ENSURE CLEAN EDGE.
- ALL REMOVALS SHALL BE TAKEN OFF-SITE AND DISPOSED OF PROPERLY. NO STOCKPILE OR BURNING OF DEBRIS IS ALLOWED.
- ALL REMOVALS SHALL BE TO THE LIMITS INDICATED ABOVE UNLESS OTHERWISE DIRECTED BY THE ENGINEER. UNAUTHORIZED REMOVALS AND SUBSEQUENT REPLACEMENT SHALL BE AT THE CONTRACTORS EXPENSE.
- REMOVE, STORE, AND RESET ANY EXISTING SIGNS AS DIRECTED BY THE ENGINEER/OWNER.
- REMOVE ALL TREES TO THE CLEARING LIMITS AS SHOWN. REMOVE ALL EXISTING TREES, STUMPS AND BRUSH FROM THE SITE AS NECESSARY TO CONSTRUCT THE IMPROVEMENTS.
- THE CONTRACTOR SHALL DEMOLISH AND REMOVE ANY ITEMS REMAINING FROM THE EXISTING BUILDING, IN ITS ENTIRETY, INCLUDING WALLS, FOUNDATIONS AND FOOTINGS. ALL BUILDING DRAINS AND UTILITY LEADS SHALL BE LOCATED AND PROPERLY PLUGGED. UTILITY LEAD WORK SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY COMPANY.
- BACKFILL EXCAVATED AREAS WITH CLEAN GRANULAR FILL COMPACTED TO 95% OF THE MATERIAL UNIT WEIGHT BY MODIFIED PROCTOR.
- CONTROL SHALL BE MAINTAINED OVER THE SITE AND OPERATION TO ELIMINATE HAZARDS TO THE PUBLIC. NAILS OR OTHER TIRE PUNCTURING ITEMS SHALL NOT BE DROPPED ON STREETS, ALLEYS AND ADJACENT PROPERTY. PUBLIC STREETS, CURBS AND SIDEWALKS SHALL BE PROTECTED FROM DAMAGE. THE PERSON ENGAGED IN THE DEMOLITION WORK SHALL BE LIABLE FOR ANY AND ALL DAMAGE TO CURBS, STREETS, SIDEWALKS AND OTHER PUBLIC OR PRIVATE PROPERTY AND FOR ANY BODILY INJURY OCCURRING AS A RESULT OF THE DEMOLITION WORK.

LEGEND

- | | | | |
|-----|--------------------------|-----|-------------------------------|
| ● | FOUND CAPPED IRON | --- | EXISTING FENCE |
| ☆ | LIGHT POLE | --- | EXISTING NATURAL GAS |
| ⊗ | UTILITY POLE | --- | EXISTING WATER |
| △ | CONTROL POINT | --- | EXISTING STORM |
| ⊕ | ROAD SIGN | --- | EXISTING SANITARY |
| CB | CATCH BASIN | --- | EXISTING UNDERGROUND ELECTRIC |
| SAN | SANITARY MANHOLE | --- | EXISTING OVERHEAD ELECTRIC |
| STM | STORM MANHOLE | --- | ASPHALT PAVEMENT |
| WV | WATER VALVE | --- | CONCRETE PAVEMENT |
| HYT | HYDRANT | --- | AND SIDEWALK |
| HH | COMMUNICATIONS HAND HOLE | --- | GRAVEL PAVEMENT |
| HS | COMMUNICATIONS RISER | --- | SAWCUT |
| GLM | GAS LINE MARKER | --- | REMOVE |
| WMM | WATER MAIN MARKER | --- | PROTECT |
| ULM | UTILITY LINE MARKER | --- | LIMITS OF CONSTRUCTION |
| SLM | SANITARY LINE MARKER | --- | CURB & GUTTER REMOVAL |
| SLM | STORM LINE MARKER | --- | |
| BM | BENCHMARK | --- | |
| B | BOLLARD | --- | |
| EMH | ELECTRIC MANHOLE | --- | |
| GW | GUY WIRE | --- | |

BENCHMARKS

- BM-1:
ELEV: 903.42
SET MAG NAIL IN SOUTH SIDE OF POWER POLE
- BM-2:
ELEV: 903.46
SET "X" ON SOUTHWEST OF FLANGE BOLT ON HYDRANT
- BM-3:
ELEV: 902.54
SET MAG NAIL IN NORTHEAST SIDE OF POWER POLE



PLANS PREPARED BY:



DRAWN: aw
CHECKED: WLP

No.	ISSUED FOR:	DATE	BY
0	SITE PLAN REVIEW	10/10/2025	tc
1	CITY REVISIONS	11/03/2025	LM
2			
3			
4			

EXISTING CONDITIONS & DEMO PLAN

TIGER TOWING
DRIVEN DESIGN
775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.

PROJECT:
CLIENT:
SITE ADDRESS:
SITE SECTION:

JOB NUMBER
25103008

DATE
11/03/2025

SHEET NUMBER
C1.0



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING LLC

SITE NOTES

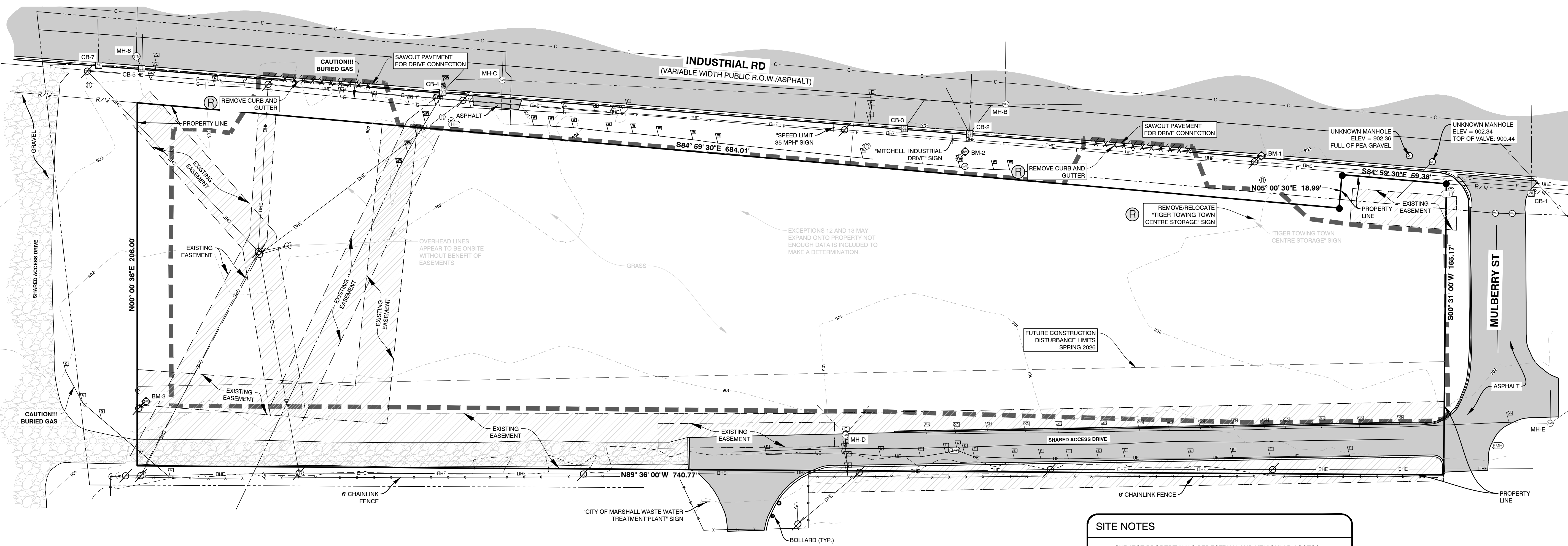
- SUBJECT PROPERTY HAS PEDESTRIAN AND VEHICULAR ACCESS TO INDUSTRIAL RD. (PUBLIC) VIA SHARED ACCESS DRIVE.
- NO CEMETERIES, GRAVE SITES, OR BURIAL GROUNDS WERE DISCLOSED IN THE RECORD DOCUMENTS OR OBSERVED.
- UTILITIES SHOWN HEREON HAVE BEEN LOCATED PER AVAILABLE EVIDENCE ON SITE, OR HAVE BEEN SHOWN PER AVAILABLE MAPS PROVIDED BY UTILITY OWNER AND ARE AN APPROXIMATE LOCATION. ADDITIONAL UTILITIES MAY EXIST BUT ARE UNKNOWN.
- NO EVIDENCE OF RECENT STREET, SIDEWALK, EARTHWORK, OR CONSTRUCTION WAS OBSERVED.
- NO WETLAND FLAGS WERE OBSERVED.
- NO ZONING REPORT WAS PROVIDED.
- NO BUILDINGS ON SITE.
- NO PARKING SPACES AND NO ADA SPACES WERE OBSERVED.
- THE NEAREST INTERSECTING STREET IS INDUSTRIAL RD AND S MULBERRY ST. THE SITE IS LOCATED AT THE INTERSECTION.
- ELEVATION BASIS: NAVD 88, GEOID 18.
- PROPERTY LINE SHOWN FROM PROVIDED SURVEY BY KEBS, INC. JOB NUMBER 103676.BND, DATED 04/18/2025.

STORM STRUCTURE INFORMATION

- | | |
|---|--|
| CB-1, 4' CONC. STRUCTURE
RIM = 902.24
N 12" CONC. (INV. = 897.64)
SUMP = 896.99 | CB-5, 4' BLOCK STRUCTURE
RIM = 900.98
NW 10" CLAY (INV. = 896.33)
N 10" CLAY (INV. = 896.08)
W 15" CLAY (INV. = 896.03)
E 15" CLAY (INV. = 895.93)
SUMP = 895.88 |
| CB-2, 2' CONC. STRUCTURE
RIM = 900.92
NE 6" CPE (INV. = 898.72)
NW 6" CPE (INV. = 898.77)
SUMP = 897.82 | MH-6, 4' BLOCK STRUCTURE
RIM = 901.17
N 10" PVC (INV. = 897.32)
SE 10" CLAY (INV. = 896.47)
SUMP = 895.87 |
| CB-3, 4' CONC. STRUCTURE
RIM = 900.90
NE 12" CONC. (INV. = 897.10)
SUMP = 895.40 | CB-7, 4' BLOCK STRUCTURE
RIM = 901.89
E 15" CLAY (INV. = 896.04)
W 15" CLAY (INV. = 896.19)
N 12" CONC. (INV. = 896.09)
SUMP = 895.89 |
| CB-4, 4' BLOCK STRUCTURE
RIM = 901.49
W 15" CLAY (INV. = 895.34)
NE 24" CONC. (INV. = 894.99)
SW 24" CONC. (INV. = 894.84)
E 6" CPE (INV. = 898.28)
SUMP = 894.79 | |

SANITARY STRUCTURE INFORMATION

- | | |
|--|---|
| MH-B, 4' BLOCK STRUCTURE
RIM = 901.50
N 10" CLAY (INV. = 892.85)
W 10" CLAY (INV. = 891.95)
E 10" CLAY (INV. = 891.85) | MH-C, 4' BLOCK STRUCTURE
RIM = 901.88
S 4" PVC (INV. = 896.78) CAPPED LATERAL
N 10" CLAY (INV. = 893.38)
W 10" CLAY (INV. = 892.43)
E 10" CLAY (INV. = 892.38) |
| MH-D, 4' CONC. STRUCTURE
RIM = 900.29
NW 4" PVC (INV. = 894.24)
NE FM PVC (INV. = 894.04) | MH-E
RIM = 901.61
N (INV. = +25' DEEP)
NE (INV. = +25' DEEP)
W 12" CLAY (INV. = +25' DEEP) |



SITE DATA

1. PROPERTY INFORMATION:
PARCEL #: 53-002-535-01

SITE AREA: 131,695 SF (3.02 AC)

OWNER: TIGER TOWING LLC
19218 11 MILE RD
MARSHALL, MI 49068

2. ZONING:
PROPERTY CURRENTLY ZONED:
I-2 GENERAL INDUSTRIAL
ABUTTING PROPERTY CURRENTLY ZONED:
NORTH: I-1 RESEARCH AND MANUFACTURING
SOUTH: I-2 GENERAL INDUSTRIAL
EAST: I-2 GENERAL INDUSTRIAL
WEST: I-2 GENERAL INDUSTRIAL

PROPOSED LAND USE = TOWING/SELF STORAGE
*SPECIAL USE IN GENERAL INDUSTRIAL DISTRICT

3. SETBACKS
FRONT = 60'
SIDES = 30'
REAR = 30'
4. PARKING:
REQUIRED = (1) PARKING SPACE PER (300) SF.
OF USABLE FLOOR AREA
907 SF/300 = 3.02 = 3
PROVIDED = STANDARD 9'X20' SPACES = 3
BARRIER FREE SPACES = 1
TOTAL PROVIDED = 4

5. BUILDING:
SINGLE-STORY (18'-8")
MAXIMUM HEIGHT: 60'
TOTAL AREA OF 1,296 SFT. (SEE FLOOR PLAN AND
ELEVATIONS FOR MORE DETAIL)
TOTAL AREA OF STORAGE UNITS: 13,900 SFT.
TOTAL AREA OF BUILDING COVERAGE: 1,296 + 13,900 =
15,196 SFT.
STORAGE UNIT LOT COVERAGE: 11%
BUILDING LOT COVERAGE: 1%
PROPOSED TOTAL LOT COVERAGE: 12%
MAXIMUM LOT COVERAGE: 40%

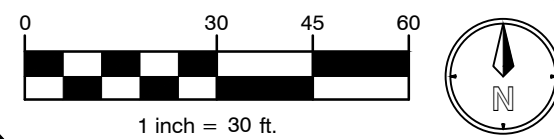
6. LOT:
MINIMUM LOT SIZE: N/A
MINIMUM LOT WIDTH: 200'
LOT SIZE: 131,695 SFT / 3.02 ACRES
LOT DIMENSIONS: IRREGULAR

7. LANDSCAPING:
SHALL BE IN ACCORDANCE WITH LANDSCAPING PLAN.

8. STORM WATER DETENTION REQUIRED:
STORM WATER MANAGEMENT SHALL BE IN
ACCORDANCE WITH COUNTY STORM WATER
GUIDELINES.

STRIPING LEGEND

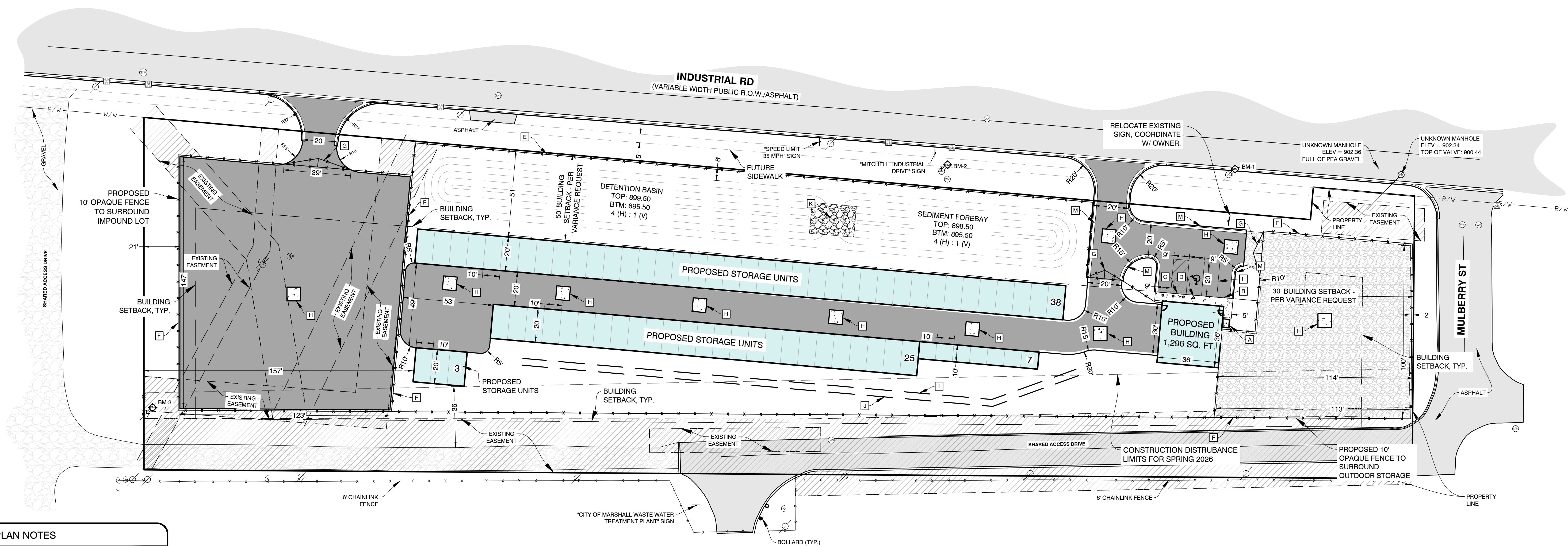
YELLOW CURBING AND BOLLARDS - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY AND METAL SURFACES FREE OF HEAVY RUST 2 COATS SHERWIN WILLIAMS - KEM 4000 ACRYLIC ALKYD ENAMEL SAFETY YELLOW B55Y300
STRIPING - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PROMAR TRAFFIC MARKING PAINT YELLOW TM5495
HANDICAP STRIPING - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PROMAR TRAFFIC MARKING PAINT "H.C." BLUE



PLANS PREPARED BY:



DRAWN: aw
CHECKED: WLP



SITE PLAN NOTES

- [A] 5' X 3' CONCRETE PAD. AREA FOR 2 HERBY CURBYS.
[B] INTEGRAL CURB/WALK (SEE DETAIL, SHEET C5.0).
[C] AT-GRADE RAMP (SEE GRADING PLAN, SHEET C4.0).
[D] BOLLARDS - (6) TOTAL (SEE DETAIL, SHEET C5.0)
[E] 6' TALL CHAIN LINK FENCE
[F] 10' OPAQUE FENCE TO SURROUND IMPOUND LOT.
[G] GATE WITH ACCESS BUTTON.
[H] 8' x 8' CONCRETE APRON SURROUNDING PROPOSED STORM STRUCTURES
[I] VEGETATIVE SWALE (SEE DETAIL, SHEET C5.0) (SEE GRADING, SHEET C4.0)
[J] PROPOSED 1' BERM ADJACENT TO PROPOSED SWALE
[K] FOREBAY SPILLWAY SECTION (SEE DETAIL, SHEET C5.0)
[L] 4" PAINTED PARKING LOT MARKING/STRIPING (TYP.) (SEE DETAIL, THIS SHEET)
[M] MDOOT F4 CURB & GUTTER (SEE DETAIL, SHEET C5.0)

LEGEND

	EXISTING ASPHALT PAVEMENT
	EXISTING GRAVEL PAVEMENT
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED GRAVEL PAVEMENT

GENERAL NOTES

- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
- ALL CURB RADI AND DIMENSIONS ARE TO FACE OF CURB. CURB TO BE PROVIDED WHERE SHOWN AND INTEGRAL WITH SIDEWALK AT PAVING EDGE.
- SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN. NOMINAL GRADING, SLOPE SIDEWALKS AWAY FROM BUILDING AT 1/4" PER FOOT ON ENTRY WALK.

ISSUED FOR:

No.	DATE	BY
0	10/10/2025	tc
1	11/03/2025	LM
2	.	.
3	.	.
4	.	.

SITE LAYOUT
TIGER TOWING
DRIVEN DESIGN
775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.

PROJECT:
CLIENT:
SITE ADDRESS:
SITE SECTION:

JOB NUMBER

25103008

DATE

11/03/2025

SHEET NUMBER

C2.0

GENERAL NOTES

- ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT TIME OF CONSTRUCTION.
- ELECTRICAL WORK SHALL BE PERFORMED BY A STATE OF MICHIGAN LICENSED ELECTRICIAN ACCORDING TO THE N.E.P.A. NATIONAL ELECTRICAL CODE AS MODIFIED BY THE STATE OF MICHIGAN. FURNISH AND INSTALL ALL MATERIALS AND LABOR TO PROVIDE A COMPLETE WORKING SYSTEM.
- ALL PLUMBING WORK SHALL BE PERFORMED BY A STATE OF MICHIGAN LICENSED PLUMBER ACCORDING TO THE INTERNATIONAL PLUMBING CODE AS MODIFIED BY THE STATE OF MICHIGAN AND LOCAL HEALTH DEPARTMENT. FURNISH AND INSTALL ALL MATERIALS AND LABOR TO PROVIDE A FULL WORKING SYSTEM.
- ALL MECHANICAL WORK SHALL BE PERFORMED ACCORDING TO THE INTERNATIONAL MECHANICAL CODE AS MODIFIED BY THE STATE OF MICHIGAN AND THE MICHIGAN ENERGY CODE. FURNISH AND INSTALL ALL MATERIALS AND LABOR TO PROVIDE A FULL WORKING SYSTEM.
- ALL WORK SHALL CONFORM TO THE MICHIGAN HANDICAPPED ACCESSIBILITY CODE AND THE AMERICANS WITH DISABILITIES ACT.
- WATER SERVICE PRESSURE TESTING AND CHLORINATION SHALL BE PER EGLE AND THE CITY OF MARSHALL REQUIREMENTS.
- SANITARY SEWER INSTALLATION AND TESTING MUST MEET THE REQUIREMENTS OF EGLE AND THE CITY OF MARSHALL.
- ALL REGULATORY SIGNAGE (IF SPECIFIED) SHALL BE PER THE MICHIGAN DEPARTMENT OF TRANSPORTATION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, PERMIT COSTS, TAP FEES, METER DEPOSITS, PERMANENT UTILITY APPLICATIONS, BONDS, AND OTHER FEES REQUIRED FOR PROPOSED WORK.
- CONTACT MISS DIG "811" FOR LOCATION OF UNDERGROUND UTILITIES A MINIMUM OF 48 HOURS BEFORE COMMENCING EXCAVATION WORK. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO ARE NOT PART OF THE "MISS DIG" ALERT SYSTEM. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
- ANY SANITARY SEWER, SANITARY SEWER SERVICE LEADS, WATER MAIN, WATER SERVICES, OR STORM SEWER WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS SHALL BE REPAIRED TO THE OWNERS SATISFACTION, AND AT THE CONTRACTORS EXPENSE. IF ANY ELEMENTS OF THE SANITARY SEWER SYSTEM ARE DAMAGED AND NEED REPAIRED, IT MUST MEET THE CITY OF MARSHALL SPECIFICATIONS.
- THE ELECTRICAL CONTRACTOR IS RESPONSIBLE FOR THE ELECTRICAL TRANSFORMER PAD PER THE UTILITY COMPANY SPECIFICATIONS.
- THE TELEPHONE UTILITY COMPANY SHALL PROVIDE UNDERGROUND TELEPHONE TO THE BUILDING AT THE OWNERS EXPENSE.
- REFER TO ELECTRICAL DRAWINGS FOR UNDERGROUND ELECTRICAL REQUIREMENTS FOR SITE LIGHTING & SITE DETAILS SHEETS FOR THE FIXTURE AND POLE SPECIFICATIONS.
- DESIGN, INSTALLATION AND SPECIFICATION FOR IMPROVEMENTS RELATED TO GAS, TELEPHONE, ELECTRIC AND CABLE TELEVISION SERVICES SHALL BE COORDINATED BY THE CONTRACTOR.
- CONTRACTOR SHALL COORDINATE TELEPHONE, ELECTRIC, AND CABLE TELEVISION CONDUITS WITH THE APPROPRIATE UTILITY PRIOR TO PAVEMENT INSTALLATION.
- CONTRACTOR IS TO UNCOVER AND CONFIRM ALL TAP LOCATIONS. LOCATION DISCREPANCIES ARE TO BE BROUGHT TO THE ENGINEERS ATTENTION FOR RESOLUTION.
- THE CONTRACTOR IS TO PROVIDE THE WATER SERVICE PIPING FROM THE BUILDING TO THE EXISTING WATER MAIN. THE CONTRACTOR SHALL MAKE THE CONNECTION TO THE SHUT OFF VALVE, THE CONTRACTOR SHALL COORDINATE SERVICES WITH THE CITY OF MARSHALL.
- CONTRACTOR/OWNER SHALL OBTAIN UTILITY CONNECTION PERMITS AND SETTLE APPLICABLE UTILITY ASSESSMENTS PRIOR TO EXTENSION OF PUBLIC UTILITIES ONSITE.
- MANHOLE AND CATCH BASIN STRUCTURES SHALL BE PRECAST AND HAVE A MAXIMUM OF 2 ADJUSTING RINGS FOR FINISH GRADE ADJUSTMENT. STORM STRUCTURES MUST ALL HAVE A SUMP OF TWO FEET.
- ALL WATER MAIN TO HAVE A BURIAL DEPTH AS REQUIRED BY EGLE FOR THE SPECIFIC REGION OF WORK IN CITY OF MARSHALL.
- DEMOLISH & REMOVE ALL EXISTING SITE FEATURES AS REQUIRED.
- THE CONTRACTOR SHALL REVIEW THE GEOTECHNICAL REPORT PREPARED FOR THIS SITE.
- DRIVEWAY LAYOUT AND CONNECTION TO INDUSTRIAL RD SHALL COMPLY WITH ALL ASPECTS OF THE CITY OF MARSHALL / CALHOUN COUNTY ROAD COMMISSION DRIVE PERMIT.

SITE MATERIALS & CONSTRUCTION NOTES

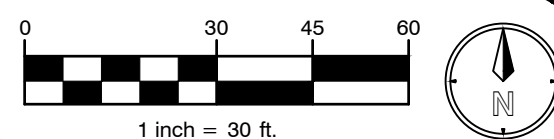
- SOILS EXPOSED IN THE BASE OF ALL SATISFACTORY FOUNDATION EXCAVATIONS SHOULD BE PROTECTED AGAINST ANY DETRIMENTAL CHANGES IN CONDITION SUCH AS FROM DISTURBANCE, RAIN AND FREEZING. SURFACE RUN-OFF WATER SHOULD BE DRAINED AWAY FROM THE EXCAVATION AND NOT ALLOWED TO POND. IF POSSIBLE, ALL FOOTING CONCRETE SHOULD BE POURED THE SAME DAY THE EXCAVATION IS MADE. IF THIS IS NOT PRACTICAL, THE FOOTING EXCAVATIONS SHOULD BE ADEQUATELY PROTECTED.
- REMOVE ALL SUBGRADE GRADE MATERIAL THAT MAY BE SOFTENED BY RAINS, FREEZING, OR CONSTRUCTION TRAFFIC, ETC. AND REPLACE WITH COMPACTED GRANULAR FILL.
- STORM SEWER SHALL BE CORRUGATED HDPE PIPE WITH SMOOTH INTERIOR WALL. BY ADS OR EQUAL. LEACHING BASINS AND MANHOLES ARE TO BE REINFORCED CONCRETE WITH RIM AND SLOTTED GRATING (AS SHOWN). STORM SEWER & LEACHING BASINS ARE TO BE WRAPPED WITH FILTER FABRIC.
- ALL WATER SERVICE LINES SHALL BE 1" PE PIPE WITHIN 5' OF BUILDING, WITH COMPRESSION FITTINGS OR MECHANICAL FITTINGS OTHER THAN FLARED ENDS. PROVIDE 5' COVER FROM FINISHED GRADE.
- PROVIDE MINIMUM 5' COVER FROM FINISHED GRADE FOR ALL WATER SERVICE LINES. IF COVER CANNOT BE MAINTAINED DUE TO SITE CONDITIONS OR INVERT ELEVATIONS THE ENTIRE LENGTH OF THE EXTERIOR PIPE MUST BE PROTECTED WITH 2" RIGID INSULATION BOARD ON THE TOP AND SIDES.
- PROVIDE MINIMUM 5' COVER FROM FINISHED GRADE FOR ALL SANITARY SEWER LINES. IF COVER CANNOT BE MAINTAINED DUE TO SITE CONDITIONS OR INVERT ELEVATIONS THE ENTIRE LENGTH OF THE EXTERIOR PIPE MUST BE PROTECTED WITH 2" RIGID INSULATION BOARD ON THE TOP AND SIDES.
- MAINTAIN 10 FOOT MINIMUM HORIZONTAL SEPARATION BETWEEN THE SEWER AND WATER MAIN UTILITIES. PROVIDE 18" MINIMUM VERTICAL SEPARATION WHERE UTILITIES CROSS.
- THE CONTRACTOR SHALL INSTALL A PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
- EXTERIOR CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AND SHALL HAVE LIMESTONE AGGREGATE AND SHALL HAVE 4 - 6 % AIR ENTRAINMENT WITH A BROOM FINISH.
- EXPANSION JOINTS IN CONCRETE PAVEMENT AND WALLS SHALL BE 1/2" ASPHALT IMPREGNATED FULL DEPTH 40' O.C. MAXIMUM & AT SIDEWALK INTERSECTIONS. CRACK CONTROL SCORING AT SIDEWALK WIDTH DIMENSION AND @ 10'-0" O.C. IN DRIVES.

EX. SANITARY STRUCTURE INFORMATION

MHA 4' CONC. STRUCTURE RIM = 902.34 SW 20" TOP OF VALVE (INV. = 900.44) SUMP = 896.49	MHD 4' CONC. STRUCTURE RIM = 900.29 NW 4" PVC (INV. = 894.24) NE FM PVC (INV. = 894.04)
MHB 4' BLOCK STRUCTURE RIM = 901.50 N 10" CLAY (INV. = 892.85) W 10" CLAY (INV. = 891.95) E 10" CLAY (INV. = 891.85)	MHE RIM = 901.61 N (INV. +25' DEEP) NE (INV. +25' DEEP) W 12" CLAY (INV. +25' DEEP)
MHC 4' BLOCK STRUCTURE RIM = 901.88 S 4" PVC (INV. = 896.78) CAPPED LATERAL N 10" CLAY (INV. = 893.38) W 10" CLAY (INV. = 892.43) E 10" CLAY (INV. = 892.38)	

BENCHMARKS

- BM-1:**
ELEV: 903.42
SET "X" ON SOUTH SIDE OF POWER POLE
- BM-2:**
ELEV: 903.46
SET "X" ON SOUTHWEST OF FLANGE BOLT ON HYDRANT
- BM-3:**
ELEV: 902.54
SET MAG NAIL IN NORTHEAST SIDE OF POWER POLE



PLANS PREPARED BY:

DRAWN: aw
CHECKED: WLP

No.	DATE	BY	ISSUED FOR:
0	10/10/2025	tc	SITE PLAN REVIEW
1	11/03/2025	LM	CITY REVISIONS
2			
3			
4			

UTILITY PLAN
TIGER TOWING
DRIVEN DESIGN
775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.PROJECT:
CLIENT:
SITE ADDRESS:
SITE SECTION:JOB NUMBER
25103008DATE
11/03/2025

SHEET NUMBER

C3.0

SITE PLAN NOTES

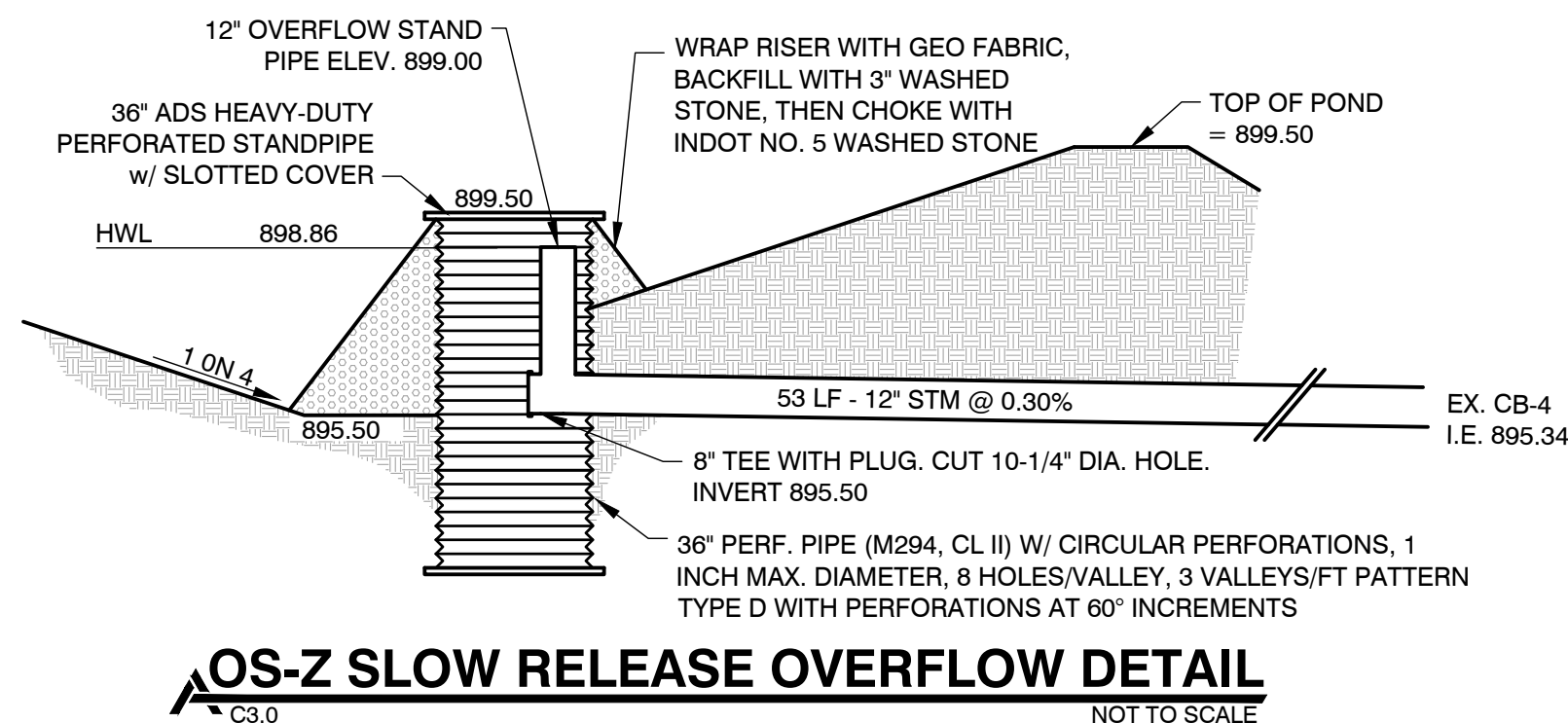
- A** WATER SERVICE. COORDINATE CONNECTION WITH PLUMBING PLANS PROVIDED BY THE ARCHITECT.
- B** 89 LF TO EXISTING WATERMAIN - 1" PE WATER SERVICE. CONNECT TO EXISTING WATERMAIN. COORDINATE WITH CITY OF MARSHALL WATER DEPARTMENT - (269) 558-0328.
- C** SEWER LATERAL. COORDINATE CONNECTION WITH PLUMBING PLANS PROVIDED BY THE ARCHITECT.
- D** CONNECT TO EXISTING SANITARY LATERAL. COORDINATE WITH CITY OF MARSHALL DEPARTMENT OF PUBLIC WORKS - (269) 558-0324.
- E** U/G ELECTRIC SERVICE.
- F** U/G TELEPHONE SERVICE.
- G** U/G GAS SERVICE.
- H** 12" FLARED END SECTION WITH RIP RAP AND REFUSE SCREEN (SEE DETAIL, SHEET C5.0)
- I** TWO-WAY YARD CLEANOUT. SCHEDULE 40 BACKFLOW DEVICE (SEE DETAIL, SHEET C5.0)
- J** SANITARY CLEAN OUT (SEE DETAIL, SHEET C5.0)
- K** SLOW-RELEASE / OVERFLOW STRUCTURE. (SEE DETAIL, THIS SHEET)
- L** STORM CLEAN OUT (SEE DETAIL, SHEET C5.0)
- M** PROPOSED VEGETATIVE SWALE (SEE DETAIL, SHEET C5.0)
- N** PROPOSED 1' BERM ADJACENT TO PROPOSED SWALE.
- O** PROPOSED FOREBAY SPILLWAY SECTION (SEE DETAIL, SHEET C5.0)
- P** 8' x 8' CONCRETE APRON (SEE DETAIL, SHEET C5.0)
- Q** CORE EXISTING CATCH BASIN FOR NEW CONNECTION. COORDINATE CONNECTION WITH CITY OF MARSHALL DEPARTMENT OF PUBLIC WORKS - (269) 558-0324.

PROPOSED STORM STRUCTURE TABLE

CB-M, 4' DIA., EJIW 5105 RIM = 900.70 12" HDPE E 897.70 *SNOUT ON OUTLET PIPE, SEE DETAIL SHEET	CB-S, 4' DIA., EJIW 5105 RIM = 902.42 12" HDPE W 896.17 12" HDPE SW 898.76 15" HDPE N 895.92
CB-N, 4' DIA., EJIW 5105 RIM = 902.55 12" HDPE W 897.43 12" HDPE E 897.43	YD-T, ** RIM = 901.83 12" HDPE NE 898.83
CB-O, 4' DIA., EJIW 5105 RIM = 902.55 12" HDPE W 897.23 12" HDPE E 897.23	CB-U, 4' DIA., EJIW 5105 RIM = 902.17 15" HDPE S 895.75 12" HDPE E 898.41 12" HDPE W 895.75 *SNOUT ON OUTLET PIPE, SEE DETAIL SHEET
CB-P, 4' DIA., EJIW 5105 RIM = 902.55 12" HDPE W 896.99 12" HDPE E 896.99	CB-V, 4' DIA., EJIW 5105 RIM = 901.84 12" HDPE E 898.84
CB-Q, 4' DIA., EJIW 5105 RIM = 902.55 12" HDPE W 896.75 12" HDPE E 896.75	CB-W, 4' DIA., EJIW 5105 RIM = 902.64 12" HDPE W 898.63 12" HDPE E 898.63
CB-R, 4' DIA., EJIW 5105 RIM = 902.55 12" HDPE W 896.47 12" HDPE E 896.47	* ALL STRUCTURES HAVE 2' SUMPS ** ALL YARD DRAINS ARE ADS NYLOPLAST INLINE DRAIN W/10" SLOTTED COVER

EX. STORM STRUCTURE INFORMATION

CB-1, 4' CONC. STRUCTURE RIM = 902.24 N 12" CONC. (INV. = 897.64) SUMP = 896.99	CB-5, 4' BLOCK STRUCTURE RIM = 900.98 NW 10" CLAY (INV. = 896.33) N 10" CLAY (INV. = 896.08) W 15" CLAY (INV. = 896.03) E 15" CLAY (INV. = 895.93) SUMP = 895.88
CB-2, 2' CONC. STRUCTURE RIM = 900.92 NE 6" CPE (INV. = 898.72) NW 6" CPE (INV. = 898.77) N 12" PVC (INV. = 898.47) SUMP = 897.82	MH-6, 4' BLOCK STRUCTURE RIM = 901.17 N 10" PVC (INV. = 897.32) SE 10" CLAY (INV. = 896.47) SUMP = 895.87
CB-3, 4' CONC. STRUCTURE RIM = 900.90 NE 12" CONC. (INV. = 897.10) SUMP = 895.40	CB-7, 4' BLOCK STRUCTURE RIM = 900.89 E 15" CLAY (INV. = 896.04) W 15" CLAY (INV. = 896.19) N 12" CONC. (INV. = 896.09) SUMP = 895.89
CB-4, 4' BLOCK STRUCTURE RIM = 901.49 W 15" CLAY (INV. = 895.34) NE 24" CONC. (INV. = 894.99) SW 24" CONC. (INV. = 894.84) E 6" CPE (INV. = 898.28) S 12" HDPE INV 895.34 SUMP = 894.79	NOTES PROPOSED PIPE CONNECTION INFORMATION

811 Know what's below.
Call before you dig.

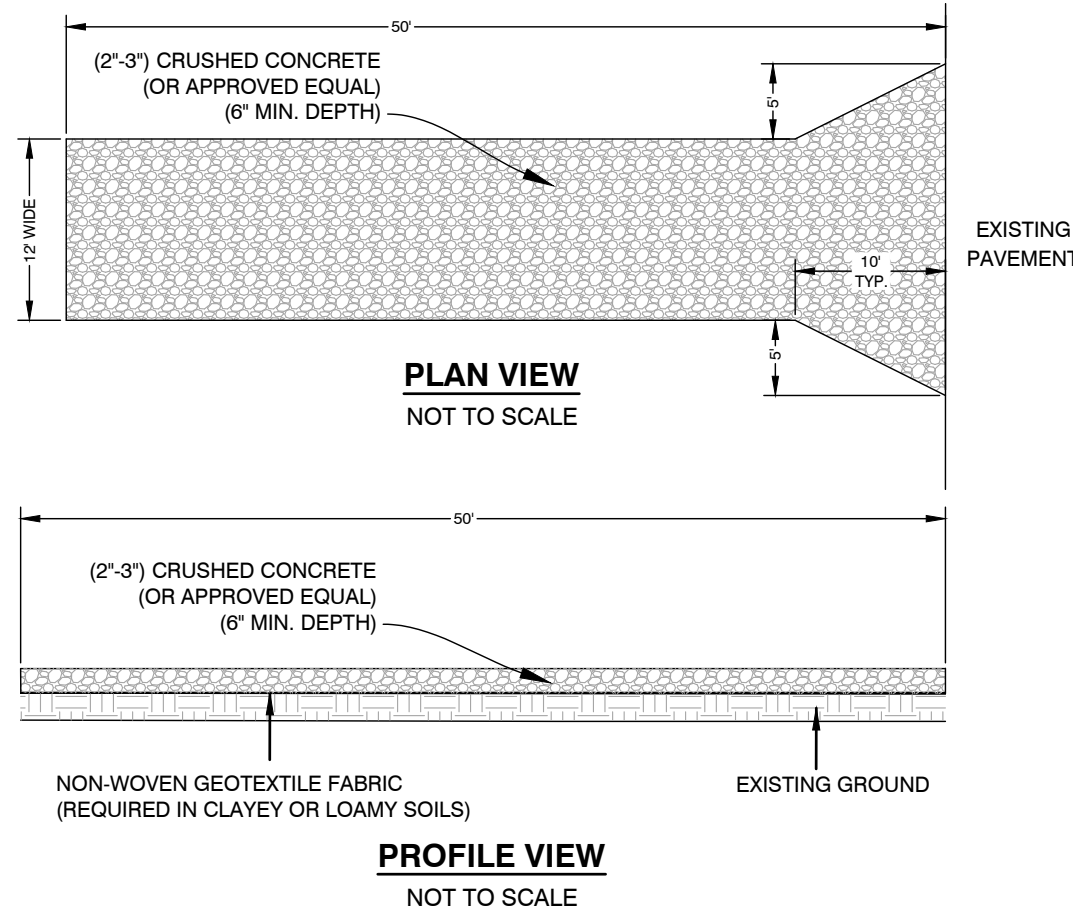
ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING LLC

SOIL EROSION & SEDIMENT CONTROL NOTES

- ALL CONSTRUCTION METHODS SHALL BE DONE IN COMPLIANCE WITH MDOOT-EGLE. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING A "SOIL EROSION PERMIT" FROM THE GOVERNING AUTHORITY AND A "PERMIT BY RULE/NOTICE OF COVERAGE" FROM THE GOVERNING AUTHORITY. IF APPLICABLE, PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL REQUIREMENTS OF THE "SOIL EROSION PERMIT" AND FOR ALL CERTIFIED STORM WATER INSPECTION SERVICE REQUIRED BY THE "PERMIT BY RULE." EROSION CONTROL MEASURES SHOWN ON THE PLANS ARE THE MINIMUM REQUIREMENTS AND SHALL NOT RELIEVE THE CONTRACTOR'S RESPONSIBILITY FOR PROVIDING ALL REQUIRED EROSION CONTROL MEASURES.
- AVOID UNNECESSARY DISTURBING OR REMOVING OF EXISTING VEGETATED TOPSOIL OR EARTH COVER, THESE COVER AREAS ACT AS SEDIMENT FILTERS.
- ALL TEMPORARY SOIL EROSION PROTECTION SHALL REMAIN IN PLACE UNTIL REMOVAL IS REQUIRED FOR FINAL CLEAN UP AND APPROVAL.
- GEOTEXTILE SILT FENCE SHALL BE INSTALLED AS REQUIRED WHEN CROSSING CREEKS OR WHEN ADJACENT TO WETLANDS OR SURFACE WATER BODIES TO PREVENT SILTATION AND ELSEWHERE AS DIRECTED BY THE ENGINEER. SEEDING AND/OR SODDING SHALL BE INSTALLED ON CREEK BANKS IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION.
- MAINTENANCE, CLEANING, AND REMOVAL OF THE VARIOUS SEDIMENT CONTROL MEASURES SHALL BE INCLUDED IN THE VARIOUS EROSION CONTROL ITEMS.

ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PER MDOOT STANDARD DETAILS. "P" DENOTES PERMANENT MEASURE AND "T" DENOTES TEMPORARY MEASURE. SOIL EROSION CONTROL PLANS DENOTE MINIMUM EROSION MEASURES REQUIRED AS DESCRIBED BELOW.

- (3P) DENOTES PERMANENT SEEDING. ALL DISTURBED AREAS NOT PAVED OR GRAVELED SHALL BE RESTORED. PLACE TOPSOIL SURFACE, SALV. 3 INCH, MDOOT SEEDING, MIXTURE TUF APPLIED AT A RATE OF 220 LB/ACRE, FERTILIZER, CHEMICAL NUTRIENT, CL A APPLIED AT A RATE OF 228 LB/ACRE, MULCH AT A RATE OF 2 TON/ACRE AND MULCH ANCHORING. (APPLIES TO ENTIRE PROJECT)
- (4T) DENOTES DUST CONTROL. DUST CONTROL MAY BE REQUIRED ON THE SUBGRADE CONSTRUCTION AND WILL INCLUDE APPLYING FRESH WATER TO BE INCLUDED IN THE ITEM OF EMBANKMENT. DUST CONTROL ON THE AGGREGATE BASE COURSE WILL BE ACCOMPLISHED BY APPLYING FRESH WATER (INCLUDED IN THE ITEM OF AGGREGATE BASE, 6 INCH) AND APPLYING DUST PALLIATIVE, APPLIED, CAC₂ (TON) AS DIRECTED BY THE PROJECT ENGINEER.
- (8P) DENOTES AGGREGATE COVER/PERMANENT PAVEMENT RESTORATION
- (14T) DENOTES GRAVEL ACCESS APPROACH. APPROACH SHALL BE INSTALLED TO PROVIDE STABLE ACCESS TO ROADWAYS AND MINIMIZE DUST AND TRACKING OF MATERIALS ONTO PUBLIC STREETS AND HIGHWAYS. THE APPROACH SHALL BE A MINIMUM OF 12' WIDE, 6" DEEP, AND CONSIST OF 2"-4" AGGREGATE.
- (29T) DENOTES TEMPORARY SILT FENCE. SILT FENCE SHALL BE INSTALLED AT CREEK CROSSINGS, ADJACENT TO ALL WETLANDS AND SURFACE WATERS, AND OTHER LOCATIONS AS DIRECTED BY THE ENGINEER. EACH SILT FENCE SHALL BE INSTALLED GENERALLY ALONG THE SAME CONTOUR ELEVATION.
- (29T) DENOTES INLET PROTECTION FABRIC DROP. SHALL BE INSTALLED AT EXISTING AND PROPOSED STORM SEWER INLETS TO PROVIDE SETTLING AND FILTERING OF SILT LADEN WATER PRIOR TO ENTRY INTO THE DRAINAGE SYSTEM.
- (33T) DENOTES MULCH BLANKET OR MATTING. SHALL BE NORTH AMERICAN GREEN DS150, OR APPROVED EQUAL. MULCH BLANKETS SHALL BE PLACED ON ALL 1:3 SLOPES OR GREATER, IN AND AROUND DITCH BOTTOMS WHERE THERE IS NO BIOSWALE BY CONTRACTOR RESPONSIBLE FOR RESTORING THAT AREA.



WHEN:
CONSTRUCTION TRAFFIC IS EXPECTED TO LEAVE A CONSTRUCTION SITE.

WHY:
TO MINIMIZE TRACKING OF SEDIMENT ONTO PUBLIC ROADWAYS.

WHERE:
STABILIZED CONSTRUCTION ENTRANCES SHALL BE LOCATED AT EVERY POINT WHERE CONSTRUCTION TRAFFIC ENTERS OR LEAVES A CONSTRUCTION SITE. VEHICLES LEAVING THE SITE MUST BE ROUTED OVER THE INGRESS/EGRESS CORRIDOR.

HOW:
1. CONSTRUCTION TRACKING MAT ACCESS ROAD SHOULD BE ESTABLISHED AT THE ONSET OF THE CONSTRUCTION ACTIVITIES AND MAINTAINED IN PLACE FOR THE DURATION OF THE CONSTRUCTION PROJECT.

3. ACCESS LOCATION SHOULD BE CLEARED OF WOODY VEGETATION.

4. NON-WOVEN GEOTEXTILE FABRIC SHALL BE PLACED OVER THE EXISTING GROUND PRIOR TO PLACING STONE. (NECESSARY IN CLAYEY OR LOAMY SOILS)

5. ACCESS LENGTH SHALL BE A MINIMUM OF 50'.

6. ACCESS WIDTH SHALL BE 12' WIDE AND FLARED AT ??.

7. CRUSHED CONCRETE (OR APPROVED EQUAL), SHALL BE PLACED AT LEAST 6" DEEP OVER THE LENGTH AND WIDTH OF THE INGRESS/EGRESS CORRIDOR.

MAINTENANCE:
PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN EVENT.

STABILIZED ENTRANCES SHALL BE REPAIRED AND APPROPRIATE MATERIAL ADDED AS NECESSARY

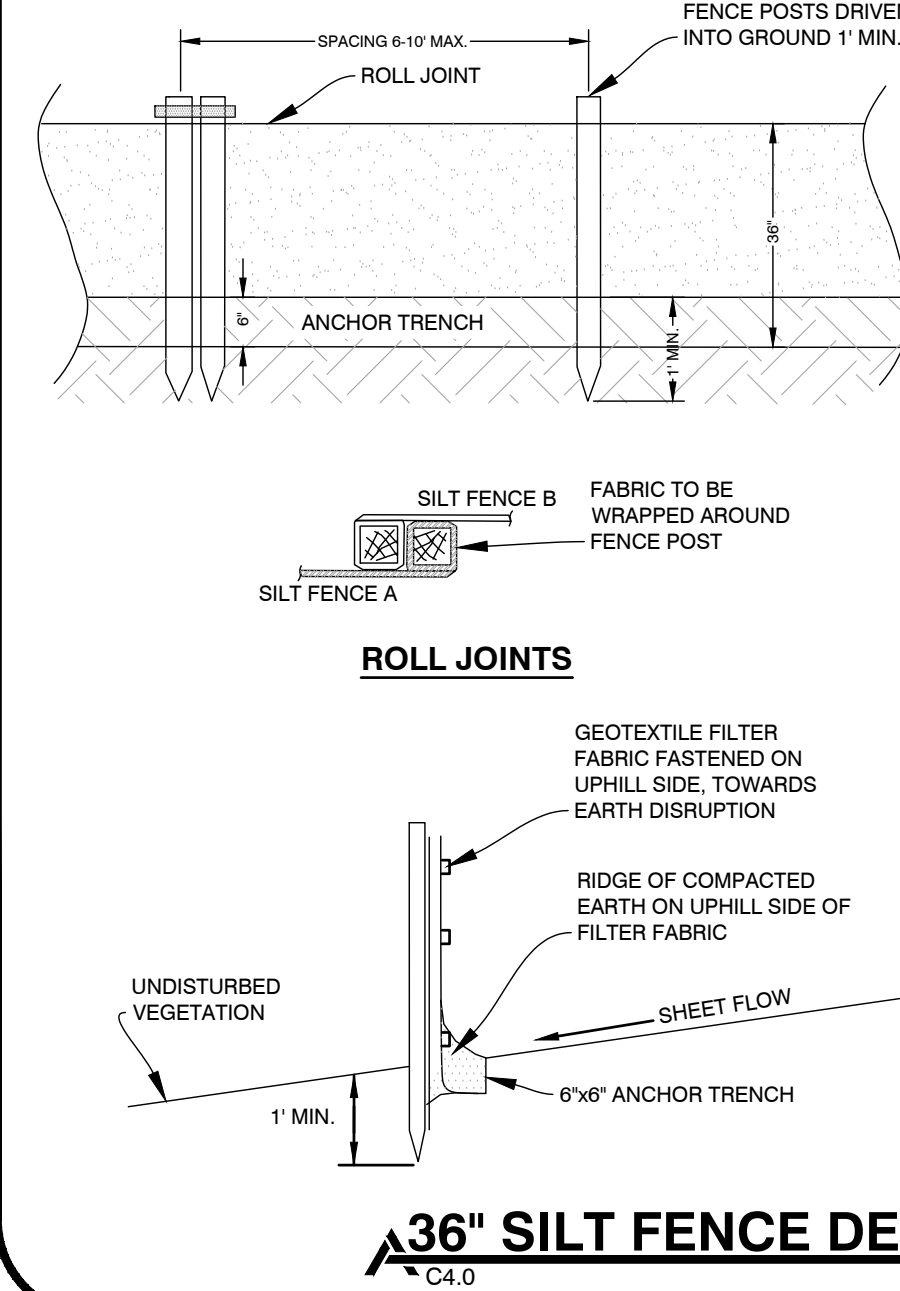
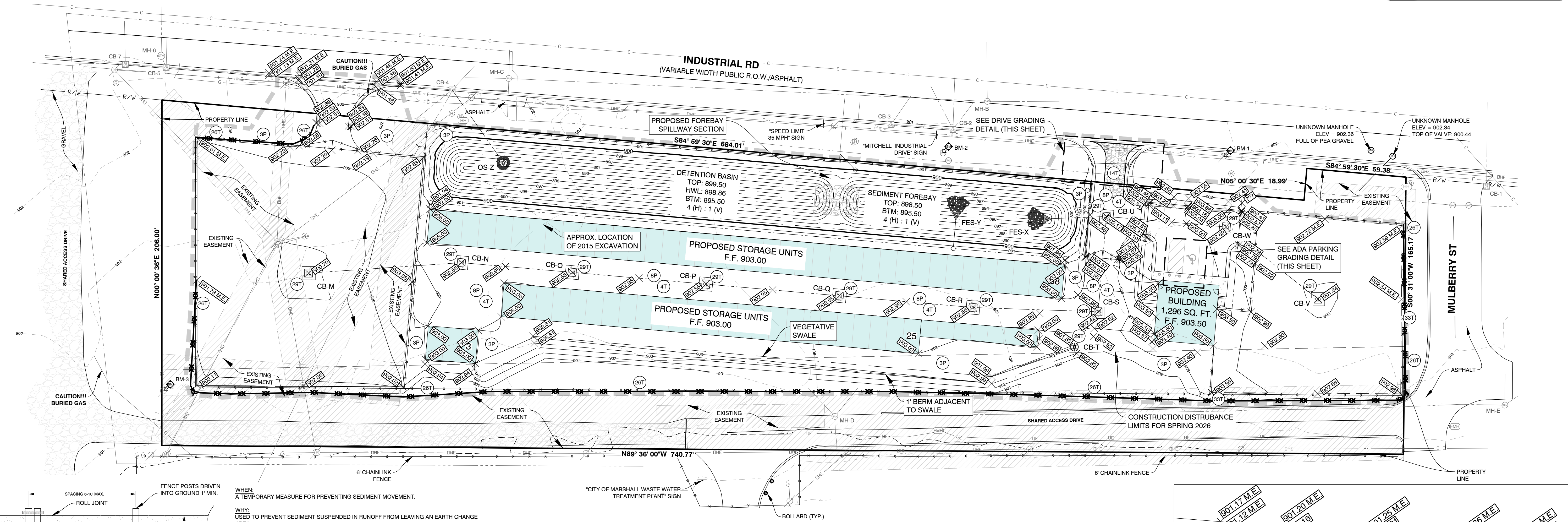
SEDIMENT DEPOSITED ON PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY AND RETURNED TO THE CONSTRUCTION SITE.

IF SOILS ARE SUCH THAT WASHING OF TIRES IS REQUIRED, IT SHALL BE DONE IN A WASH RACK AREA, STABILIZED WITH STONE, IMMEDIATELY PRIOR TO THE CONSTRUCTION ACCESS STABILIZED CORRIDOR.

AT THE PROJECT COMPLETION, THE ACCESS ROAD SHOULD BE REMOVED AND DISPOSED OF UNLESS UTILIZED AS SUBGRADE FOR A FINAL ROAD.

STABILIZED CONSTRUCTION TRACKING MAT DETAIL AND SPECIFICATIONS

NOT TO SCALE



WHEN:
A TEMPORARY MEASURE FOR PREVENTING SEDIMENT MOVEMENT.

WHY:
USED TO PREVENT SEDIMENT SUSPENDED IN RUNOFF FROM LEAVING AN EARTH CHANGE AREA.

WHERE:
USE ADJACENT TO CRITICAL AREAS, WETLANDS, BASE OF SLOPES, AND WATERCOURSES.

HOW:
1. INSTALL PARALLEL TO A CONTOUR.

2. THE SILT FENCE SHOULD BE MADE OF WOVEN GEOTEXTILE FABRIC.

3. SILT FENCE SHOULD ACCOMMODATE NO MORE THAN 1/2 TO 1 ACRE OF DRAINAGE PER 100' OF FENCE AND ON SLOPES LESS THAN 1:2 (V:H).

4. DIG A 6\"/>

5. PLACE 8\"/>

6. BACKFILL THE TRENCH WITH SOIL AND COMPACT THE SOIL ON BOTH SIDES. CREATE A SMALL RIDGE ON THE UP-SLOPE SIDE OF THE FENCE.

7. INSTALL WOODEN STAKES 6 - 10' APART AND DRIVE INTO THE GROUND A MINIMUM OF 12\"/>

8. STAPLE THE GEOTEXTILE FABRIC TO THE WOODEN STAKES.

9. JOIN SECTIONS OF SILT FENCE BY WRAPPING ENDS TOGETHER (SEE DRAWING).

MAINTENANCE:
INSPECT FREQUENTLY AND IMMEDIATELY AFTER EACH STORM EVENT. CHECK SEVERAL TIMES DURING PROLONGED STORM EVENTS. IF NECESSARY, REPAIR IMMEDIATELY.

IF THE SEDIMENT HAS REACHED 1/2 THE HEIGHT OF THE FENCE, THE SOIL SHOULD BE REMOVED AND DISPOSED OF IN A STABLE UPLAND SITE.

THE FENCE SHOULD BE RE-INSTALLED IF WATER IS SEEPING UNDERNEATH IT OR IF THE FENCE HAS BECOME INEFFECTIVE.

SILT FENCE SHOULD BE REMOVED ONCE VEGETATION IS ESTABLISHED AND UP-SLOPE AREA HAS STABILIZED.

MAINTAIN UNTIL A LAWN IS ESTABLISHED.

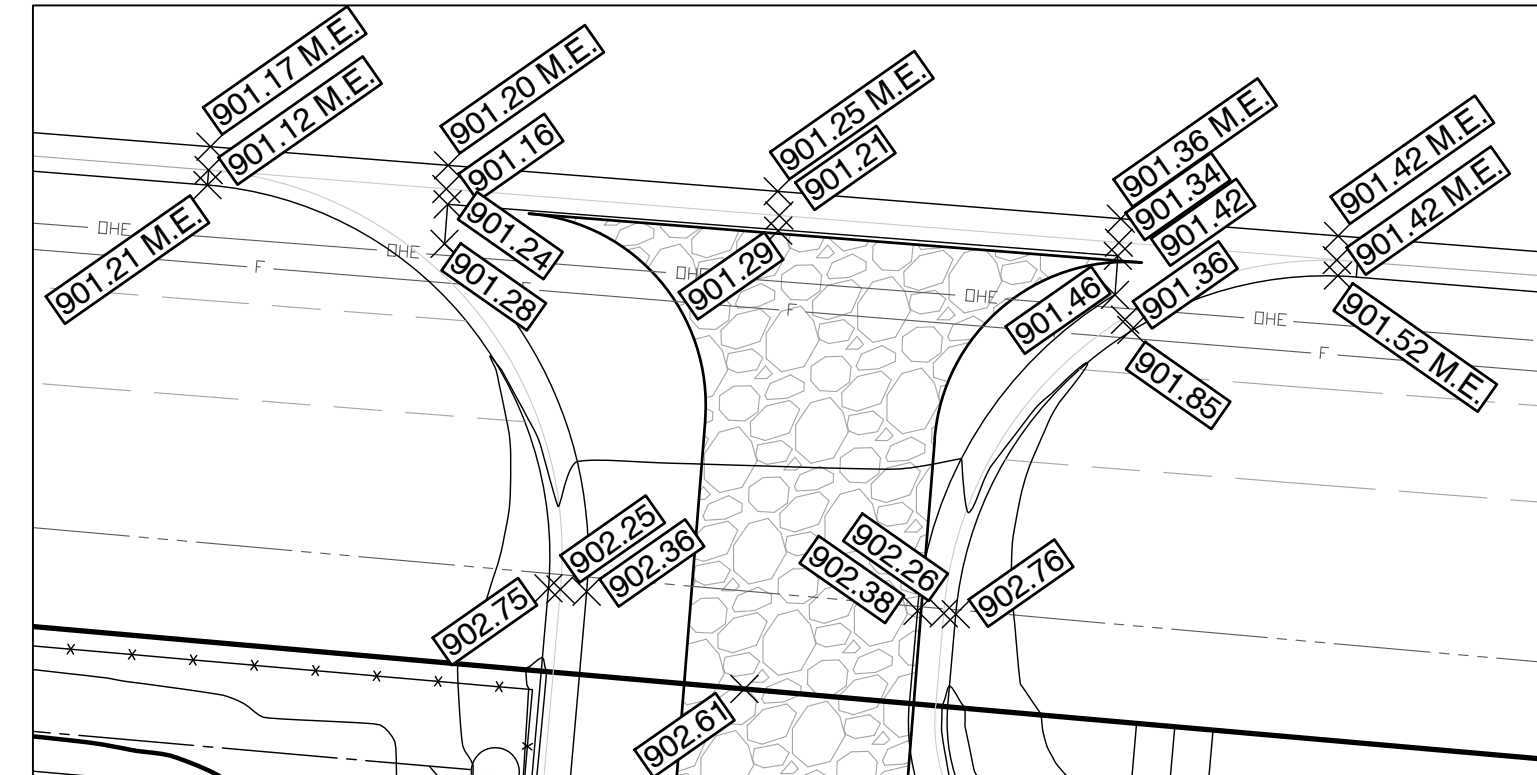
GRADING NOTES

- ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT TIME OF CONSTRUCTION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, PERMIT COSTS, TAP FEES, METER DEPOSITS, PERMANENT UTILITY APPLICATIONS, BONDS, AND OTHER FEES REQUIRED FOR PROPOSED WORK. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THOSE REQUIRED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION.
- CONTACT MISS DIG "811" FOR LOCATION OF UNDERGROUND UTILITIES A MINIMUM OF 48 HOURS BEFORE COMMENCING EXCAVATION WORK. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO ARE NOT PART OF THE "MISS DIG" ALERT SYSTEM. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
- DEMOLISH & REMOVE ALL EXISTING SITE FEATURES AS REQUIRED.
- MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN.
- ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
- ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
- ALL EARTHWORK SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT PREPARED FOR THIS SITE.
- ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR SHALL TAKE PRECAUTIONS TO AVOID TRACKING SOIL ONTO ADJACENT ROADWAYS. CONTRACTOR SHALL SWEEP IMMEDIATELY IF OCCURS.
- ANY DISTURBED AREA WHICH WILL BE LEFT UNWORKED 15 DAYS OR LONGER MUST BE SEEDDED AND MULCH BLANKETS APPLIED TEMPORARILY TO PROVIDE A STABLE BASE AND AVOID EXCESSIVE EROSION.



ADA PARKING GRADING DETAIL

1 INCH = 10 FEET



DRIVEWAY GRADING DETAIL

1 INCH = 10 FEET



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PLANS PREPARED BY:



DRAWN:
CHECKED:
WLP

No.	DATE	BY	ISSUED FOR:
0	10/10/2025	tc	SITE PLAN REVIEW
1	11/03/2025	LM	CITY REVISIONS
2			
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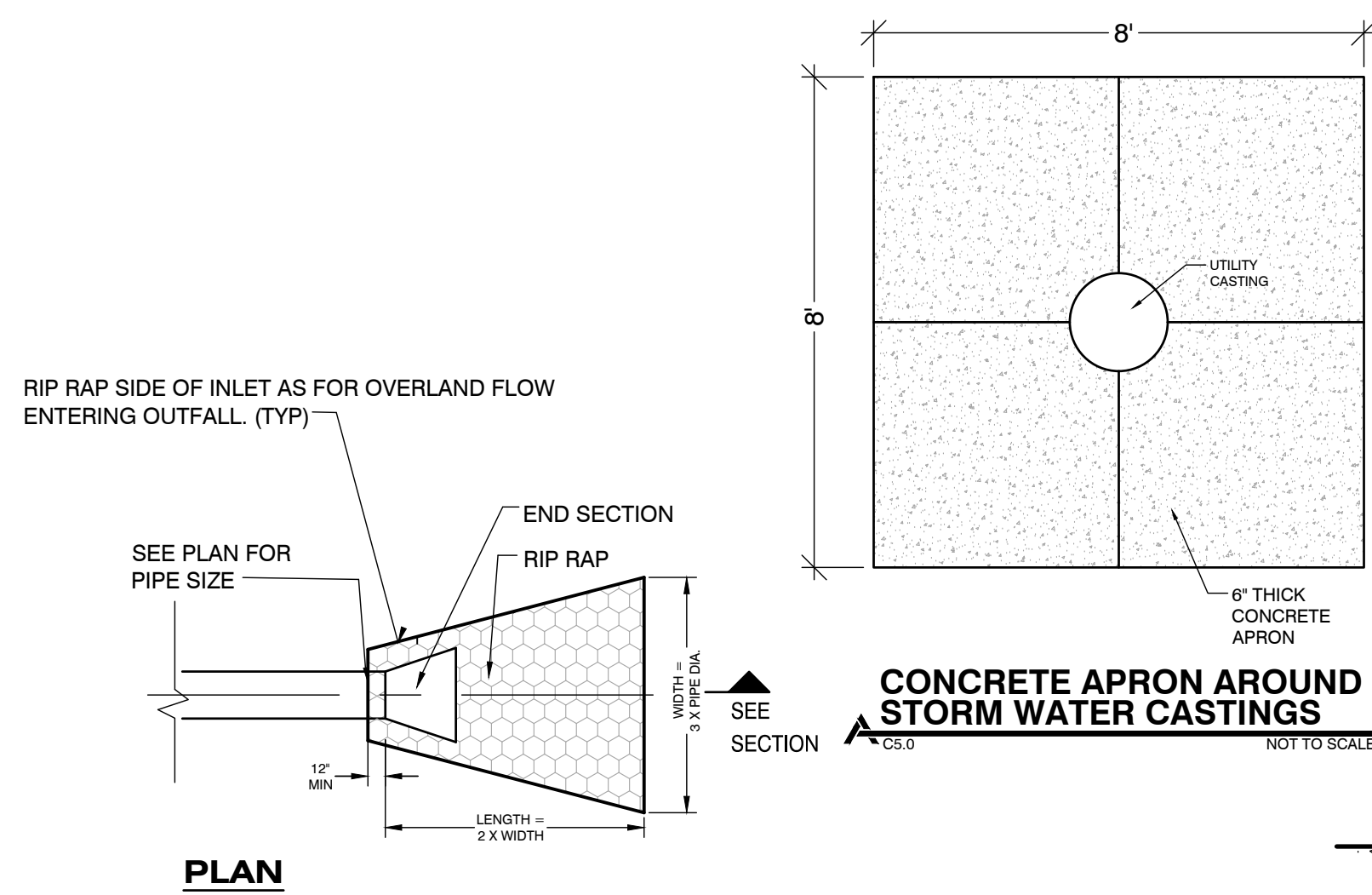
GRADING & SESC PLAN
TIGER TOWING
DRIVEN DESIGN
775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.

PROJECT:
CLIENT:
SITE ADDRESS:
SITE SECTION:

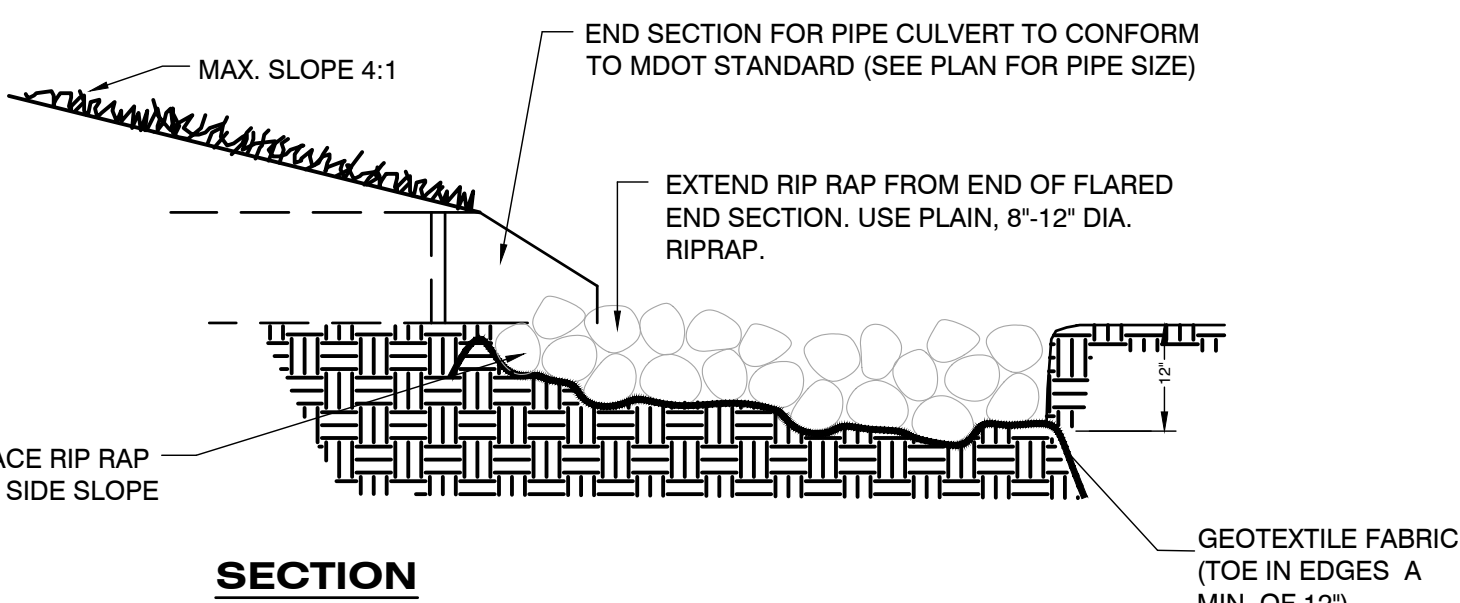
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11/03/2025

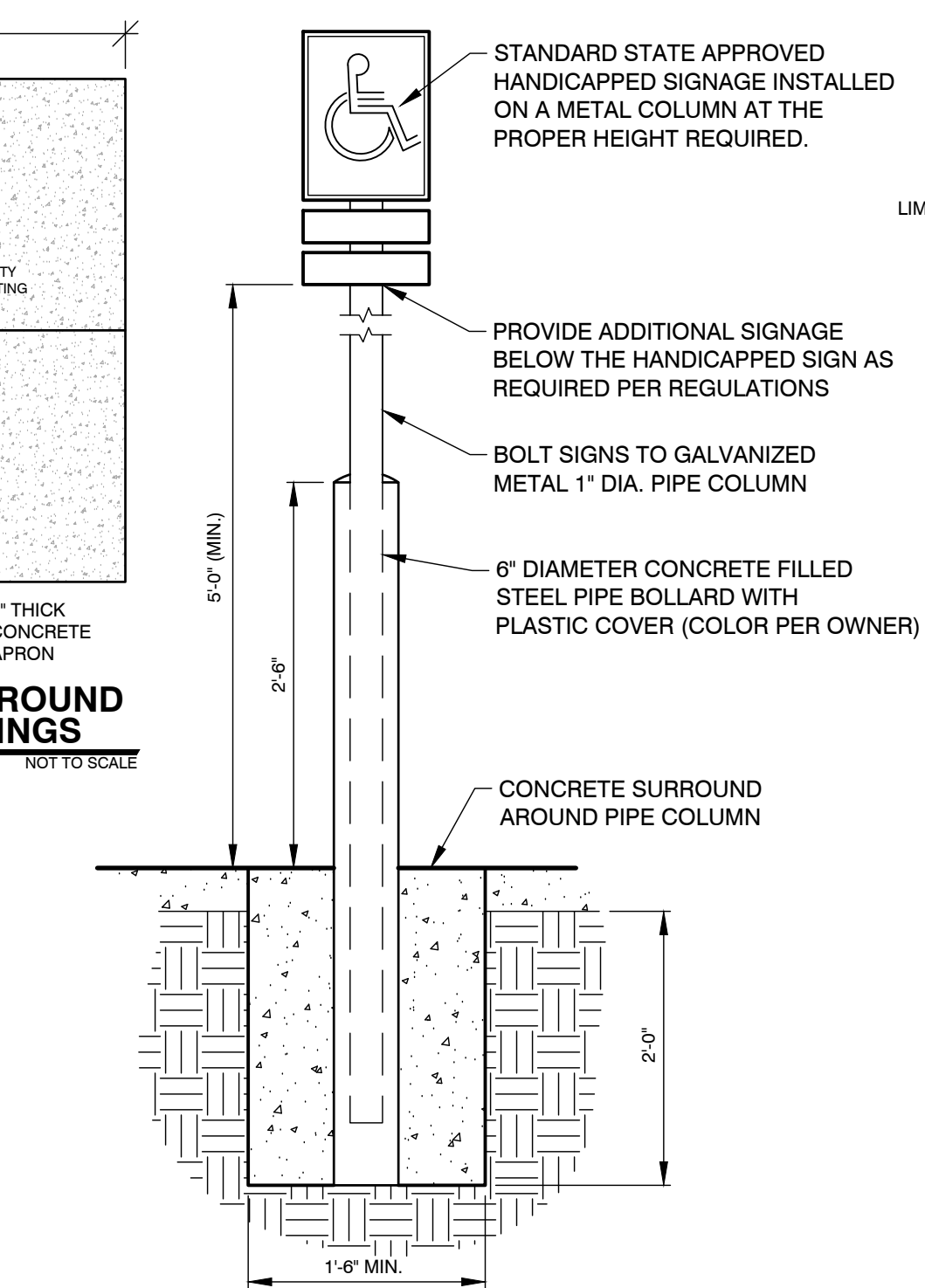
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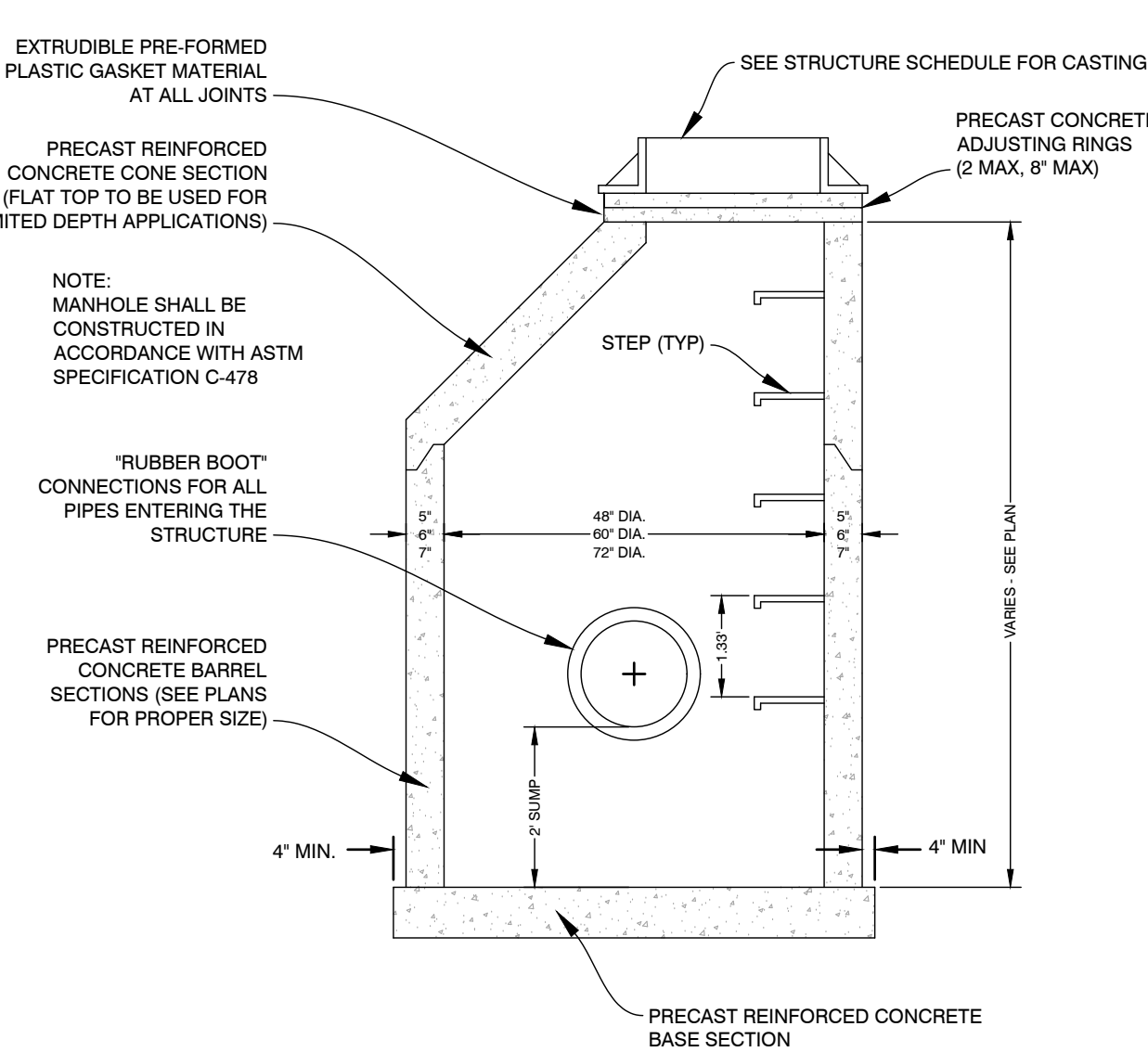
CONCRETE APRON AROUND STORM WATER CASTINGS
C5.0 NOT TO SCALE



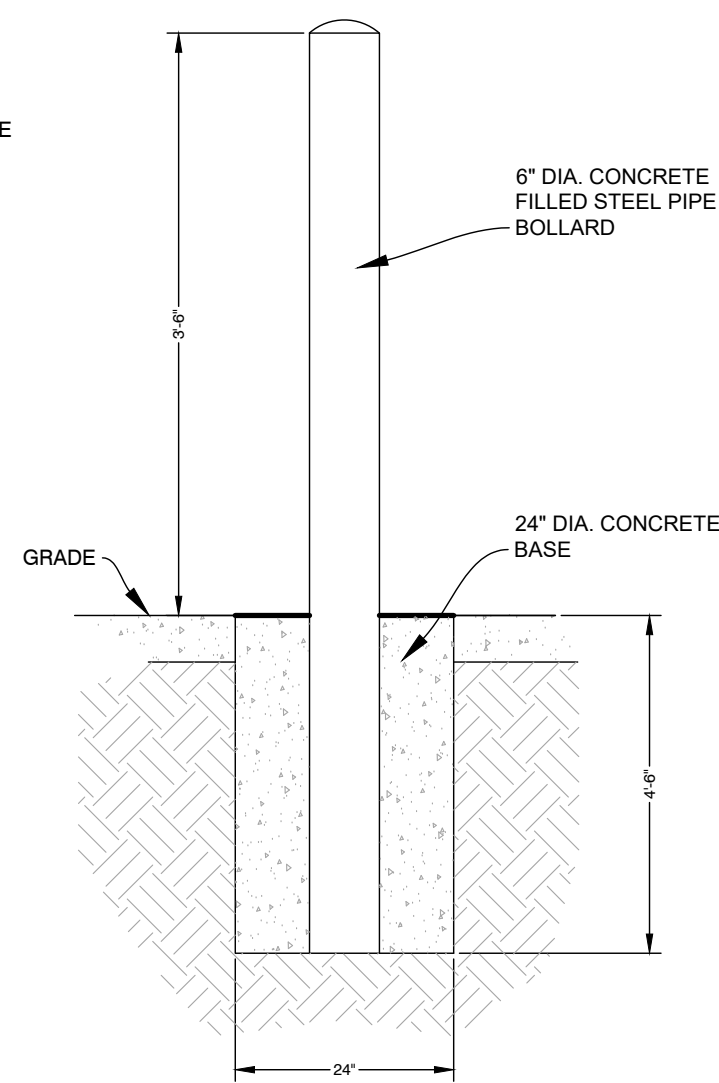
PIPE CULVERT WITH FLARED END SECTION DETAIL
C5.0 NOT TO SCALE



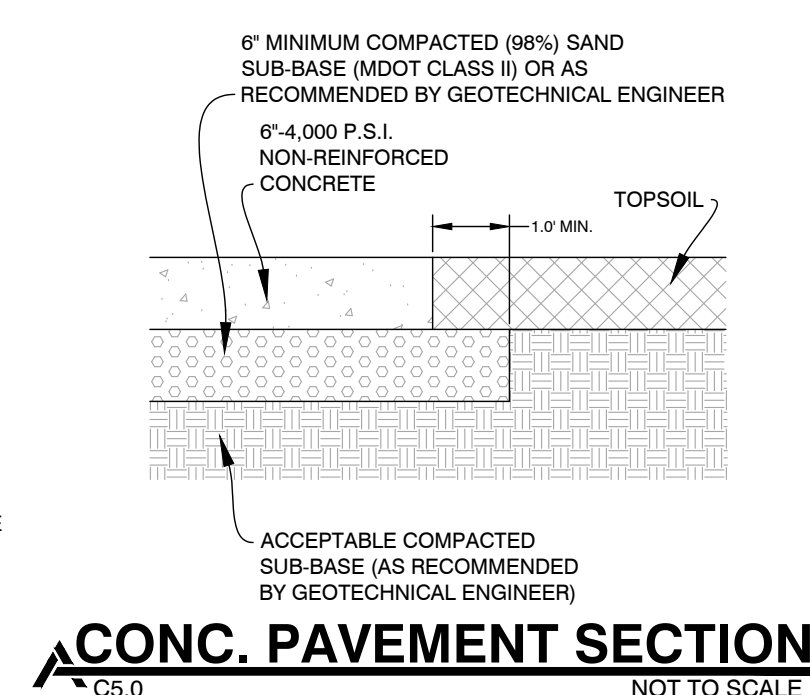
HANDICAP PARKING SIGN DETAIL
C5.0 NOT TO SCALE



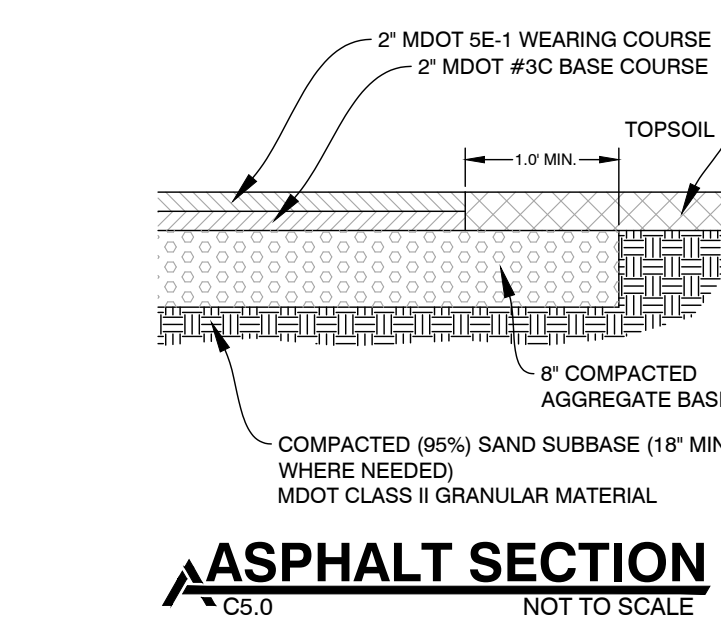
STORM CATCH BASIN DETAIL
C5.0 - 050003 NOT TO SCALE



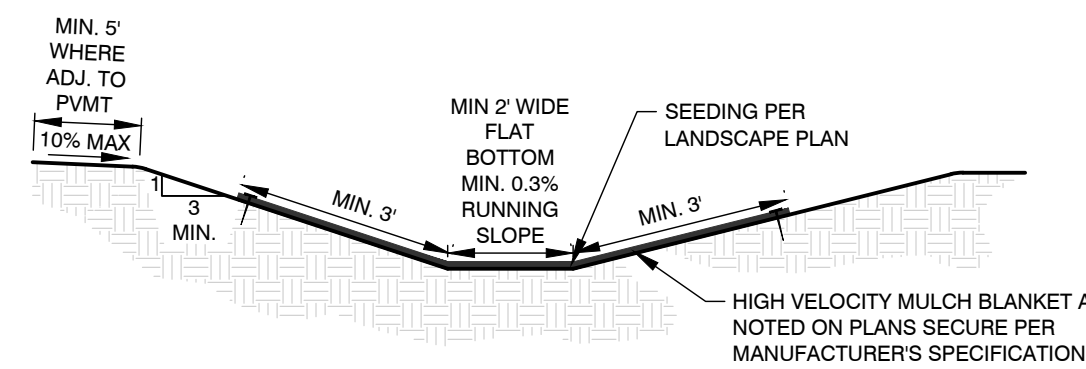
6\" DIA. BOLLARD DETAIL
C5.0 NOT TO SCALE



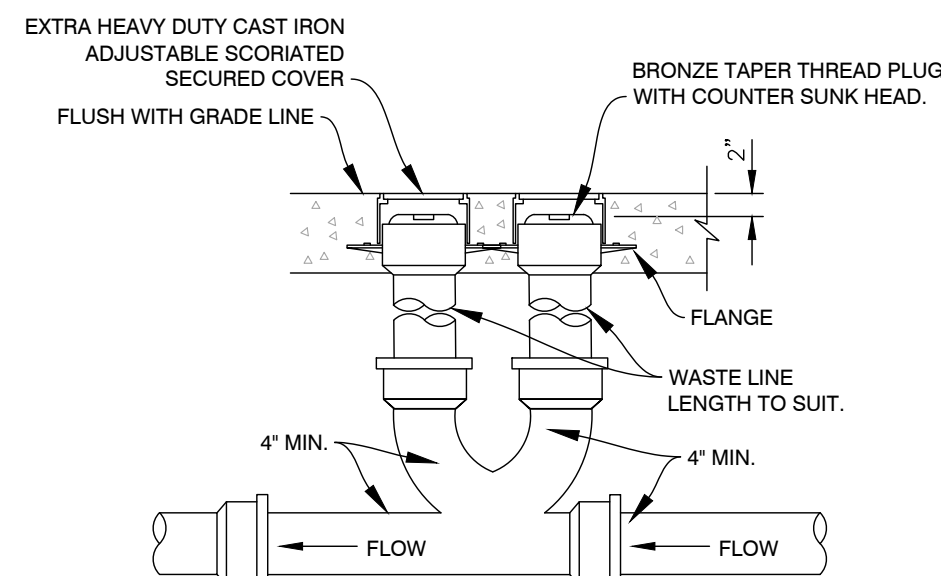
CONC. PAVEMENT SECTION
C5.0 NOT TO SCALE



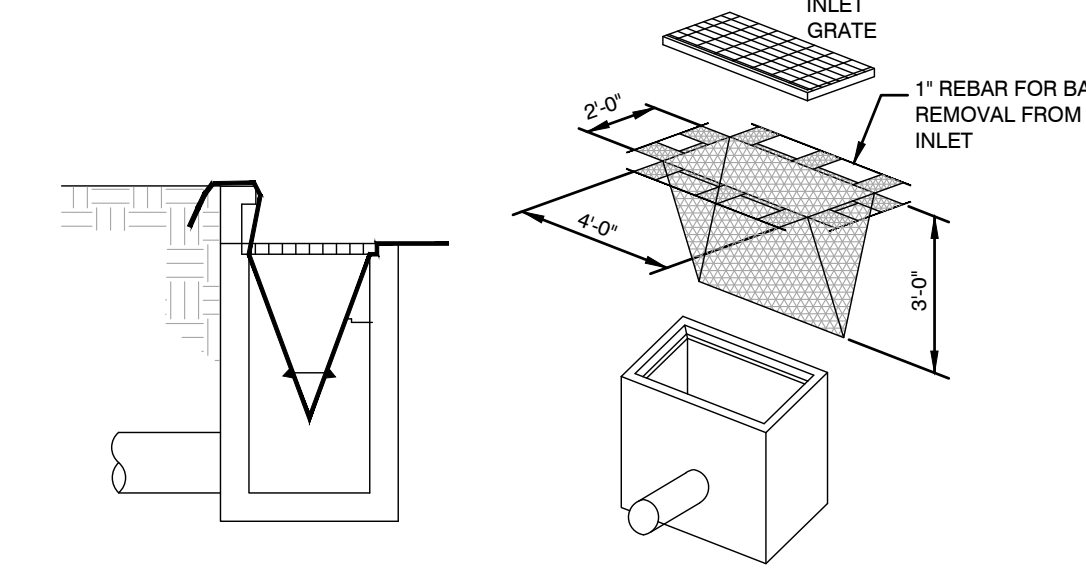
ASPHALT SECTION
C5.0 NOT TO SCALE



VEGETATIVE SWALE SECTION
C5.0 NOT TO SCALE



2-WAY YARD CLEANOUT DETAIL
C5.0 NOT TO SCALE



INSTALLATION DETAIL

ISOMETRIC VIEW

WHEN:
WHEN SEDIMENT LADEN STORMWATER REQUIRES TREATMENT BEFORE ENTERING A STORM WATER DRAINAGE SYSTEM.

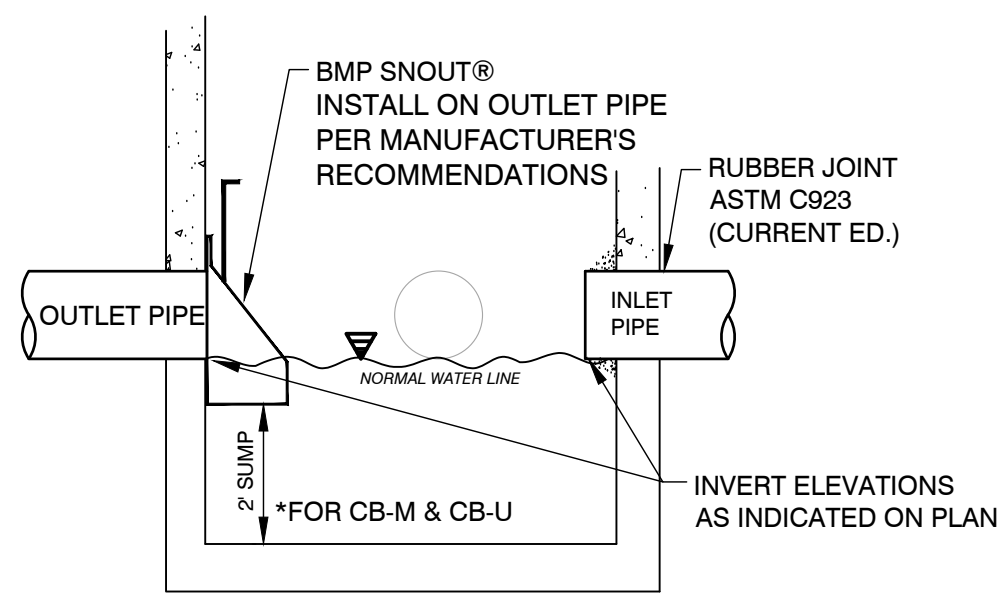
WHY:
TO PREVENT SEDIMENT FROM ENTERING STORM WATER SYSTEMS.

WHERE:
USE IN OR AT STORM WATER INLETS, ESPECIALLY AT CONSTRUCTION SITES OR IN STREETS.

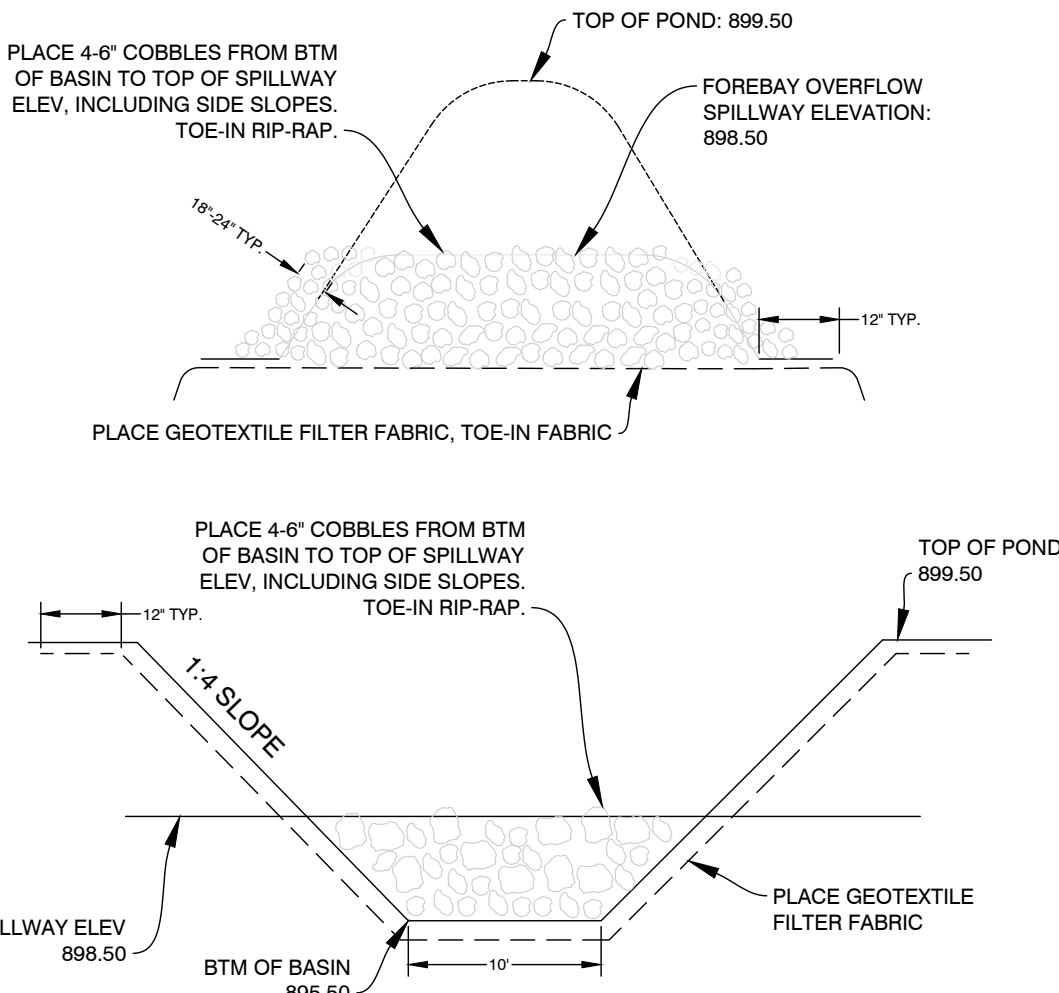
HOW:
1. A FILTER FABRIC BAG IS HUNG INSIDE THE INLET, BENEATH THE GRATE.
2. REPLACE GRATE, WHICH WILL HOLD BAG IN PLACE.
3. ANCHOR FILTER BAG WITH 1\"/>

MAINTENANCE:
DROP INLET FILTERS SHOULD BE INSPECTED ROUTINELY AND AFTER EACH MAJOR RAIN EVENT. DAMAGED FILTER BAGS SHOULD BE REPLACED.
CLEAN AND/OR REPLACE FILTER BAG WHEN 1/2 FULL.
REPLACE CLOGGED FABRIC IMMEDIATELY.
IF NEEDED, INITIATE REPAIRS IMMEDIATELY UPON INSPECTION.
REMOVE ENTIRE PROTECTIVE MECHANISM WHEN UPGRADE AREAS ARE STABILIZED AND STREETS HAVE BEEN SWEEP.

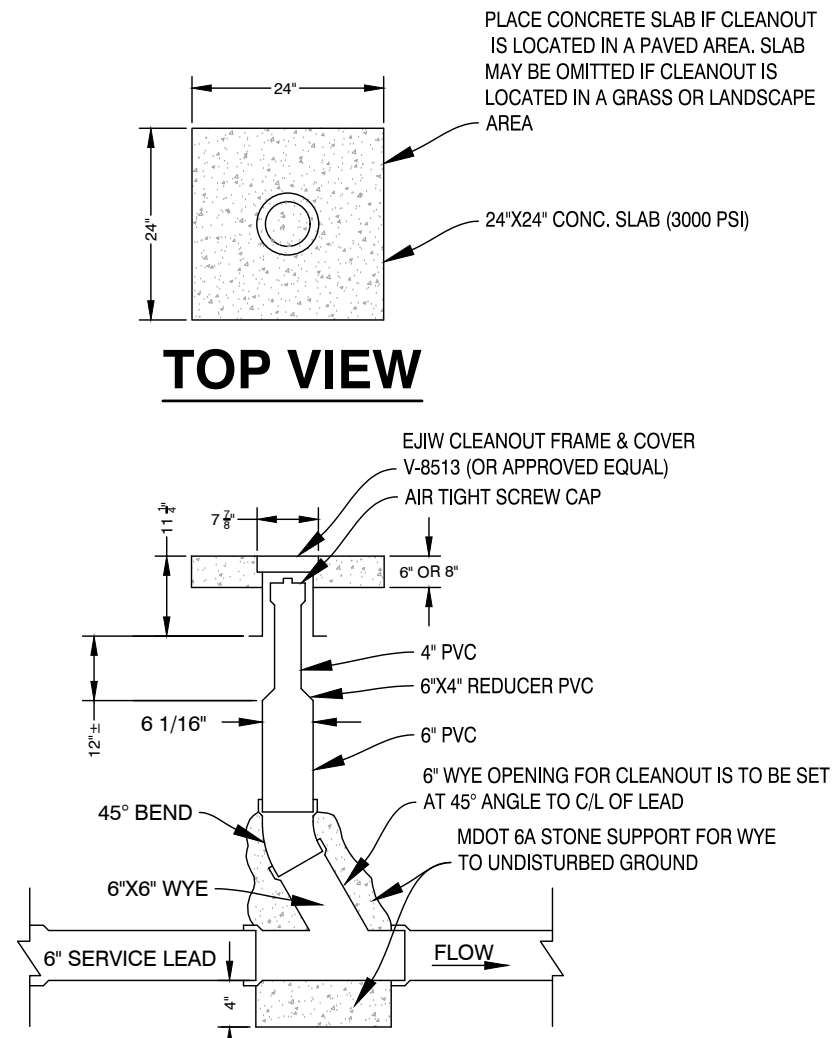
INLET PROTECTION - SILT SACK
C5.0 NOT TO SCALE



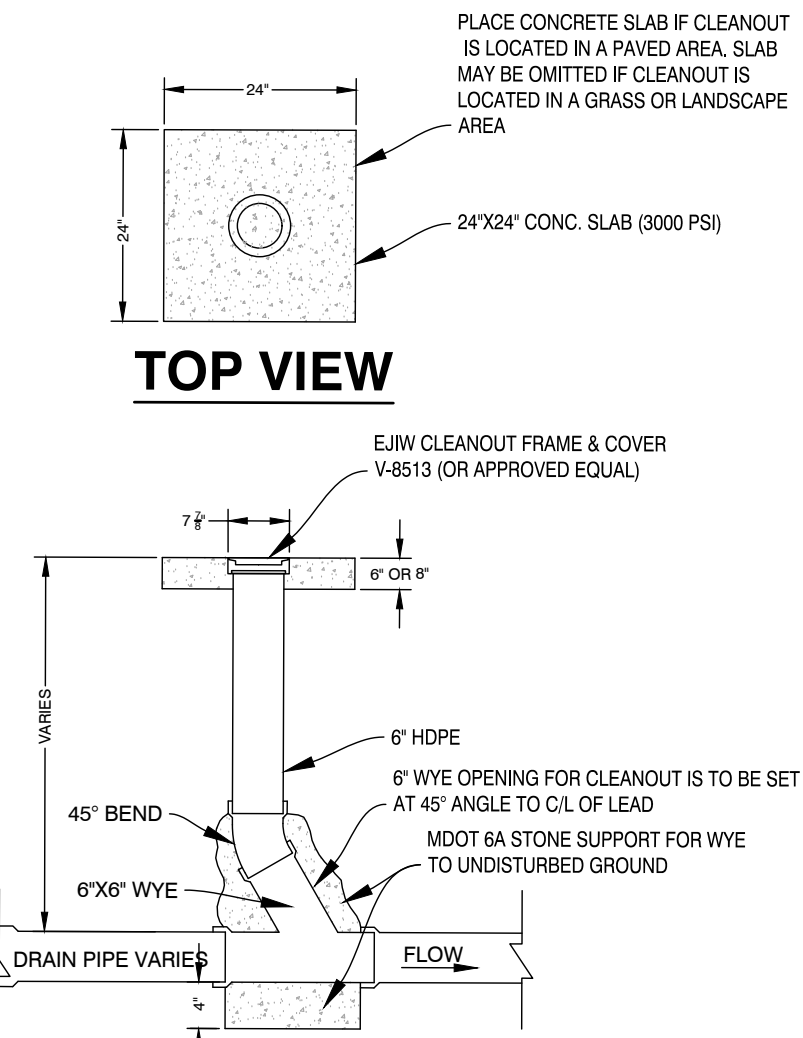
SNOUT DETAIL
C5.0 NOT TO SCALE



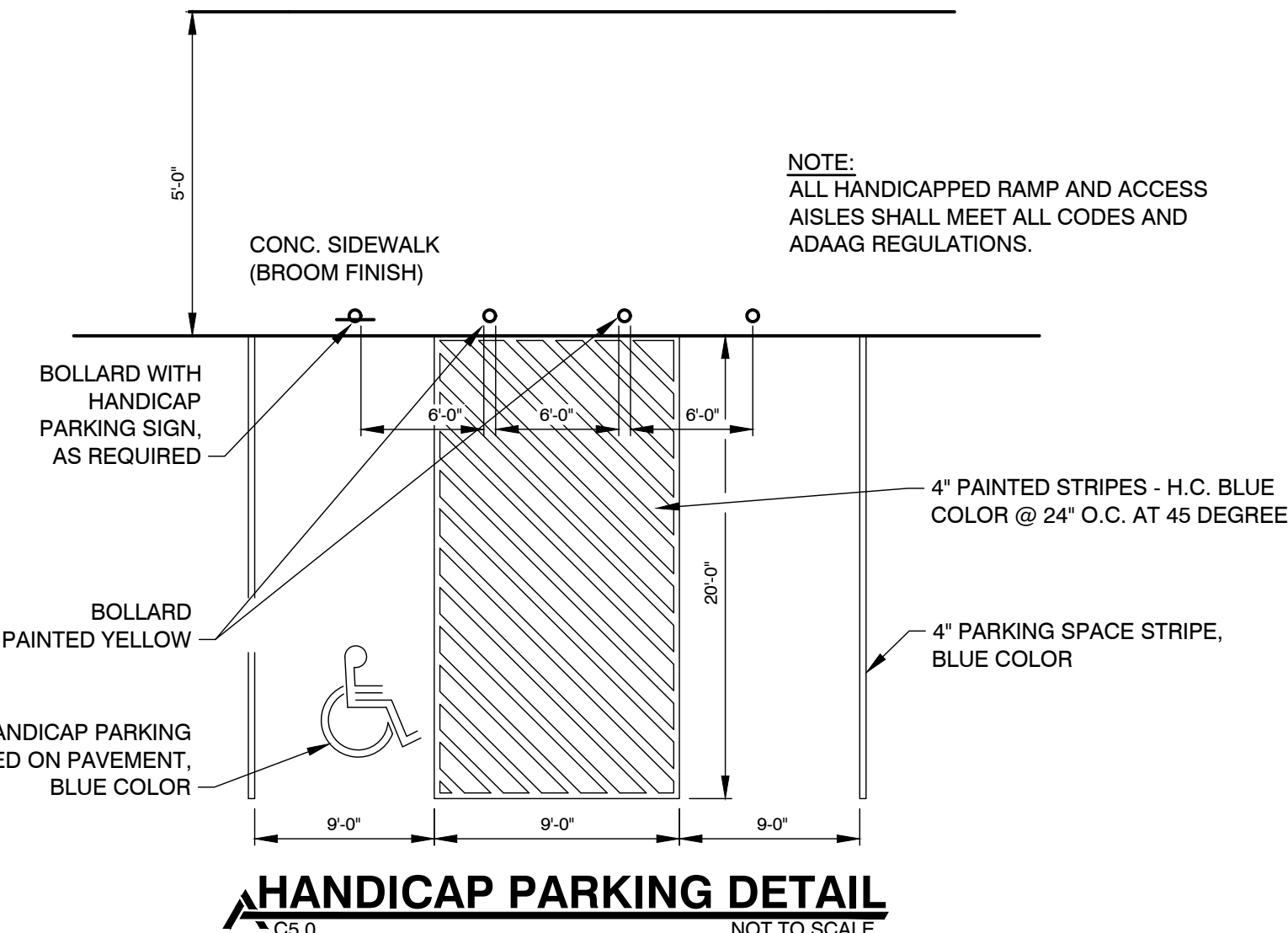
FOREBAY SPILLWAY SECTION
C5.0 NOT TO SCALE



SANITARY SEWER CLEANOUT DETAIL
C5.0 NOT TO SCALE



STORM DRAIN CLEANOUT DETAIL
C5.0 NOT TO SCALE



HANDICAP PARKING DETAIL
C5.0 NOT TO SCALE

PLANS PREPARED BY:



DRAWN:
CHECKED:
WLP

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0	SITE PLAN REVIEW	10/10/2025	tc
1	CITY REVISIONS	11/03/2025	LM
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DETAILS
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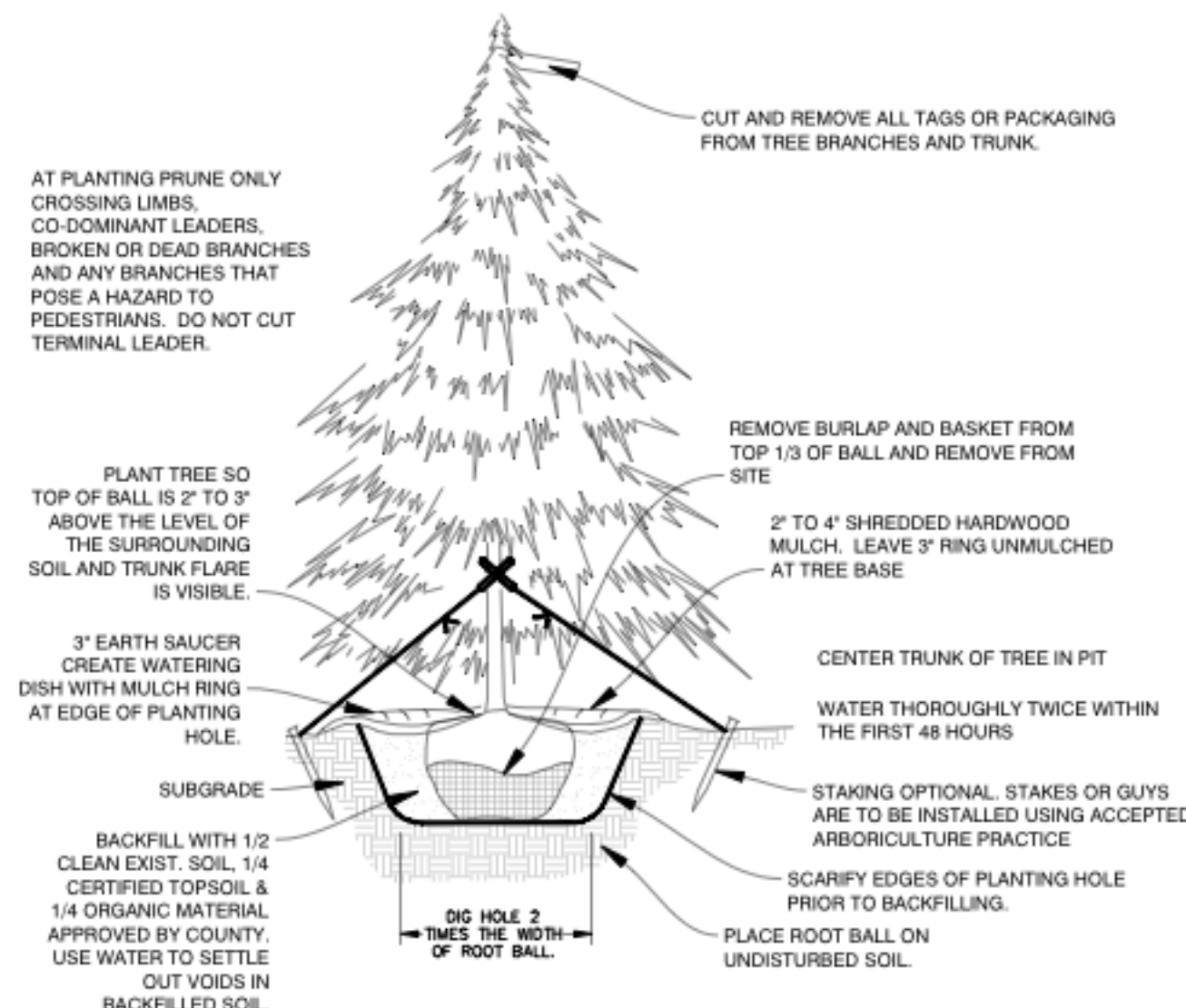
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DATE
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LANDSCAPING NOTES

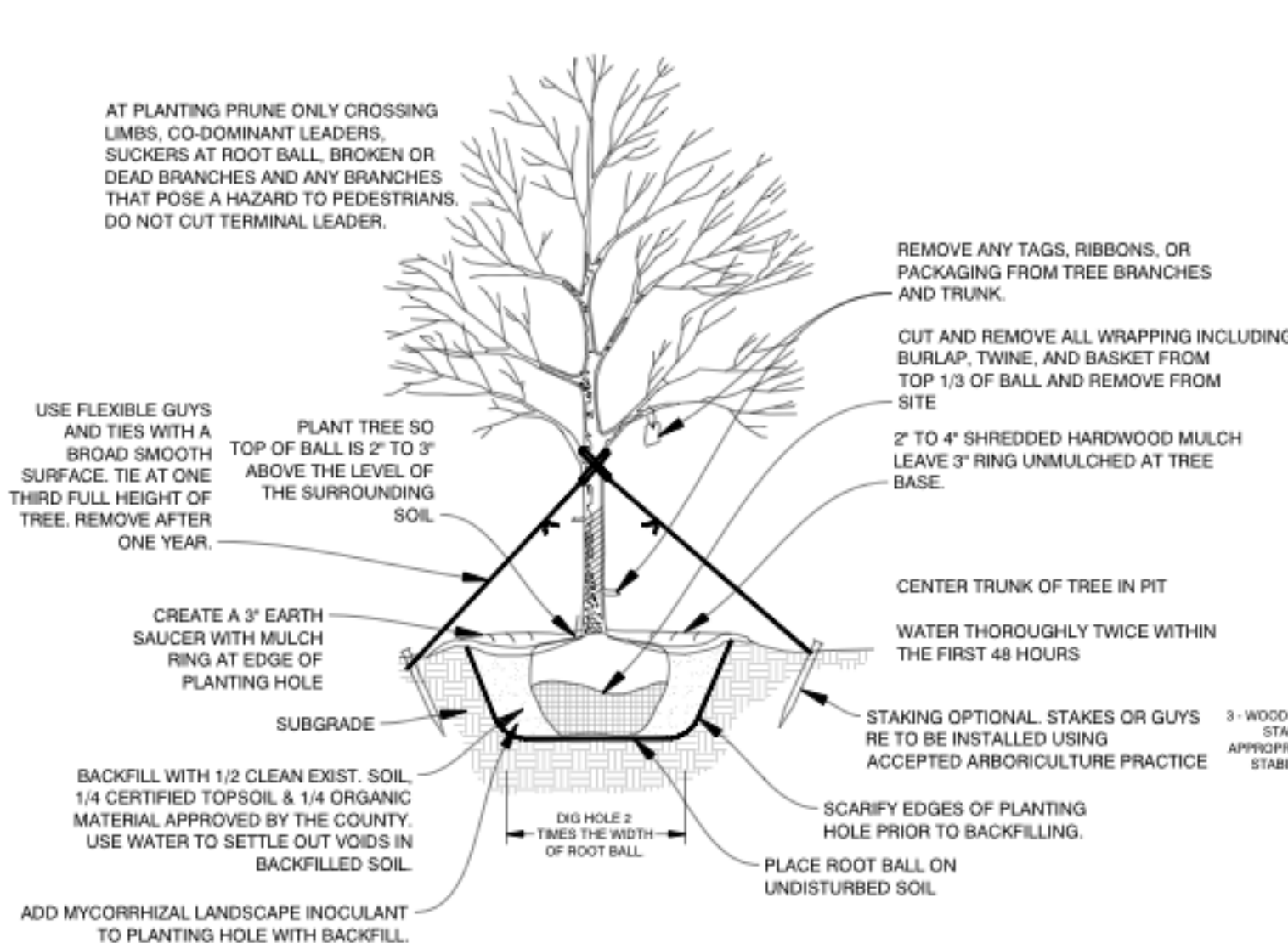
1. INSTALL CONSTRUCTION FENCE AROUND DRIP LINES OF EXISTING TREES TO REMAIN. NO COMPACTION OR INCREASED DEPTH OF SOIL OVER THE ROOT SYSTEM AREA PRIOR TO AND DURING CONSTRUCTION.
2. ALL LAWN AREAS SHALL BE SEEDED AND MULCHED WITH THE FOLLOWING MIXTURE: 30% IMPROVED PERENNIAL RYEGRASS, 40% FINE FESCUE, AND 40% KENTUCKY BLUEGRASS AT A RATE OF 3-4 LBS/ 1000 SFT.
3. ALL EDGING SHALL BE STANDARD COMMERCIAL-STEEL EDGING 1/2" X 4", ROLLED EDGE, FABRICATED IN SECTIONS OF STANDARD LENGTHS, WITH LOOPS STAMPED FROM OR WELDED TO FACE OF SECTIONS TO RECEIVE STAKES IN STANDARD FINISH OF GREEN PAINT.
4. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK." MEASURE ACCORDING TO ANSI Z60.1 STANDARDS.
5. MAINTAIN AND ESTABLISH LAWN BY WATERING, FERTILIZING, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, REGRADE, AND REPLANT BARE OR ERODED AREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN.
6. BEGIN LAWN MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL ACCEPTABLE LAWN IS ESTABLISHED: A MINIMUM OF 60 DAYS AFTER SUBSTANTIAL COMPLETION.
7. PROTECT ADJACENT AND ADJOINING STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND PLANTINGS FROM HYDROSEEDING OVER-SPRAY AND DAMAGE CAUSED BY PLANTING OPERATIONS.
8. REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICK, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER FROM SITE.
9. MAINTAIN LAWN UNTIL A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED, FREE OF WEEDS AND SURFACE IRREGULARITIES, WITH COVERAGE EXCEEDING 90% OVER ANY 10 SFT AND BARE SPOTS DO NOT EXCEED 5 BY 5 INCHES.
10. MAINTAIN TREES AND SHRUBS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION BY PRUNING, CULTIVATING, WATERING, WEEDING, FERTILIZING, RESTORING PLANTING SAUCERS, TIGHTENING AND REPAIRING STAKES AND GUY SUPPORTS, AND RESETTling TO PROPER GRADES OR VERTICAL POSITION, AS REQUIRED TO ESTABLISH HEALTHY VIABLE PLANTINGS. SPRAY AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.
11. REMOVE AND REPLACE DEAD PLANTS IMMEDIATELY. REPLACE PLANTS THAT ARE MORE THAN 25% DEAD OR IN AN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD. A LIMIT OF ONE REPLACEMENT OF EACH PLANT WILL BE REQUIRED, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE TO COMPLY WITH REQUIREMENTS.
12. TREES, AND SHRUBS SHALL BE WARRANTED FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.

NOTE: STAKING OF BALL AND BURLAP TREES REQUIRED AT THE DISCRETION OF THE CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF ALL STAKING AT END OF ONE YEAR WARRANTY PERIOD.

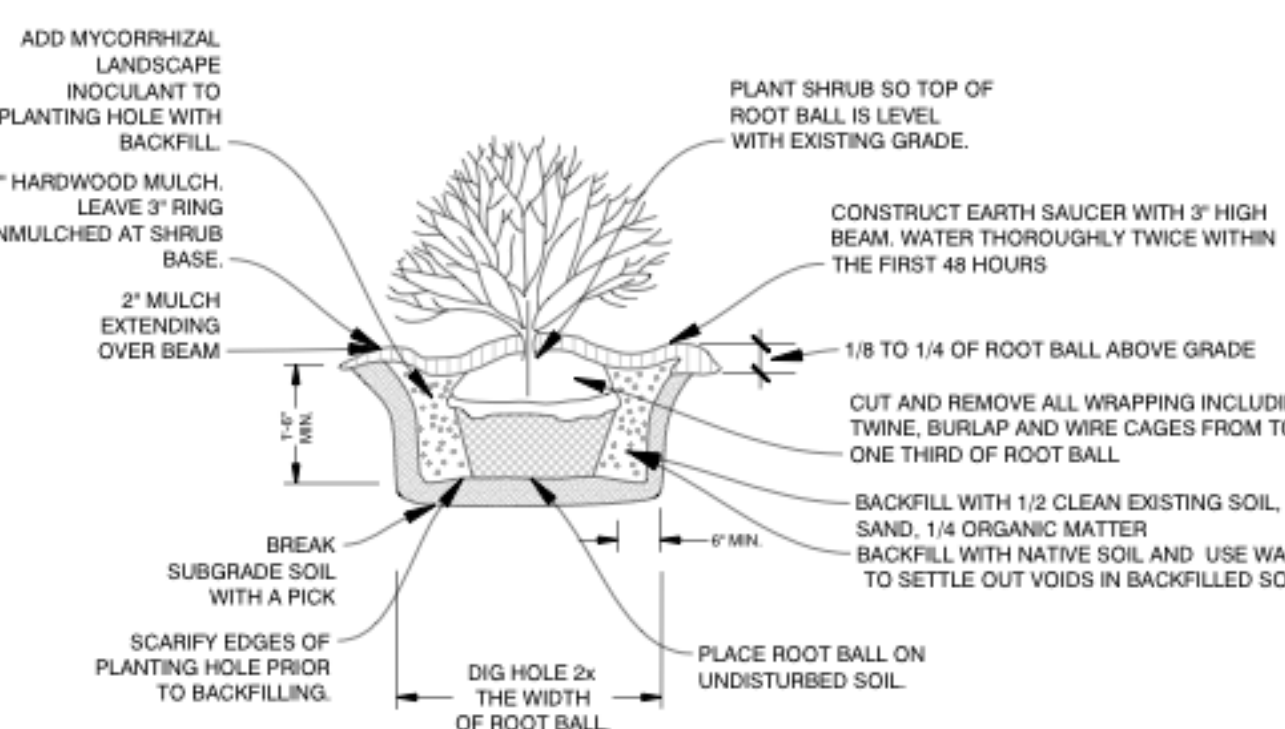
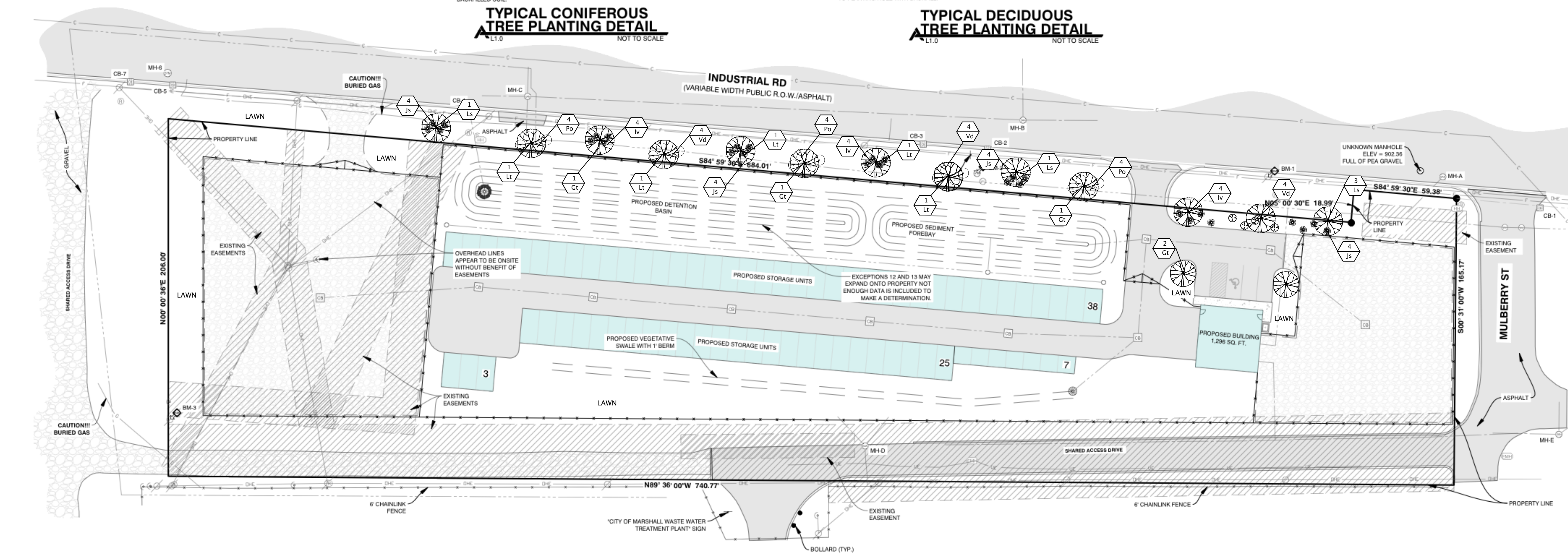


TYPICAL CONIFEROUS TREE PLANTING DETAIL
L1.0 NOT TO SCALE

NOTE: STAKING OF BALL AND BURLAP TREES REQUIRED AT THE DISCRETION OF THE CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF ALL STAKING AT END OF ONE YEAR WARRANTY PERIOD.



TYPICAL DECIDUOUS TREE PLANTING DETAIL
L1.0 NOT TO SCALE



TYPICAL SHRUB PLANTING DETAIL
L1.0 NOT TO SCALE

PLANTING SCHEDULE NOTE: ALL TREES AND SHRUBS ARE NATIVE FROM ORDINANCE DATA BASE FOR REGION

PLANT LIST:	SYM.	BOTANICAL NAME	COMMON NAME	Native:	Size:	ROOT:
QTY:						
5	Ls	Liquidambar styraciflua	American Sweetgum	N	2.5' Cal.	B&B
5	Gt	Gleditsia tricanthos var. inermis	Thornless Honeylocust	N	2.5' Cal.	B&B
5	Lt	Liliodendron tulipifera	Tulip Tree	N	2.5' Cal.	B&B
14	Iv	Ilex verticillata	Winterberry Holly	N	30-36"	Container
12	Po	Physocarpus opulifolius	Common Ninebark	N	30-36"	Container
14	Js	Juniperus 'Seagreen'	Seagreen Juniper	N	30-36"	Container
12	Vd	Viburnum dentatum	Arrowwood Viburnum	N	30-36"	Container



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING LLC

PLANS PREPARED BY:



DRAWN: BW
CHECKED: --



No.	ISSUED FOR:	DATE	BY
0	SITE PLAN REVIEW	08/17/2025	tc
1			
2			
3			
4			

LANDSCAPE PLAN
TIGER TOWING
DRIVEN DESIGN

775 INDUSTRIAL RD, MARSHALL, MI 49068
SECTION 26, T02S, R06W.

PROJECT:
CLIENT:

JOB NUMBER
25103008

DATE
10/03/2025

SHEET NUMBER

L1.0



DUE CARE PLAN

Vacant Land

775 Industrial Road
Marshall, Calhoun County, Michigan 49068
SES Project No.: 2025-0250

April 16, 2025

Prepared for:

Tiger's Towing, LLC
19218 11 Mile Road
Battle Creek, Michigan 49014
Attn: Ms. Karrie Hammer



TABLE OF CONTENTS

1.0	INTRODUCTION AND LIMITATIONS.....	1
1.1	Reliance	2
2.0	PROPERTY DESCRIPTION AND USE	3
3.0	HISTORICAL USE AND PROPERTY INVESTIGATION SUMMARY	5
3.1	Executive Summary of All Appropriate Inquiry (AAI)	5
3.2	Subsurface Sampling Activities.....	6
3.3	Soil Analytical Results Summary.....	9
3.4	Groundwater Analytical Results Summary.....	10
4.0	KNOWN CONTAMINATION AND HUMAN EXPOSURE PATHWAY EVALUATION	12
4.1	Known Contamination.....	12
4.2	Human Exposure Pathway Evaluation.....	12
5.0	DUE CARE OBLIGATIONS FOR PREVENTING HUMAN HEALTH EXPOSURE AND EXACERBATION ...	16
5.1	Prevention of Unacceptable Human Exposure to Contaminants	16
5.2	Protection of Third Parties	16
5.3	Prevention of Exacerbation	16
6.0	RECORD KEEPING AND NOTIFICATIONS	19
6.1	Documentation and Record Keeping	19
6.2	On-Going Documentation	19
6.3	Property Notices.....	19
7.0	OWNER CONTACT	20
8.0	REFERENCES	20

TABLES

Table 1	Cleanup Criteria Comparison for Soils – VOCs, PNAs, and PCBs
Table 2	Cleanup Criteria Comparison for Soils – Metals
Table 3	Cleanup Criteria Comparison for Groundwater – Metals

FIGURES

Figure 1	Topographic Map
Figure 2	Site Map with Sample Locations
Figure 3a	Site Map with Soil Analytical Results – VOCs, PNAs, and PCBs
Figure 3b	Site Map with Soil Analytical Results - Metals
Figure 4	Site Map with Groundwater Analytical Results
Figure 5	Site Map with Nonresidential Exceedances – Complete Pathways

ATTACHMENTS

Attachment A	EGLE-RRD Due Care Guide
Attachment B	Phase I Environmental Site Assessment, February 4, 2025
Attachment C	Baseline Environmental Assessment, March 24, 2025
Attachment D	Contractor and Utility Worker Notification



1.0 INTRODUCTION AND LIMITATIONS

SES Environmental (SES) has completed this Due Care Plan (DCP) on behalf of **Tiger's Towing, LLC** for the vacant land located at 775 Industrial Road in Marshall, Calhoun, Michigan (referred to as the "subject property"). This DCP was prepared in accordance with Section 21304(c) of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), P.A. 451 of 1994 (Part 201), as amended. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) Part 201 requires documentation be maintained demonstrating the site is in compliance with Section 7a of Part 201. The Part 201 Administrative Rules (Part 10 Rules) require an owner or operator of contaminated property to have/maintain documentation demonstrating they are in compliance with Section 7a of Part 201 and the Part 10 Rules.

Results of previous investigations conducted at the subject property between 2003 and 2024 by others indicate the presence of the volatile organic compound (VOC) 1,2,4-trimethylbenzene (TMB), the polynuclear aromatic hydrocarbon (PNA) phenanthrene, and the metals arsenic, cadmium, iron, manganese, mercury, and selenium in soil and iron and manganese in groundwater exceeding EGLE Part 201/213 Residential and Nonresidential Generic Cleanup Criteria (GCC)/Risk Based Screening Levels (RBSLs) on the subject property.

Owners who have knowledge that their property is contaminated are obligated to comply with the "Due Care" obligations listed as follows:

- limit unacceptable exposures to hazardous substances, prevent fire and explosion hazards due to hazardous substances, and allow the Property to be used in a way that protects the public health and safety;
- take reasonable precautions against the reasonably foreseeable acts or omissions of a third party;
- prevent worsening or spreading of the known impact (i.e., exacerbation);
- provide reasonable cooperation, assistance, and access to persons authorized to conduct response actions on the property;
- provide all required notifications to the EGLE and others; and
- comply with and not limit the effectiveness of land use or resource use restrictions established to prevent exposure to hazardous substances at the property.

The plans and procedures **Tiger's Towing, LLC** will use to comply with these due care responsibilities for the future use of the subject property are described in the following sections of this DCP.

The EGLE-Remediation and Redevelopment Division's 2024 "Due Care Guide" provides additional information and is attached in Attachment A.

This DCP was developed based on the known environmental impact on the subject property and the current and proposed Nonresidential use of the property. If the use of the property changes, or if new environmental information becomes available, this DCP will be reviewed and revised, as needed. This DCP does not address potential exposures to other hazardous substances that are not regulated under Part 201 of NREPA.



This DCP is not, and should not be, used as a Documentation of Due Care Compliance (DDCC). In addition, this DCP is not, and should not be, used as a Health and Safety Plan (HASP) for the subject property. Contractors and other parties working on the property should review the information in this DCP and prepare a site-specific HASP for their operations and the hazards to which their employees may be exposed.

1.1 Reliance

Tiger's Towing, LLC may use and rely on the results and conclusions of this DCP. No other parties may use or rely on this information without client approval and written authorization from SES.



2.0 PROPERTY DESCRIPTION AND USE

The subject property is located along the south side of Industrial Road, approximately ¼ mile west of South Kalamazoo Avenue and approximately ½ mile southwest of the City of Marshall central business district.

The subject property is generally rectangle-shaped and consists of 3.03 acres of land. Access to the property is from informal entrances off Industrial Road to the north and an access drive that extends along the south property boundary.

At the time of the site visit conducted on January 17, 2025, the property consisted of vacant land.

The subject property consists of grass landscaping and cleared land. At the time of inspection, survey markers were observed along the south-central property boundary, and construction equipment and sewer and utility equipment were stored on cleared areas across the east portion of the property. Buried telephone conduits and associated access boxes are located along the north property boundary. Utility marking flags were observed on the southwest portion of the property. No evidence of current or former manufacturing operations, building foundations, in-ground structures, stressed vegetation, or staining was observed; however, snow cover prevented a thorough inspection of ground surfaces across the west portion of the property and along the north and south property boundaries.

The historical research presented in this assessment has established the use of the subject property since 1899. Historical review indicates the subject property was part of a larger railroad maintenance yard from at least 1899 through 1931. A pattern warehouse is shown in a 1945 Sanborn fire insurance map on the northwest corner of the subject property and extending onto the west adjoining property; however, the majority of building structures associated with former railroad maintenance activities were documented on the west adjoining property. The property operated as a storage yard for an adjoining foundry to the east and southeast from 1938 through 1960. The property then began operations as Marshall Iron & Metal, an automobile salvage scrap yard, from at least 1961 through 1996. Railroad lines were abandoned after 1966. Scrap yard operations ceased in 1996, at which time all scrap material was removed. The property has generally consisted of vacant land since 1996.

A Phase I ESA was prepared in 2003 and identified three RECs: 1) former railroad maintenance operations, scrap yard operations, the presence of fill and debris, and bare soil; 2) former underground storage tank (UST) operations; and 3) Part 201 listings and documented impact to soil and groundwater at the property.

An interview conducted with a representative of the City of Marshall Industrial Pretreatment/Safety Wastewater Department revealed investigations have been conducted in 1993, 1995, 1997 and 2001. A 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. The UST was an oil/water separator process tank that had been used to collect oil and water from a sloped cement slab collection area. The sludge, soils, and liquids from the UST and overburden were reportedly transported to a landfill at the time of removal. Soil samples were collected from the former tank basin in 2001, and a summary of the analytical results indicated metals, xylenes, 1,2,4-trimethylbenzene, and naphthalene were detected above laboratory detection limits, with chromium being detected above the former Michigan Department of Environmental Quality ([MDEQ]; now identified as EGLE) Part 201 Residential Drinking Water Protection Criteria. Soil and groundwater investigation from 1993 through 2001 indicated impact existed at the property at levels exceeding Part 201 Residential cleanup criteria. In addition, the property was listed as a MDEQ Part 201 Contaminated Site due to metals, polychlorinated biphenyls (PCBs), and PNAs, among others, detected due to historical property operations.



Surface Water Characteristics

Surface water drainage flows toward catchment drains along roadways and is absorbed into the ground surface. No evidence of improper waste disposal was observed. Curbing and topography generally prevent surface water drainage from adjoining properties from flowing onto the subject property.

No surface water features were observed at the subject property. The nearest surface-water feature to the property is the North Branch of the Kalamazoo River located approximately 550 feet to the south.

Review of a FEMA Flood Insurance Rate Map indicates the subject property is located in an area of minimal flood hazard (Zone X). Surface water on the property or in its immediate vicinity is not a source of local drinking water. The property is currently connected to municipal water by the City of Marshall.

Soil and Geologic Characteristics

A United States Department of Agriculture, Natural Resources Conservation Service - Custom Soil Resource Report for Calhoun County, Michigan, shows soil beneath the subject property consists of Urban land-Kalamazoo complex, 0 to 6 percent slopes.

Review of previous investigation reports indicates soil beneath the subject property consists of sand/fill from the near surface to depths between 2 and 4 feet below ground surface (bgs) followed by alternating layers of clay, sand, and silt to a depth of 6 feet bgs. Sand is then present to a depth of 15 feet bgs.

Review of a water well log for a well on the west adjoining property indicates soil beneath the subject property area consists of sand from the near surface to a depth of 20 feet bgs, followed by sandstone and shale to a depth of 75 feet bgs.

Groundwater Characteristics

Review of previous investigation reports indicates the static water level beneath the subject property is between approximately 6 to 10 feet bgs in sand.

Review of a water well log for a well on the west adjoining property indicates the static water level beneath the subject property area is 12 feet bgs in sand.

The topographic surface at the subject property slopes gently to the south. Area topography can indicate the shallow groundwater gradient, although variations in subsurface structural and geological conditions and other factors can affect groundwater conditions. In cases where contamination is suspected, the groundwater gradient should be analyzed using actual subsurface data to accurately evaluate groundwater conditions.

Review of previous environmental reports indicates groundwater flow direction is to the south/southwest.

Review of the EDR Lightbox application website indicates groundwater in the subject property area flows to the south.



3.0 HISTORICAL USE AND SUBJECT PROPERTY INVESTIGATION SUMMARY

3.1 Executive Summary of All Appropriate Inquiry (AAI)

SES conducted a Phase I ESA for the subject property, which is documented in a report dated February 4, 2025 (Attachment B). The Phase I ESA report included the review and summary of several previous subsurface investigations, remedial action reports, and groundwater sampling events.

Historical review indicates the subject property was part of a larger railroad maintenance yard from at least 1899 through 1931. A pattern warehouse is shown in a 1945 Sanborn fire insurance map on the northwest corner of the subject property and extending onto the west adjoining property; however, the majority of building structures associated with former railroad maintenance activities were documented on the west adjoining property. The property operated as a storage yard for an adjoining foundry to the east and southeast from 1938 through 1960. The property then began operations as Marshall Iron & Metal, an automobile salvage scrap yard, from at least 1961 through 1996. Railroad lines were abandoned after 1966. Scrap yard operations ceased in 1996, at which time all scrap material was removed. The property has generally consisted of vacant land since 1996.

A Phase I ESA was prepared in 2003 and identified three RECs: 1) former railroad maintenance operations, scrap yard operations, the presence of fill and debris, and bare soil; 2) former UST operations; and 3) Part 201 listings and documented impact to soil and groundwater at the property.

An interview conducted with a representative of the City of Marshall Industrial Pretreatment/Safety Wastewater Department revealed investigations have been conducted in 1993, 1995, 1997 and 2001. A 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. The UST was an oil/water separator process tank that had been used to collect oil and water from a sloped cement slab collection area. The sludge, soils, and liquids from the UST and overburden were reportedly transported to a landfill at the time of removal. Soil samples were collected from the former tank basin in 2001, and a summary of the analytical results indicated metals, xylenes, 1,2,4-trimethylbenzene, and naphthalene were detected above laboratory detection limits, with chromium being detected above the former MDEQ Part 201 Residential Drinking Water Protection Criteria. Soil and groundwater investigation from 1993 through 2001 indicated impact existed at the property at levels exceeding Part 201 Residential cleanup criteria. In addition, the property was listed as a MDEQ Part 201 Contaminated Site due to metals, PCBs, and PNAs, among others, detected due to historical property operations.

A Phase II ESA was conducted in September 2003 and included advancement of six soil borings and collection of three groundwater samples from existing monitoring wells. The results of the Phase II ESA indicated arsenic, chromium, iron, manganese, mercury, selenium, benzo(a)pyrene, carbazole, fluoranthene, naphthalene, phenanthrene and xylenes were present in soil at concentrations exceeding applicable Part 201 Residential cleanup criteria. In addition, iron, manganese, fluorene and phenanthrene were present in groundwater at concentrations exceeding applicable Part 201 Residential cleanup criteria. Eight inches of free product were observed in one monitoring well. The property was identified as a "facility" as defined by Section 20101(1)(1) of Part 201 of NREPA, PA451 of 1994, as amended. A Baseline Environmental Assessment (BEA) was prepared in 2003/2004.

Corrective action to address soil impact and free product commenced in 2015. Six inches of a 13,000-square foot area were excavated, and the top 10 feet of soil over an 18,000-square foot area east of the 13,000-square foot area were removed. Soil confirmation samples were collected from the 10-foot



excavation area and analyzed for VOCs, semi-volatile organic compounds (SVOCs), metals, mercury, and PCBs. VOCs and arsenic were detected at elevated concentrations in soil samples.

A report from 2021 indicates soil and groundwater data was limited. A Remedial Design Characterization (RDC) was proposed to be completed to supplement the existing soil and groundwater historical data and to quantitatively determine the contaminant mass and extent of impact in the saturated soil and groundwater. Up to 23 borings were proposed to 15 feet bgs, collection of soil and groundwater samples, evaluation of free product, a Bench Test, a pilot test injection of BOS 200 (a carbon adsorption remediation method), and groundwater monitoring for at least 4 quarters were recommended. Six temporary monitoring wells are shown along the south property boundary; however, the majority of investigation would be conducted on the south adjoining property.

SES did not identify any *historical recognized environmental conditions* (HRECs) associated with the subject property during the completion of this Phase I ESA.

SES did not identify any *controlled recognized environmental conditions* (CRECs) associated with the subject property during the completion of this Phase I ESA.

SES identified the following *recognized environmental condition* (REC) associated with the subject property during the completion of this Phase I ESA:

REC #1 Historical review indicates the subject property was part of a larger railroad maintenance yard from at least 1899 through 1931. The property operated as a storage yard for an adjoining foundry to the east and southeast from 1938 through 1960. The property then began operations Marshall Iron & Metal, an automobile salvage scrap yard, from at least 1961 through 1996. Railroad lines were abandoned after 1966. Scrap yard operations ceased in 1996, at which time all scrap material was removed. The property has generally consisted of vacant land since 1996. A 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. Investigation and corrective action were conducted at the property in 1993, 1995, 1997, 2001, 2003, and 2015. Elevated metals, VOCs, and SVOCs were detected in soil samples. Elevated VOCs and metals concentrations were documented in submitted soil confirmation samples following completion of corrective action to address free product on the central portion of the property. The property is identified as a “facility,” as defined by Part 201 P.A. 451 of the Michigan Natural Resources Environmental Protection Act (NEPRA), as amended.

3.2 Subsurface Sampling Activities

The subject property is classified as a “facility” based on soil and groundwater contamination exceeding EGLE Part 201 Residential GCC/RBSLs identified on the property during previous subsurface investigations and sampling events conducted at the property between 2003 and 2024 by others.

The subsurface investigations, remedial actions, and sampling events conducted at the subject property between 2003 and 2024 are summarized (refer to Attachments B and C) as follows:

2003 Subsurface Investigation

Soil and Materials Engineers, Inc (SME) conducted a Phase II ESA to address RECs identified in a 2003 Phase I ESA, also conducted by SME. The 2003 RECs included the following:

- The historical property uses as a railroad shop, foundry and scrap yard, gaps in historical property uses, and visual observations of debris and soil containing slag and cinders.



- A former UST located on the north portion of the property.
- Previous soil and groundwater impact documented at the property and the MDEQ Part 201 Contaminated Site listing of the property.

To evaluate the identified RECs, SME conducted a subsurface investigation of the subject property on September 18, 2003, that included advancing six soil borings (i.e., SP1 through SP6) to depths between 10 and 11 feet bgs. The soil borings were completed throughout the subject property to investigate the impact in the subsurface as a result of the historical operations conducted on the subject property. SP4 was located in the area of the former UST to investigate subsurface impact. One soil sample was collected from each boring and analyzed for VOCs, SVOCs, PCBs, Michigan 10 metals, iron, manganese, and nickel.

Soil lithology consisted of sand fill from the near surface to approximately 2.5 feet bgs in SP1, SP2, SP3, SP5, and SP6. The sand fill contained trace silt, clay, gravel, brick, metal, glass, and cinders. SP4 consisted of sand fill from the near surface to approximately 9 feet bgs. SP4 was located near the area of the former UST. Following the sand fill, sandy clay was encountered in SP1, SP2, and SP3 ranging from depths 4 to 6 feet bgs. Clayey sand with trace amounts of gravel and silt was encountered at SP5 to 3 feet bgs. Below the sandy clay or clayey sand, sand with trace gravel, silt, or clay, was encountered at SP1, SP2, SP3, and SP5, and encountered in SP4 and SP6 below the sand fill. Native sand ranged to depths of 10 to 11 feet bgs. The maximum explored depth was 10 feet bgs. Odors were noted in soil samples collected from SP2, SP4, and SP5, as well as greenish staining at 10.5 to 11 feet bgs in SP4. PID readings were not collected during completion of the borings.

Groundwater was encountered between 6 to 11 feet bgs in all soil borings. Approximately eight inches of free product was observed in monitoring well MW6. The free product was black in color.

The VOC and SVOC data are not considered relative to the current subject property conditions, due to 22 years of degradation. However, the metals data can be used because metals generally do not degrade over time. SES utilized the 2003 metals data for this report.

2007/2008 Subsurface Investigation

MACTEC Engineering and Consulting of Michigan, Inc. (MACTEC) completed a technical memorandum report on behalf of the former MDEQ. The scope of work was to delineate the free product and monitor the subject property.

To conduct the scope of work, a total of 30 soil borings (GP-1 through GP-30) were completed on September 17, 2007, through September 19, 2007, and on December 13, 2007. The borings were advanced to 10 to 15 feet bgs. Soil samples were collected from GP-2 and GP-11 for VOCs, PNAs, PCBs, and metals cadmium, chromium, and lead. Soil samples were also collected from GP-7 for VOCs and the metals cadmium, chromium, and lead, and from GP-9 and GP-10 for VOCs only. Additional soil samples were collected from GP-18 and GP-20 for glycol analysis. Following the completion of the borings, 21 out of the 30 soil borings were converted into temporary monitoring wells and screened from 7 to 12 feet bgs. Groundwater samples were not collected from the temporary monitoring wells.

On December 5, 2007 and December 6, 2007, six monitoring wells were installed on the subject property and south adjoining property. MW-DEQ-3 through MW-DEQ-6 replaced GP-12, GP-18, GP-18, and GP-4, respectively. The monitoring wells were screened approximately from 9 to 14 feet bgs or 10 to 15 feet



bgs. Following the installation of the monitoring wells, MW-DEQ-1, MW-DEQ-2, MW-DEQ-4, and MW-DEQ-6 were sampled on June 5, 2008, and analyzed for VOCs, SVOCs, PCBS, and phenols.

Groundwater and free product monitoring was performed on September 25, 2007, October 2, 2007, December 5, 2007, and December 19, 2007.

Free product sampling was collected from GP-13, GP-16, GP-21, GP-30, MW-WEST (formerly MW6 from 2003 BEA), and MW-DEQ-5 on December 19, 2007. Analysis consisted of VOCs, SVOCs, PCBs, and metals. The analytical results of the free product samples indicate the results were inconclusive to source material.

SES did not utilize the 2007 and 2008 data due to the majority of the samples collected were from an area that was later excavated in 2015. Also, the VOC and SVOC data are not considered relative to the current subject property conditions due to 16 to 17 years of degradation.

2015 Remedial Excavation and Disposal

AMEC Engineering and Consulting of Michigan, Inc. (AMEC) conducted a construction summary report on behalf of the former MDEQ. The scope of work was to remove PCB contaminated soil and restore the area to previous conditions. The report documented response measures conducted by AMEC.

To conduct response measures, the following activities were implemented: abandonment of existing monitoring wells, excavation, loading and disposal of contaminated soils. Nine monitoring wells previously existed at the property, eight of which were abandoned. The remaining monitoring well (MW-DEQ-1) was left in place due to the presence of free product in the well. Excavation activities began by removing six inches of soil from the surface in the scrape zone and the excavation zone. The excavation was dug to approximately 10.5 feet bgs, where groundwater was encountered. Approximately 10,231.44 tons of contaminated soil were removed from the subject property, transported and disposed to a licensed landfill facility. The excavation zone was backfilled with 600 yards of Class II sand, and 440 yards of native overburden, and was restored to its pre-existing condition.

During the excavation activities, 12 sidewall samples and 9 floor samples were collected from the excavation zone. Sidewall samples were collected at a depth of approximately 5 feet bgs, and the floor samples were collected at approximately 10.5 feet bgs. The soil samples were analyzed for VOCs, PNAs/SVOCs, Michigan 10 Metals, and PCBs. SES utilized the data collected from the 2015 excavation for this report.

2021 Investigation

AST Environmental, Inc. (AST) conducted a quantitative high resolution site characterization (qHRSC), Bench Test Study, Pilot Test, and Final Remedial Approach/Design report for the south portion of the subject property and the south adjoining property. AST began field work on March 29, 2021, to locate utilities on the south portion of the subject property and on the south adjoining property. By April 6, 2021, a total of 23 soil borings were completed (6 on the subject property). Each soil boring was converted to a temporary monitoring well, purged, sampled, and abandoned. One monitoring well, MW-201, was installed on the south portion of the subject property, along with two temporary monitoring wells (PZ-201 & PZ-202) installed to monitor pilot injections and post injection performance monitoring. Pre-injection, 0.1 feet of light non-aqueous phase liquid (LNAPL) was identified in MW-201, 0.18 feet of LNAPL was identified in PZ-201, and 3.40 feet of LNAPL was identified in PZ-202.



Groundwater samples were analyzed for total petroleum hydrocarbons (TPH), dissolved gases & carbon dioxide, and anions.

After completion of the soil and groundwater sampling, AST performed a BOS 200®+ Pilot Test. The area around MW-201, was the designated area for the Pilot Test. Surrounding MW-201, 14 injection points were completed to depths ranging from 9 to 15 feet bgs. Injections were initiated on April 13, 2021, and completed on April 14, 2021. AST injected a total of 2,000 pounds of BOS 200®, 1,250 pounds of gypsum, 750 pounds of magnesium sulfate, 500 pounds of corn starch, 25 pounds of yeast extract, and 5 gallons of Trap & Treat® Bacteria Concentrate into the injection points. Following the injections, MW-201 was reinstalled at approximately the original location. Post-injection, no LNAPL was identified in MW-201, 0.02 feet of LNAPL was identified in PZ-201, and 0.75 feet of LNAPL was identified in PZ-202. PZ-201 and PZ-202 were abandoned.

The soil lithology identified during the investigation did not classify soil from 0 to 4 feet bgs due to soft digging methods for identifying utilities. Soil lithology from 4 to 10 feet bgs consisted of silty sand or sandy silt, followed by gravelly sand or sandy gravel from 10 feet bgs to 16 feet bgs, and clayey silt from 16 to 18 feet bgs. (i.e., maximum depth explored). Groundwater was observed between 8 to 13 feet bgs.

Data provided in the 2021 report are not relied upon in this report. The data pertained to an injection study; therefore, the data does not provide the current subject property conditions. However, quarterly groundwater sampling was conducted in May 2023 through July 2024 for MW-201 (also identified as MW-201R). Groundwater samples were analyzed for iron, manganese, and hydrogen sulfide. SES utilized the iron and manganese groundwater data for this report.

Refer to Figures 2, 3a, 3b, and 4 for a subject property map with soil boring locations, soil analytical results, and groundwater analytical results. The boring logs can be found in the 2003 BEA, 2008 technical memorandum report, and 2021 quantitative high resolution site characterization (qHRSC), Bench Test Study, Pilot Test, and Final Remedial Approach/Design report maintained at the EGLE – Kalamazoo District office.

3.3 Soil Analytical Results Summary

A summary of soil sample analytical results collected in November 2015 at the subject property is presented in Table 1, Table 2, Figure 3a, and Figure 3b, along with comparisons to the current EGLE Part 201 GCC and Part 213 RBSLs. Also included in Table 2 and Figure 3b are the metals analytical results from the September 2003 subsurface investigation. The laboratory analytical reports can be found in the 2003 BEA, and the 2015 construction summary report, maintained at the EGLE – Kalamazoo District office.

Six soil samples were collected from the subject property in a 2003 subsurface investigation. The soil samples were submitted for VOCs, PNAs/SVOCs, PCBs, Michigan 10 metals, iron, manganese, and nickel. The samples were collected as a general representation of the subject property. The VOC and SVOC data are not considered relative to the current subject property conditions, due to 22 years of degradation. However, the metals data can be used because metals generally do not degrade over time. An additional 21 soil verification samples were collected from the subject property in 2015 during an excavation in the central portion of the property. The soil samples were submitted for analysis of VOCs, PNAs/SVOCs, PCBs and Michigan 10 Metals.



Review of the soil analytical results (Tables 1 and 2) indicates the following:

- Several VOCs were detected in the soil samples at concentrations exceeding the laboratory method detection limits (MDLs) in 12 out of the 21 soil samples analyzed; however, none of the identified VOCs exceed EGLE Part 201 GCC, with the exception of 1,2,4-trimethylbenzene in soil samples collected from SW-4 (5 feet bgs), F-2 (10.5 feet bgs), F-4 (10.5 feet bgs), F-6 (10.5 feet bgs), and F-7 (10.5 feet bgs) exceeding EGLE Part 201 Residential and Nonresidential Groundwater Surface Water Interface Protection (GSIP) GCC.
- Several PNAs/SVOCs were detected at concentrations exceeding laboratory MDLs in 15 of the 21 soil samples analyzed; however, the concentrations did not exceed EGLE Part 201 GCC, with the exception of phenanthrene in soil samples collected from F-1 (10.5 feet bgs) and F-3 (10.5 feet bgs), exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC.
- Several PCBs were detected at concentrations exceeding laboratory MDLs in 10 of the 21 soil samples analyzed; however, the concentrations did not exceed EGLE Part 201 GCC.
- Concentrations of metals were detected in each of the analyzed soil samples at concentrations exceeding the laboratory MDLs; however, arsenic in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP4 (10 to 11-foot sample interval), SP6 (1 to 2-foot sample interval), SW-1 (5 feet bgs), SW-2 (5 feet bgs), SW-6 (5 feet bgs), SW-7 (5 feet bgs), F-1 (10.5 feet bgs), F-2 (10.5 feet bgs), F-5 (10.5 feet bgs), and F-7 (10.5 feet bgs) exceeded EGLE Part 201 Residential and Nonresidential Drinking Water Protection (DWP), and GSIP; Residential Direct Contact (DC) GCC with the exception of soil sample F-7 (10.5 feet bgs), and Nonresidential Direct Contact (DC) GCC in only soil sample SW-6 (5 feet bgs); cadmium in soil sample collected from SP1 (0 to 1-foot sample interval) exceeded EGLE Part 201 Residential and Nonresidential GSIP GCC; iron in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP4 (10 to 11-foot sample interval), and SP6 (1 to 2-foot sample interval), exceeded EGLE Part 201 Residential and Nonresidential DWP GCC; manganese in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), and SP4 (10 to 11-foot sample interval), exceeded EGLE Part 201 Residential and Nonresidential DWP GCC; mercury in soil samples collected from SP1 (0 to 1-foot sample interval) and SP3 (1-2-foot sample interval) exceeded Residential and Nonresidential GSIP GCC; and selenium in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP6 (1 to 2-foot sample interval), and SW-6 (5 feet bgs) exceeded EGLE Part 201 Residential and Nonresidential GSIP GCC.

A summary of the soil samples that exceeded one or more EGLE Part 201 GCC is provided in the attachments as Tables 1 and 2.

3.4 Groundwater Analytical Results Summary

A summary of groundwater samples collected from May 2023 through July 2024 at the subject property is presented in Table 3 and Figure 4, along with comparisons to the current EGLE Part 201 GCC and Part 213 RBSLs. The laboratory analytical reports can be found at the EGLE –Kalamazoo District office.

Five groundwater samples were collected from the subject property from MW-201 which was installed in 2021. The samples were collected quarterly for monitoring purposes. The samples were submitted for analysis of iron, manganese, and hydrogen sulfide. SES utilized the iron and manganese groundwater data for this report.



Review of the groundwater analytical results (Table 3) indicates the following:

- Iron and manganese were detected in all five groundwater samples at concentrations exceeding laboratory MDLs, with the exception of manganese in the July 11, 2024, groundwater sample. However, iron in groundwater samples collected from MW-201/MW-201R in May 11, 2023, August 11, 2023, November 2023, April 17, 2024, and July 11, 2024, exceeded EGLE Part 201 Residential and Nonresidential Drinking Water (DW) GCC; and manganese in groundwater samples collected from MW-201/MW-201R in May 11, 2023, August 11, 2023, November 14, 2023, and April 17, 2024 exceeded EGLE Part 201 Residential and Nonresidential DW GCC.



4.0 KNOWN CONTAMINATION AND HUMAN EXPOSURE PATHWAY EVALUATION

An overview of the known contamination at the subject property and an evaluation of exposure pathways are presented in the following subsections.

4.1 Known Contamination

Based on the previous subsurface investigations, concentrations of 1,2,4-trimethylbenzene were detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of phenanthrene were detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of arsenic were detected in fifteen soil samples exceeding EGLE Part 201 Residential and Nonresidential DW and GSIP GCC, as well as exceeding Residential DC GCC in fourteen soil samples, and exceeding Nonresidential DC GCC in one soil sample; cadmium was detected in one soil sample exceeding EGLE Part 201 Residential and Nonresidential DW GCC; iron was detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; manganese was detected in three soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; mercury was detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; and concentrations of selenium were detected in five soil samples exceeding Part 201 Residential and Nonresidential GSIP GCC. Concentrations of iron and manganese were detected in quarterly groundwater samples collected from MW-201/201R exceeding Residential and Nonresidential DW GCC.

Based on the previous investigation, VOC and PNA concentrations in soil were detected at concentrations exceeding the Residential and Nonresidential GCC in six floor samples and one sidewall sample collected from the within the former soil excavation on the subject property. Metals contamination exceeding Residential and Nonresidential GCC was identified in six floor samples and three sidewall confirmation samples collected from within the former soil excavation, as well as in three shallow soil samples collected from the east portion of the subject property and one shallow soil sample collected from the west portion of the subject property. Metals in groundwater were detected at concentrations exceeding Residential and Nonresidential GCC along the south property boundary.

Please refer to Tables 1 through 3 in the Tables Tab for analytical comparison tables and Figures 2 through 4 in the Figures Tab for the sampling locations with analytical results on site maps.

Please refer to Attachment C for the 2025 BEA summarizing the above investigations.

The groundwater has been sampled at numerous locations about the subject site and no contaminants, representative of current site conditions, were detected that would pose an exposure risk. Therefore, no exposure pathways currently exist if groundwater is encountered during site development. However, should dewatering or groundwater need to be extracted and disposed of during site development, the groundwater surface water interface criteria (GSI) may need to be reviewed in consideration of handling the extracted groundwater.

4.2 Human Exposure Pathway Evaluation

According to the City of Marshall, the subject property is zoned “I-2” for General Industrial land use. The east, west, and south adjoining properties are also zoned “I-2”. The north adjoining property, beyond Industrial Road is zoned “I-1” for Research and Manufacturing land use. The property is vacant, but will be developed with an office building and storage lot for trailers. Therefore, Nonresidential criteria are the appropriate category of applicable cleanup criteria.



For the purposes of this DCP, pathways for human exposure are those where contaminants are present at concentrations that may pose a threat to human health during day-to-day or non-routine activities. Day to-day activities include typical use of the property for typical commercial uses by subject property occupants. Non-routine activities involve disturbing the subsurface of the property. The “subsurface” is considered soil and groundwater beneath surficial materials like landscaping, pavement, and concrete slab floors. Individuals most often performing non-routine activities would include contractors conducting activities such as building demolition, building construction, renovations, and expansions; pavement demolition and expansion; or installation/repair of underground utilities.

Complete pathways do exist for human exposure to site contaminants based on the Nonresidential use of the subject property. Rationale for this conclusion is provided below based on a comparison of results to EGLE Part 201/213 Nonresidential GCC/RBSLs.

Human Health-Based Criteria/Screening Levels Exceeded by Site Contaminants in Soil

Drinking Water Protection (Part 201/213 Nonresidential GCC/RBSLs, Revised October 12, 2023)

- Arsenic (SP-1 [0-1’], SP2 [1-2’], SP3 [1-2’], SP4 [10-11’], SP6 [1-2’], SW-1 [5’], SW-2 [5’], SW-6 [5’], SW-7 [5’], F-1 [10.5’], F-2 [10.5’], F-5 [10.5’], F-7 [10.5’], F-8 [10.5’], and F-9 [10.5’])
- Cadmium (SP1 [0-1’])
- Iron (SP-1 [0-1’], SP2 [1-2’], SP3 [1-2’], SP4 [10-11’], and SP6 [1-2’])
- Manganese (SP-1 [0-1’], SP2 [1-2’], and SP4 [10-11’])

This is not considered a complete pathway at the subject property due to:

- 1) No water wells are, or will be, located at the subject property that could be used for potable drinking water
- 2) the subject property is served by municipal water service

Groundwater Surface Water Interface Protection (Part 201/213 Nonresidential GCC/RBSLs, Revised October 12, 2023)

Although the VOC 1,2,4-TMB, the PNA phenanthrene, and the metals arsenic, mercury, and selenium were detected in soil at concentrations exceeding the Nonresidential GSIP GCC, the groundwater surface water interface pathway is not considered a human health-based exposure pathway. No onsite or nearby surface water bodies are hydraulically connected with groundwater beneath the subject property.

Direct Contact (Part 201/213 Nonresidential GCC/RBSLs, Revised October 12, 2023)

- Arsenic (SW-6 [5’])

This is considered a complete pathway at the subject property due to:

- 1) Potential exposure to soil during construction activities

No contaminants exceeded the remaining EGLE Part 201/213 Nonresidential health-based criteria in soil.



Human Health-Based Criteria/Screening Levels Exceeded by Site Contaminants in Groundwater

Drinking Water (Part 201/213 Nonresidential GCC/RBSLs, Revised October 12, 2023)

- Iron (MW-201, MW-201R)
- Manganese (MW-201, MW-201R)

This is not considered a complete pathway at the subject property due to:

- 1) No water wells are, or will be, located at the subject property that could be used for potable drinking water
- 2) the subject property is served by municipal water service

No contaminants exceeded the remaining EGLE Part 201/213 Nonresidential health-based criteria in groundwater.

Land Use Category

The subject property is located within the City of Marshall. The subject site is comprised of approximately 3.03 acres of vacant land, awaiting development.

At the time of generating this Due Care Plan, no buildings were present on the subject property. The land is intended to be redeveloped with a commercial office structure and storage facility.

Soil Exposure Pathways

Subject site contaminants include metals, PNAs/SVOCs, and VOCs. The site contaminants do not include constituents at concentrations that present an exposure risk, based on the current and intended use of the property, with the exception that arsenic in one sample located in the south-central portion of the property exceeds Nonresidential Direct Contact criteria (see Figure 5).

The exposure pathways evaluated are in relation to the proposed site development activities where construction workers are exposed to potential and known contaminated areas.

The complete pathways that exist are based on the proposed site development activities and future Nonresidential use of the subject property. Comparison for this conclusion is provided below based on a comparison of results to EGLE Part 201/213 Nonresidential GCC/RBSLs.

Drinking Water Protection

Regarding soil criteria for the identified contamination, this is an incomplete exposure pathway since there are no drinking water wells on site and no wells will be installed as part of the proposed development.

Direct Contact

Arsenic in the soil at SW-6 (see Figure 5) is located along the south property boundary in the central portion of the subject property. The soil sample was a sidewall sample collected at 5 feet bgs. This exposure risk is eliminated by workers onsite conducting excavating activities wearing gloves. Any residual soil on the work gloves is to be brushed off before exiting the area.



Ambient Air Particulate Soil Inhalation

There is no exposure risks to ambient air particulate soil inhalation. The contaminant levels do not exceed Part 201 particulate soil inhalation screening levels.

Contaminated Soil Runoff to Surface Water

Surface water is not present on or adjacent to the subject property. However, care should be taken not to allow soil runoff to occur during development of the site.



5.0 DUE CARE OBLIGATIONS FOR PREVENTING HUMAN HEALTH EXPOSURE AND EXACERBATION

5.1 Prevention of Unacceptable Human Exposure to Contaminants

Twenty-one soil samples were collected at depths of 5 feet bgs in the sidewall samples and 10.5 feet bgs in the floor samples collected from the 2015 soil excavation area. In addition, 3 soil samples were collected at varying depths from the west portion of the property and 3 soil samples were collected at varying depths from the east portion of the subject property during the 2003 investigation. Of the analyzed samples, one contaminant concentration was identified exceeding the Nonresidential GCC for the complete exposure pathways. The contaminant included one arsenic concentration exceeding Nonresidential Direct Contact GCC/RBSLs. The concentration was identified at a depth of 5 feet bgs in an area along the south-central portion of the subject property. Based on the provided information with regard to the proposed development, the exceedance is located in an area with proposed and existing utility installations.

The potential for human exposure to contaminants via dermal contact with the soil exists. Contaminated soil from the area with the arsenic exceedance in the south-central portion of the site shall not be relocated to other areas of the subject property. In addition, contractors and utility workers shall be notified in writing of the presence of contamination. To prevent potential unacceptable human health exposure, the procedures listed under Section 5.3 ("Prevention of Exacerbation") should be followed.

5.2 Protection of Third Parties

All contractors and utility workers should be notified of the existing contamination prior to breaching the ground surface. No human health exposures for third parties are anticipated based on the current and proposed Nonresidential use of the subject property. If contaminated soil and/or groundwater are relocated from the property to an offsite property, or if utility/construction workers conduct activities in the areas with known contamination, then unacceptable human health exposures could occur. To prevent this unacceptable human health exposure, the procedures listed under Section 5.3 ("Prevention of Exacerbation") should be followed.

The subject site planned for development includes approximately 3.03 acres. The known elevated levels of arsenic are located along the south-central property boundary. Therefore, contaminated soil is not to be relocated from the south-central portion of the subject property to other areas of the subject property. To prevent unacceptable human health exposure, the procedures listed under Section 5.3 ("Prevention of Exacerbation") should be followed.

5.3 Prevention of Exacerbation

Plans/procedures to prevent exacerbation of existing contamination fall into various categories, which are listed and discussed below.



Maintenance of Surfaces

Surficial materials at the subject property are covering subsurface contamination and these surfacing materials must be maintained in good condition to prevent disturbing subsurface contaminants. If any surface is disturbed (e.g., repairs or utility work) then the surfaces must be restored to their original condition.

The surface area at the site during development will likely be disturbed with excavating equipment. Earth moving equipment, excavators, will be disturbing the near surface area soils. Precautions to keeping contaminated soil in those areas of known contamination will be necessary so as not to exacerbate the impact.

Handling of Contaminated Media

Soil at the subject property is contaminated at levels requiring the use of special management techniques to prevent the spread of contamination (exacerbation) if these materials are removed from the ground or otherwise exposed during development, grading, construction or maintenance activities. Prevention of exacerbation includes preventing the spread of contamination on and off the property and between environmental media. For purposes of this DCP, all soil on the property will be considered contaminated at levels requiring special handling and management procedures to prevent the spread of contamination, unless additional soil characterization data demonstrates otherwise.

Failure to properly manage soil could result in spreading the existing contamination and exposing construction/utility workers or future onsite occupants. The following precautions will be followed when soil is excavated during construction or maintenance activities:

- Soil removed from excavations or grading will be stockpiled on the subject property then returned to the same excavation when possible. Reasonable effort will be made not to mix known contaminated soil with clean materials during construction and future maintenance activities. Excavated soils from areas with potential contamination shall be placed on an impervious barrier and covered in order to prevent mixing and spreading with clean surface materials.
- Excess soil from excavations may be acceptable for relocation on the subject property, **with the exception of the area with the arsenic direct contact exceedance along the south-central portion of the subject property**, but will NOT be moved to another property. Excess soil that cannot be relocated on the property will be characterized according to waste disposal site requirements and transported for disposal at a licensed disposal facility in accordance with applicable laws and regulations. If excess soil is likely to be generated from excavation activities, the contractor will be required to have a plan for onsite management and/or offsite disposal prior to commencing activities. The plan shall be provided to the Owner for review and approval.
- Soil erosion and sedimentation controls will be installed as required by local, state, and federal requirements.
- Dust suppression and track-out control measures will be used to minimize the release of contaminated dust/soil into the air or off the subject property.
- An appropriate exposure barrier (i.e., pavement, stone, impermeable surfaces, etc.), preventing dermal contact with contaminated soil, will be constructed to prevent onsite occupants/workers from exposure.



- If groundwater is encountered during subsurface activities and removal (i.e., dewatering to facilitate construction) is required, it will be properly characterized and managed according to applicable regulations. Under no circumstances will groundwater be discharged to 1) a storm sewer or sanitary sewer without obtaining a proper permit, 2) the ground surface, or 3) in a manner that results in flow off the subject property. Groundwater generated from dewatering activities will be:
 - Containerized on the subject property, utilizing a frac tank or similar vessel, characterized in accordance with disposal site requirements, and transported for proper disposal at an offsite, licensed facility; or
 - Characterized and permitted pursuant to municipal sanitary sewer ordinances for discharge to the sanitary sewer (pretreatment may be required for this discharge).
- A copy of the Due Care Plan will be provided to all parties engaged in future construction or maintenance activities which include disturbance of subsurface soils.

If during future construction activities, evidence of environmental impact that is not consistent with known impact is observed, the Owner will be notified, and this DCP will be evaluated and modified as appropriate. Such impact or conditions will be characterized and managed in accordance with applicable requirements, guidelines, and rules of state and federal law.



6.0 RECORD KEEPING AND NOTIFICATIONS

Owners and operators are required to maintain Due Care documentation. In addition, the EGLE may request the owner of a contaminated property provide Due Care documentation. Due Care records that should be maintained in a file are discussed below.

6.1 Documentation and Record Keeping

This DCP will be kept in the due care file at the **Tiger's Towing, LLC** office at the subject property, and will be available to the EGLE or other appropriate parties as needed and/or upon request. Revisions to this DCP may be required if property conditions and features described in this DCP change or are found to be different in the future.

6.2 On-Going Documentation

If maintenance activities or future construction plans require soil and/or groundwater to be removed, these media and activities will be managed in accordance with applicable regulations and as described in Section 5. The Owner will maintain records, including manifests and landfill load tickets, for the removal and disposal of soil and/or groundwater from the subject property. The Owner will also maintain field notes and diagrams of areas of soil relocation if it is relocated on the property.

6.3 Property Notices

In accordance with Part 201, the subject property owner is required to make certain notifications to parties that could reasonably be affected by the contamination present on, or emanating from, the property. A review of the applicability of these notices is summarized below.

Rule 1013 Notice – Utility Easement Holders

In the event utility workers or other persons need to conduct activities on the subject property in an easement, the property owner will provide a notice regarding contamination and potential unacceptable exposures. **See Attachment D.**

Rule 1015 Notice – Abandoned Containers

A Rule 1015 notice is not needed and completion of the Abandoned Container Notice is not required because no abandoned containers are known to exist on the subject property.

Rule 1017 Notice – Migrating Contamination

A Rule 1017 notice (Notice of Migration of Contamination) is not required because no contaminants are known to migrate offsite.

Rule 1019 Notice – Fire/Explosion Hazards

There are no known fire or explosion hazards related to existing contamination; therefore, a Rule 1019 notice is not required.



7.0 OWNER CONTACT

Questions regarding past, ongoing, or planned future work on the subject property should be directed to the Owner contact listed below:

Ms. Karrie Hammer
Tiger's Towing, LLC
19218 11 Mile Road
Battle Creek, Michigan 49014
Phone: 269-601-2311
Email: karriehammer@att.net

8.0 REFERENCES

- Part 201 of 1994 PA 451, as amended, the Natural Resources and Environmental Protection Act, and applicable portions of the associated Part 10 Rules.
- The Michigan Department of Environment, Great Lakes, and Energy, Promulgated Cleanup Criteria, R299.44, R299.46, R299.48, and R299.49, Part 201 Generic Residential and Nonresidential Cleanup Criteria and Screening Levels, December 20, 2013 (Revised October 12, 2023)
- *Phase I Environmental Site Assessment, 3.03-Acre Vacant Land Property, 775 Industrial Road, Marshall, Calhoun County, Michigan*, dated February 4, 2025, prepared by SES Environmental.
- *Baseline Environmental Assessment, Vacant Land, 775 Industrial Road, Marshall, Calhoun County, Michigan*, dated March 24, 2025, prepared by SES Environmental.



TABLES



TABLE 1
CLEANUP CRITERIA COMPARISON FOR SOILS
VOCs, PNAs, and Metals
VACANT LAND
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PNAs), Polychlorinated Biphenyls (PCBs) (µg/Kg)			n-Butylbenzene	sec-Butylbenzene	Ethylbenzene	Isopropylbenzene	p-Isopropyl toluene	2-Methylnaphthalene	n-Propylbenzene	1,2,3-Trimethylbenzene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Xylenes	Other VOCs	Anthracene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Chrysene	Fluoranthene	Fluorene	Phenanthrene	Pyrene	Other PNAs	PCBs		
Chemical Abstract Service Number (CAS#)			104518	135988	100414	98828	99876	91576	103651	526738	95636	108678	1330207	Various	120127	56553	50328	205992	218019	206440	86737	85018	129000	Various	1336363		
Sample ID	Sample Date	Sample Depth (bgs)	VOCs												PNAs										PCBs		
SW-1	11/2/2015	5'	<70	<70	<70	<70	<70	<350	<70	<70	<70	<70	<70	ND	<230	<230	<460	<460	<230	760	<230	<230	630	ND	250		
SW-2	11/2/2015	5'	<76	<76	<76	<76	<76	<380	<76	<76	<76	<76	<76	ND	<240	<240	<470	<470	520	270	<240	<240	420	ND	580		
SW-3	11/2/2015	5'	210	83	<74	<74	98	1,000	83	330	<74	<74	<74	ND	<230	300	<460	<460	<230	<230	350	2,000	230	ND	<120		
SW-4	11/2/2015	5'	530	250	130	<71	290	<350	290	510	860	230	180	ND	320	<230	<460	<460	880	<230	230	1,800	280	ND	96		
SW-5	11/2/2015	5'	<72	<72	<72	<72	<72	<360	<72	<72	<72	<72	<72	ND	<230	<230	<460	<460	<230	<230	<230	<230	<230	ND	<110		
SW-6	11/4/2015	5'	<80	<80	<80	<80	<80	<400	<80	<80	<80	<80	<80	ND	<240	<240	<490	<490	<240	240	<240	<240	250	ND	<120		
SW-7	11/4/2015	5'	<71	<71	<71	<71	<71	<360	<71	<71	<71	<71	<71	ND	<230	520	490	870	680	1,000	320	750	1,200	ND	440		
SW-8	11/4/2015	5'	<71	<71	<71	<71	<71	<360	<71	<71	<71	<71	<71	ND	<230	<230	<450	<450	220	280	<230	<230	230	ND	<110		
SW-9	11/4/2015	5'	<68	180	<68	<68	180	<340	<68	280	190	230	<68	ND	<220	<220	<450	<450	<220	<220	<220	<220	<220	ND	<110		
SW-10	11/4/2015	5'	<67	<67	<67	<67	<67	<330	<67	<67	80	<67	<67	ND	<220	<220	<440	<440	<220	<220	<220	240	<220	ND	<110		
SW-11	11/5/2015	5'	<70	<70	<70	<70	200	<350	<70	230	340	91	<70	ND	<220	<220	<450	<450	<220	<220	<220	650	<220	ND	<110		
SW-12	11/5/2015	5'	<66	<66	<66	<66	<66	<330	<66	<66	<66	<66	<66	ND	<220	<220	<440	<440	<220	<220	<220	<220	<220	ND	<110		
F-1	11/3/2015	10.5'	580	230	<68	<68	83	<340	150	310	280	230	<68	ND	<220	<220	<450	<450	610	<220	1,100	5,200	<220	ND	270		
F-2	11/3/2015	10.5'	<82	260	88	90	270	<410	240	430	740	460	<82	ND	<250	<250	<500	<500	270	<250	<250	870	<250	ND	150		
F-3	11/3/2015	10.5'	260	170	<67	<67	190	<330	<67	310	290	110	<67	ND	<220	220	<440	420	810	700	<220	6,100	680	ND	720		
F-4	11/3/2015	10.5'	<75	450	120	140	580	480	430	1,700	890	740	150	ND	<230	<230	<470	<470	530	270	460	2,200	290	ND	780		
F-5	11/3/2015	10.5'	<77	<77	<77	<77	<77	<380	<77	<77	<77	<77	<77	ND	<240	<240	<470	<470	<240	<240	<240	<240	<240	ND	<120		
F-6	11/4/2015	10.5'	<69	230	<69	<69	250	<350	170	690	1,100	440	<69	ND	<220	<220	<440	<440	360	280	380	1,300	270	ND	470		
F-7	11/4/2015	10.5'	<70	270	<70	73	440	710	200	1,100	2,100	650	95	ND	<220	<220	<450	<450	680	<220	510	1,800	<220	ND	780		
F-8	11/5/2015	10.5'	<81	<81	<81	<81	<81	<410	<81	<81	<81	<81	<81	ND	<590	<590	<1200	<1200	<590	<590	<590	<590	<590	ND	<120		
F-9	11/5/2015	10.5'	150	78	<78	<78	79	<390	<78	<78	93	<78	<78	ND	<590	<590	<1200	<1200	<590	<590	<590	<590	<590	ND	<120		
EGLE-RRD Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Soil Tables 2 and 3 Residential and Non-Residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs																											
Statewide Default Background Levels			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Non-Residential (µg/Kg)																											
Drinking Water Protection (DWP)			4,600	4,600	1,500	2.60E+5	NA	1.70E+5	4,600	NA	2,100	1,800	5,600	Various	41,000	NLL	NLL	NLL	NLL	NLL	7.30E+5	8.90E+5	1.60E+5	4.80E+5	Various	NLL	
Groundwater Surface Water Interface Protection (GSIP)			ID	ID	360	3,200	NA	4,200	ID	NA	570	1,100	980	Various	ID	NLL	NLL	NLL	NLL	NLL	5,500	5,300	2,100	ID	Various	NLL	
Soil Volatilization to Indoor Air Inhalation (SVII)			ID	ID	4.6E+5	7.3E+5	NA	4.90E+6	ID	NA	8.0E+6	4.8E+6	1.2E+7	Various	1.0E+9	NLV	NLV	ID	ID	ID	1.0E+9	1.0E+9	5.10E+6	1.0E+9	Various	1.60E+7	
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)			ID	ID	2.40E+6	2.00E+6	NA	1.80E+6	ID	NA	2.50E+7	1.90E+7	5.40E+7	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.90E+8	1.50E+8	1.90E+5	7.80E+8	Various	8.10E+5	
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness			ID	ID	3.10E+6	2.00E+6	NA	1.80E+6	ID	NA	6.00E+8	4.60E+8	6.50E+7	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.80E+8	1.50E+8	1.90E+5	7.80E+8	Various	2.80E+7	
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness			ID	ID	6.50E+6	3.00E+6	NA	1.80E+6	ID	NA	6.00E+8	4.60E+8	1.30E+8	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.80E+8	1.50E+8	1.90E+5	7.80E+8	Various	2.80E+7	
Ambient Air Particulate Soil Inhalation (PSI)			8.80E+8	1.80E+8	1.30E+10	2.60E+9	NA	2.90E+8	5.90E+08	NA	3.60E+10	3.60E+10	1.30E+11	Various	2.90E+10	ID	1.90E+6	ID	ID	ID	4.10E+9	4.10E+9	2.90E+6	2.90E+9	Various	6.50E+6	
Direct Contact (DC)			8.00E+6	8.00E+6	7.1E+7	8.0E+7	NA	2.60E+7	8.00E+06	NA	1.0E+8	1.0E+8	1.0E+9	Various	7.30E+8	80,000	8,000	80,000	8.00E+6	1.30E+8	8.70E+7	5.20E+6	8.40E+7	Various	16,000		
Soil Saturation Concentration Screening Levels (Csat)			1.00E+7	1.00E+7	1.40E+5	3.90E+5	NA	NA	1.00E+07	NA	1.1E+05	94,000	150,000	Various	NA	NA	NA	NA	NA	NA	NA	NA	NA	Various	NA		

ND Not Detected above laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)
NA Not analyzed or Not Available
µg/Kg micrograms per Kilogram or parts per billion
bgs Below Grade Surface (feet)
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

TABLE 2
CLEANUP CRITERIA COMPARISON FOR SOILS
METALS
VACANT LAND
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Metals (µg/Kg)			Arsenic	Barium	Cadmium	Chromium	Copper	Iron	Lead	Manganese	Mercury	Nickel	Selenium	Silver	Zinc
Chemical Abstract Service Number (CAS#)			7440382	7440393	7440439	16065831	7440508	7439896	7439921	7439965	Varies	7440020	7782492	7440224	7440666
Sample ID	Sample Date	Sample Depth (bgs)	Metals												
SP1	9/18/2003	0-1'	20,000	90,000	16,000	84,000	130,000	47,000,000	250,000	660,000	170	54,000	690	ND	290,000
SP2	9/18/2003	1-2'	16,000	39,000	450	9,800	55,000	35,000,000	260,000	590,000	ND	17,000	1,200	ND	110,000
SP3	9/18/2003	1-2'	22,000	57,000	420	10,000	130,000	33,000,000	330,000	370,000	270	24,000	1,700	ND	110,000
SP4	9/18/2003	10-11'	9,500	25,000	160	140,000	63,000	47,000,000	7,600	590,000	ND	58,000	220	ND	240,000
SP5	9/18/2003	3-4'	3,600	47,000	ND	16,000	14,000	11,000,000	8,100	190,000	ND	11,000	ND	ND	25,000
SP6	9/18/2003	1-2'	20,000	61,000	610	17,000	52,000	24,000,000	200,000	320,000	ND	21,000	820	ND	150,000
SW-1	11/2/2015	5'	17,000	39,000	<200	15,000	12,000	NA	13,000	NA	<60	NA	300	<100	82,000
SW-2	11/2/2015	5'	15,000	59,000	<200	14,000	12,000	NA	13,000	NA	<60	NA	400	<100	53,000
SW-3	11/2/2015	5'	4,200	50,000	300	6,600	8,100	NA	7,000	NA	<60	NA	<200	<100	27,000
SW-4	11/2/2015	5'	2,800	14,000	<200	7,200	8,100	NA	5,800	NA	<60	NA	<200	<100	20,000
SW-5	11/2/2015	5'	2,800	14,000	<200	6,100	5,900	NA	4,100	NA	<60	NA	<200	<100	21,000
SW-6	11/4/2015	5'	41,000	170,000	400	18,000	36,000	NA	33,000	NA	100	NA	600	100	92,000
SW-7	11/4/2015	5'	12,000	100,000	<200	5,600	5,400	NA	4,700	NA	<60	NA	<200	<100	35,000
SW-8	11/4/2015	5'	2,900	21,000	<200	7,200	6,300	NA	4,000	NA	<60	NA	<200	<100	23,000
SW-9	11/4/2015	5'	2,000	13,000	<200	6,800	6,400	NA	3,500	NA	<60	NA	<200	<100	29,000
SW-10	11/4/2015	5'	3,300	11,000	<200	5,200	4,900	NA	4,300	NA	<50	NA	<200	<100	20,000
SW-11	11/5/2015	5'	1,500	20,000	<200	8,000	8,400	NA	5,000	NA	<60	NA	<200	<100	25,000
SW-12	11/5/2015	5'	1,900	7,100	<200	3,600	3,800	NA	2,300	NA	<50	NA	<200	<100	16,000
F-1	11/3/2015	10.5'	10,000	21,000	<200	6,000	4,700	NA	3,800	NA	<60	NA	<200	<100	55,000
F-2	11/3/2015	10.5'	11,000	12,000	<200	5,200	6,200	NA	6,200	NA	<60	NA	<200	<100	30,000
F-3	11/3/2015	10.5'	4,000	9,200	<200	4,200	5,000	NA	2,800	NA	<60	NA	<200	<100	24,000
F-4	11/3/2015	10.5'	5,300	52,000	<200	18,000	5,600	NA	2,400	NA	<60	NA	<200	<100	56,000
F-5	11/3/2015	10.5'	12,000	26,000	<200	15,000	8,700	NA	3,500	NA	<60	NA	<200	<100	160,000
F-6	11/4/2015	10.5'	3,000	14,000	<200	6,900	5,300	NA	3,400	NA	<60	NA	<200	<100	25,000
F-7	11/4/2015	10.5'	7,300	9,600	<200	4,800	8,300	NA	4,600	NA	<60	NA	<200	<100	25,000
F-8	11/5/2015	10.5'	13,000	12,000	<200	7,500	5,200	NA	4,600	NA	<60	NA	<200	<100	23,000
F-9	11/5/2015	10.5'	30,000	36,000	<200	15,000	7,900	NA	6,300	NA	<60	NA	300	<100	81,000
EGLE-RRD Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Soil Tables 2 and 3 Residential and Non-Residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs															
Statewide Default Background Levels			5,800	75,000	1,200	18,000	32,000	1.20E+07	21,000	4.40E+05	130	20,000	410	1,000	47,000
Non-Residential (µg/Kg)															
Drinking Water Protection (DWP)			4,600	1.30E+6	6,000	1.0E+9	5.80E+6	6,000	7.0E+5	1,000	1,700	1.00E+05	4,000	13,000	5.00E+6
Groundwater Surface Water Interface Protection (GSIP)			4,600	G	G,X	G, X	G	NA	G, X	(G,X)	50	(G)	400	100	G
Soil Volatilization to Indoor Air Inhalation (SVII)			NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	89,000	NLV	NLV	NLV	NLV
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)			NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness			NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness			NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV
Ambient Air Particulate Soil Inhalation (PSI)			9.10E+5	1.50E+8	2.2E+6	1.50E+8	5.90E+7	ID	4.4E+7	1.50E+06	8.80E+6	1.60E+07	5.90E+7	2.90E+6	ID
Direct Contact (DC)			37,000	1.30E+8	2.1E+6	1.0E+9	9.00E+6	5.80E+08	9.0E+5	9.00E+07	5.80E+5	1.50E+08	9.60E+6	9.00E+6	6.30E+8
Soil Saturation Concentration Screening Levels (Csat)			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

ND Not Detected above laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)
NA Not analyzed or Not Available
µg/Kg micrograms per Kilogram or parts per billion
bgs Below Grade Surface (feet)
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

TABLE 3 (Page 1)
CLEANUP CRITERIA COMPARISON FOR GROUNDWATER
METALS
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Metals (µg/L)			Iron	Manganese
Chemical Abstract Service Number (CAS#)			7439896	7439965
Sample ID	Sample Date	Screen Depth (bgs)	Metals	
MW-201	5/11/2023	5 - 15'	<u>7200</u>	<u>890</u>
MW-201R	8/11/2023	5 - 15'	<u>15000</u>	<u>460</u>
MW-201	11/14/2023	5 - 15'	<u>4700</u>	<u>260</u>
MW-201R	4/17/2024	5 - 15'	<u>5900</u>	<u>150</u>
MW-201	7/11/2024	5 - 15'	<u>640</u>	<50
EGLE-RRD Operational Memorandum No. 1 Part 201 Cleanup Criteria and Part 213 Risk-based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Groundwater Table 1 Residential and Non-residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs				
Non-Residential (µg/L)				
Non-Residential Drinking Water (DW)			300	50
Groundwater Surface Water Interface (GSI)			NA	(G,X)
Non-Residential Groundwater Volatilization to Indoor Air Inhalation (GVII)			NLV	NLV
Screening Levels (µg/L)				
Water Solubility			NA	NA
Flammability and Explosivity Screening Level			ID	ID

ND Not Detected above the laboratory Method Detection Limit (MDL) or Minimum C

NA Not Available or Not Analyzed

NVL No value listed

µg/L micrograms per Liter or parts per billion

bgs Below Grade Surface (feet)

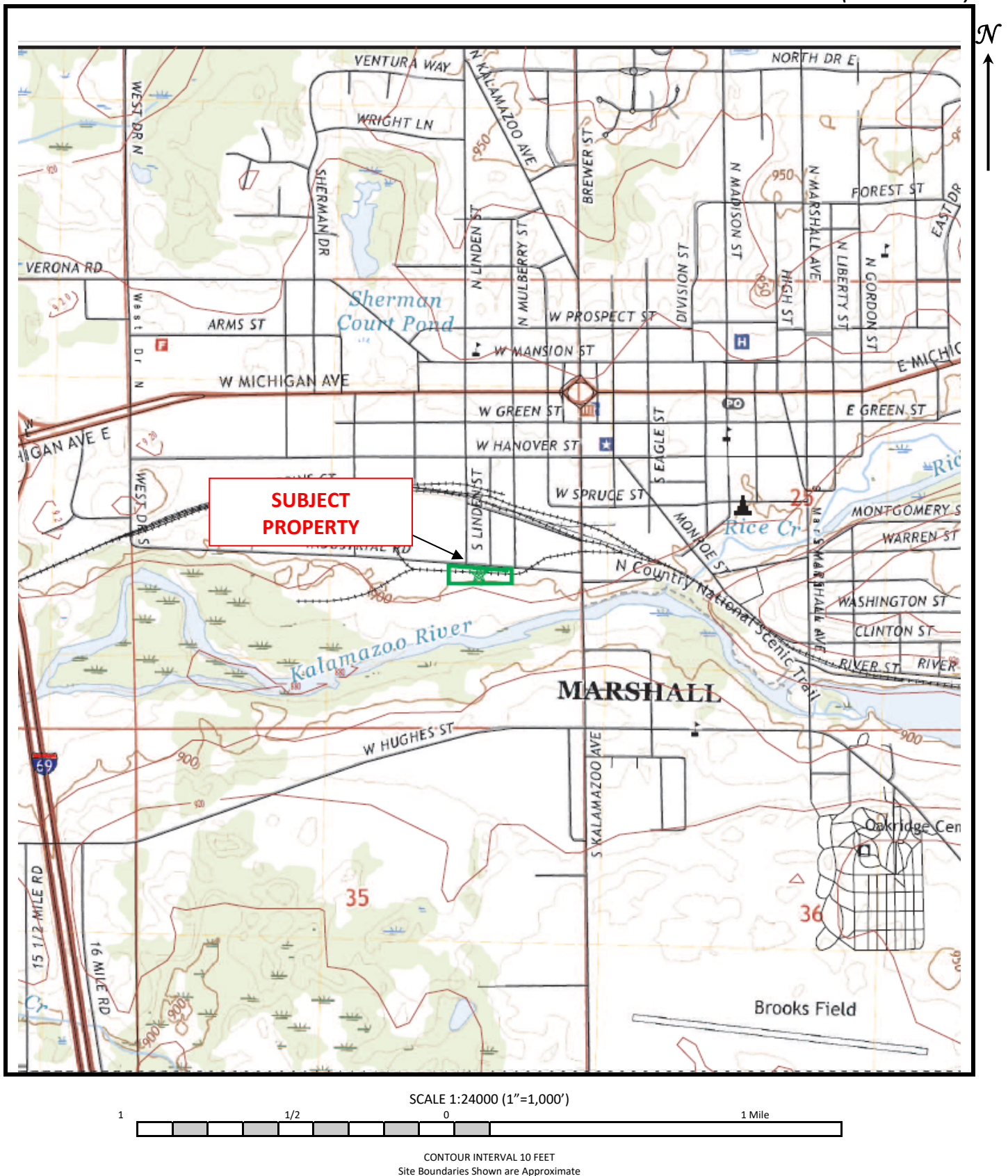
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

FIGURES



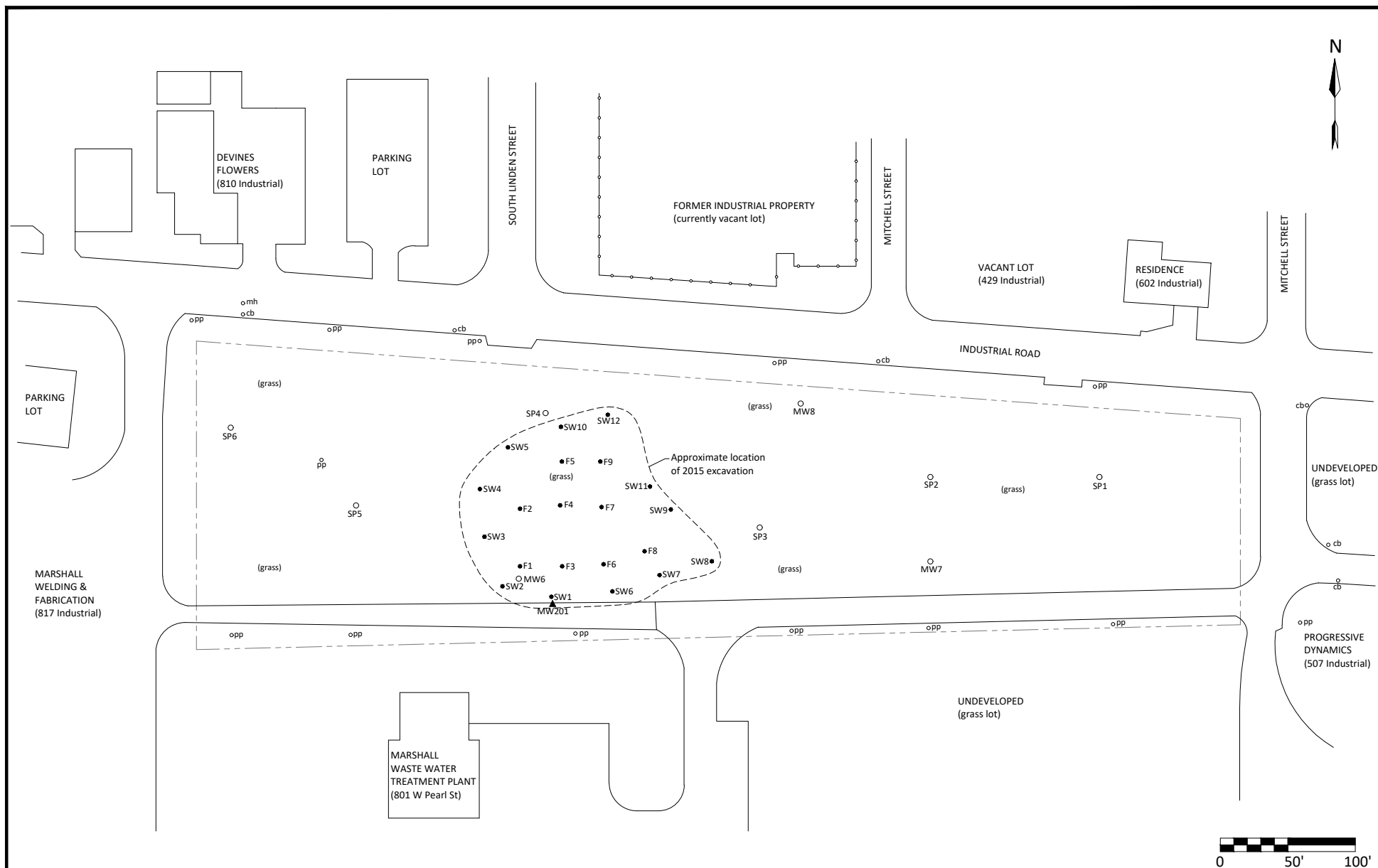
Marshall, Michigan 7.5 Minute Quadrangle Map
(Published 2019)



Topographic Map
3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Indiana 49068
SES Project No.: 2025-0091

Figure 1





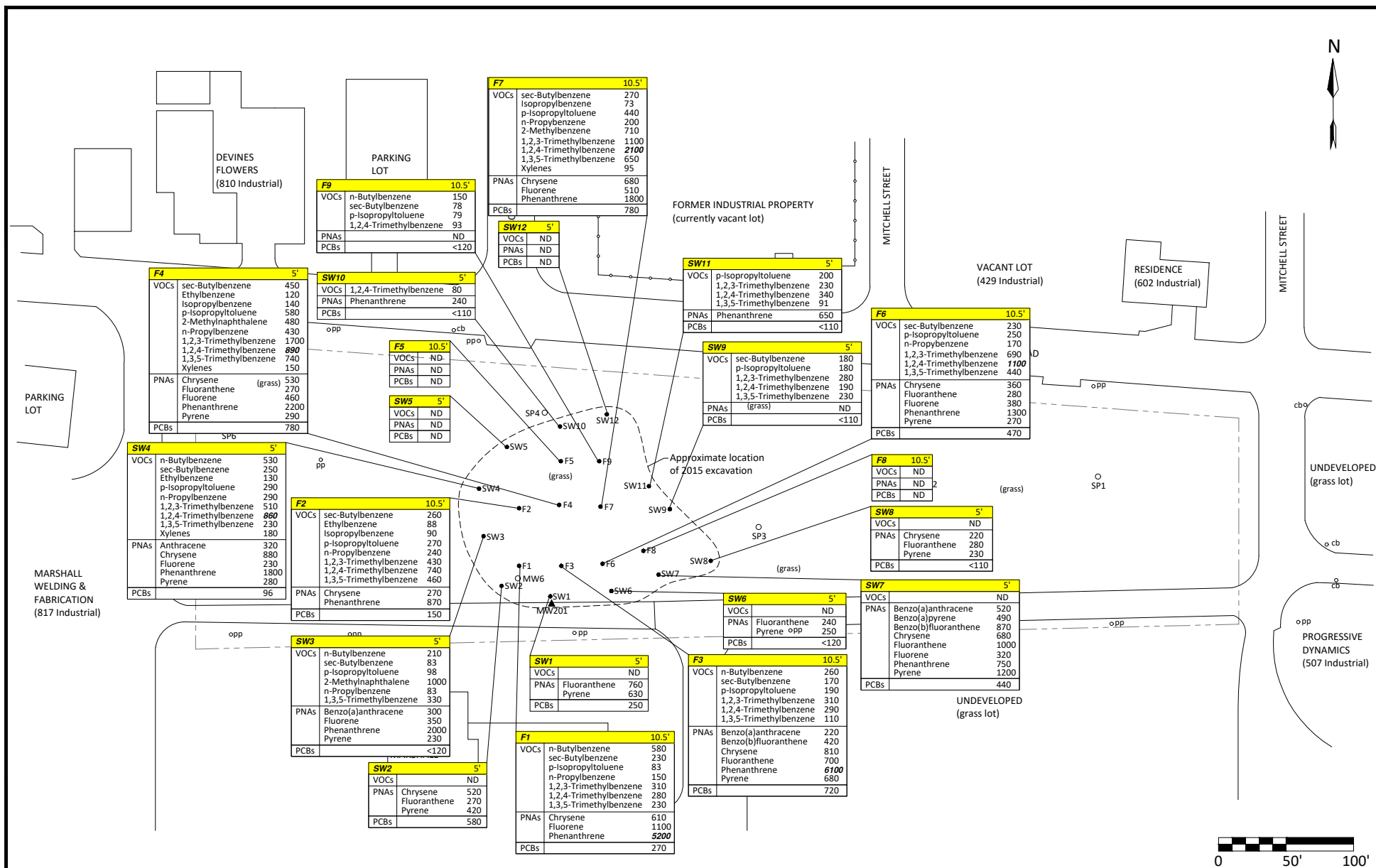
- NOTES: 1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
3. MW203 location digitized from AST, Site Map dated 4/22/21

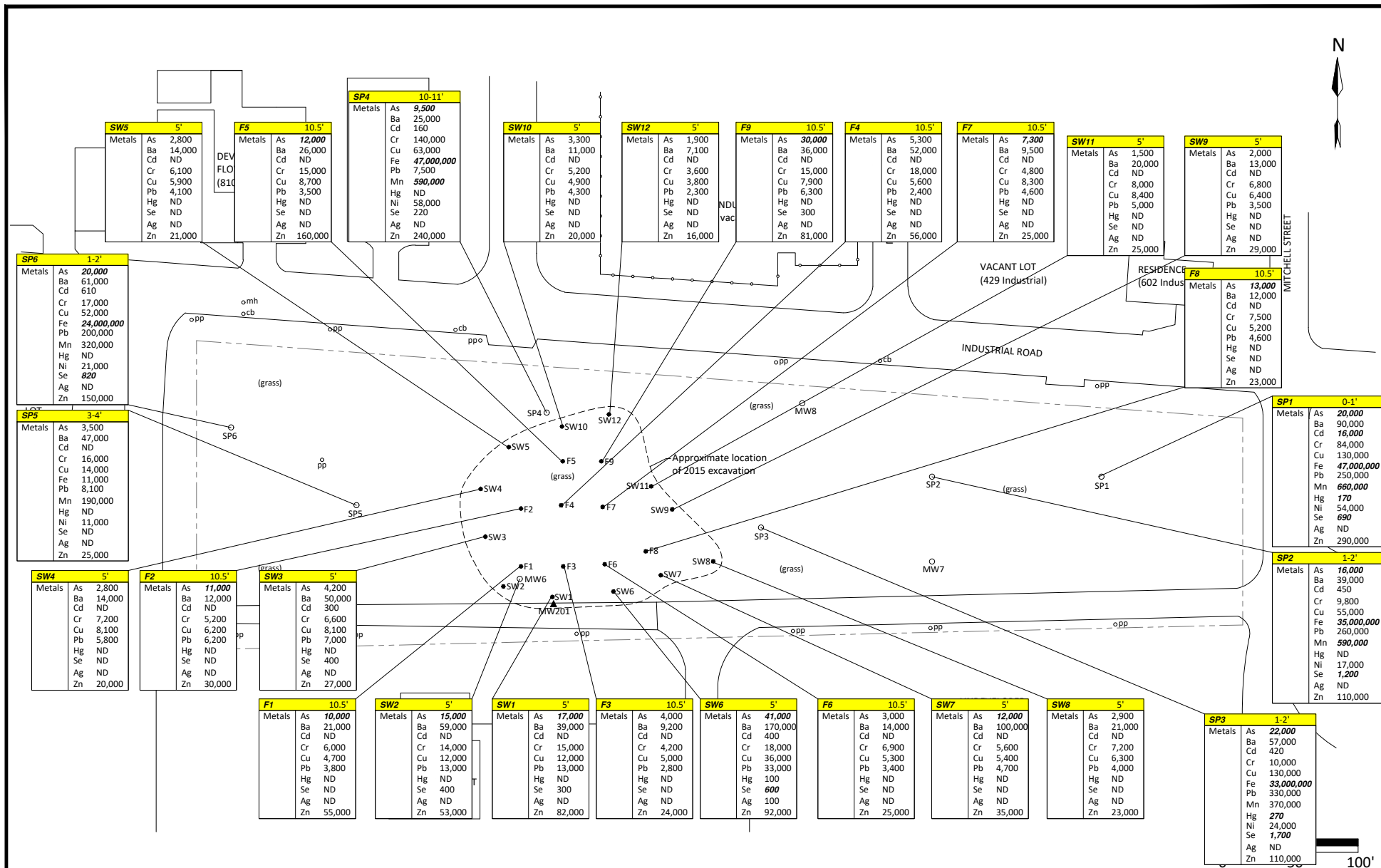
TITLE	SUBJECT PROPERTY WITH SAMPLE LOCATIONS
LOCATION	3.03-Acre Vacant Land Property 775 Industrial Road Marshall, Calhoun County, Michigan

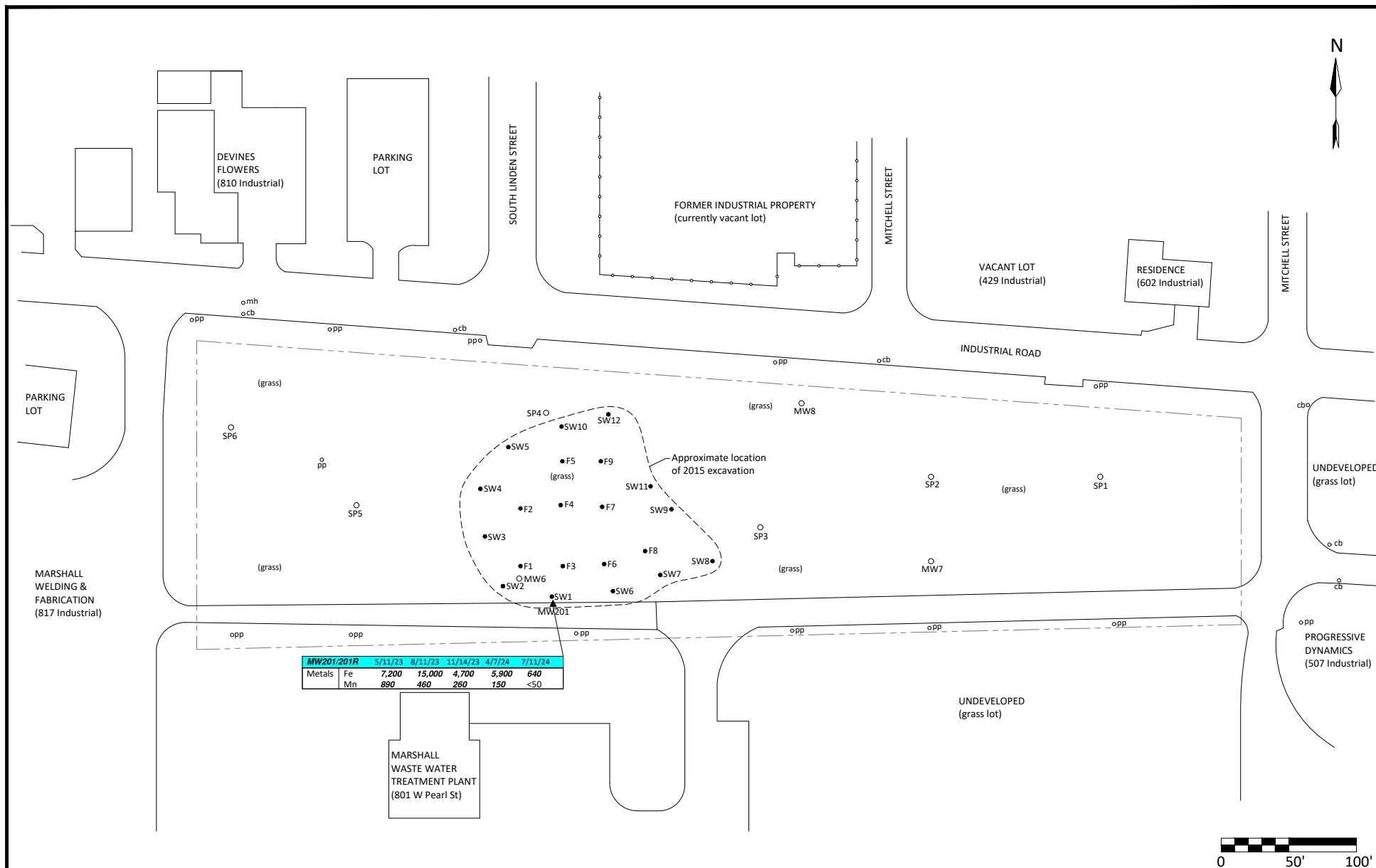
LEGEND	APPROX PARCEL BOUNDARY
pp	POWER POLE
cb	CATCH BASIN
mh	MANHOLE
o	PREVIOUS SAMPLE LOCATIONS

PROJECT	2025-0250
SCALE	1" = 100'
DATE	3/7/25
DRAWN	dn
CHECKED	df
FILE	20250250
FIGURE	2









- NOTES: 1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
3. MW203 location digitized from AST, Site Map dated 4/22/21

TITLE GROUNDWATER ANALYTICAL RESULTS

LOCATION

3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Michigan

LEGEND

- APPROX PARCEL BOUNDARY
- pp POWER POLE
- cb CATCH BASIN
- mh MANHOLE
- PREVIOUS SAMPLE LOCATIONS

NOTE: Concentrations reported in ug/L (ppb)

PROJECT

2025-0250

SCALE

1"= 100'

DRAWN

dn

FILE

20250250

DATE

4/16/25

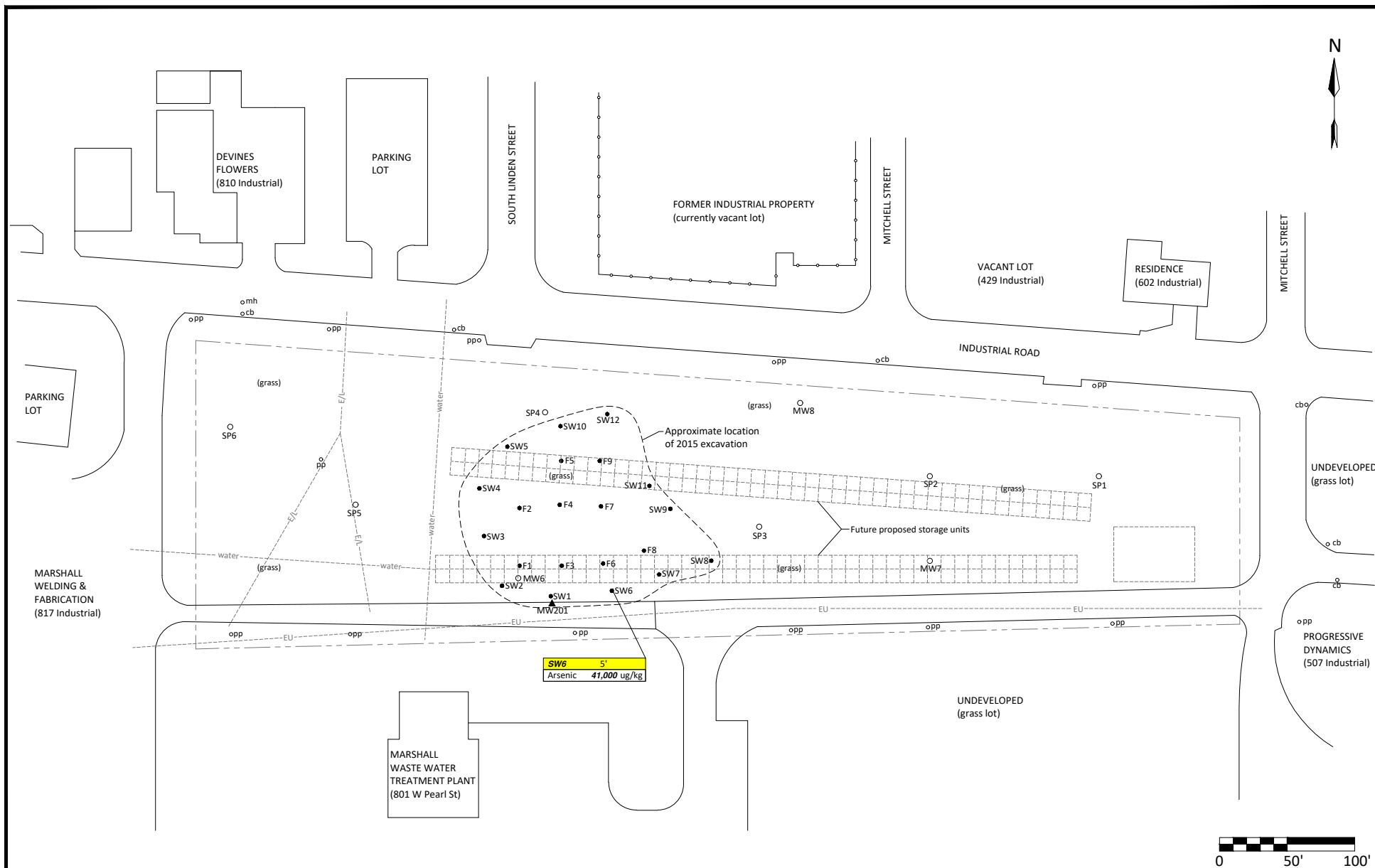
CHECKED

df

FIGURE

4





- NOTES: 1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
3. MW203 location digitized from AST, Site Map dated 4/22/21

TITLE
NON-RESIDENTIAL EXCEEDANCES - COMPLETE PATHWAYS
LOCATION
3.03-Acre Vacant Land Property 775 Industrial Road Marshall, Calhoun County, Michigan

LEGEND
--- APPROX PARCEL BOUNDARY
•pp POWER POLE
•cb CATCH BASIN
•mh MANHOLE
○ ● PREVIOUS SAMPLE LOCATIONS

PROJECT
2025-0250
SCALE
1" = 100'
DATE
4/16/25
DRAWN
dn
CHECKED
df
FILE
20250250
FIGURE
5



ATTACHMENT A

EGLE-RRD Due Care Guide



Due Care Obligations

For Owners or Operators of Contaminated Property

Introduction

This guide to Due Care describes the obligations of an owner or operator of contaminated property, which are designed so that contaminated property can be safely used.

Section 20107a of Part 201, Environmental Remediation, and Section 21304c, Leaking Underground Storage Tanks, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires that owners and operators take measures to ensure that existing contamination on a property does not cause unacceptable risks and is not exacerbated. Such measures include evaluating the contamination and undertaking the necessary actions to address the unacceptable risks. Due care obligations are not related to the owner or operator's liability for the contaminants; they apply to both non-labile parties and liable parties.

NOTE

This document is provided by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for informational purposes. A thorough review of Part 201 and Part 213 Statutes, Part 10 Administrative Rules, and guidelines should be completed before making site-specific decisions. These documents are available at Michigan.gov/EGLEDueCare.

Due Care Requirements – Sections 20107a & 21304c

An owner or operator of contaminated property shall do all of the following with respect to contamination at the property.

- ▶ Prevent exacerbation of existing contamination.
- ▶ Prevent unacceptable human exposure and mitigate fire and explosion hazards to allow for the intended use of the facility in a manner that is protective of the public health and safety.
- ▶ Take reasonable precautions against reasonably foreseeable acts or omissions of a third party.

- ▶ Provide notification to EGLE and others.
- ▶ Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the property.
- ▶ Comply with any land use or resource use restrictions established or relied on in connection with the response activities.
- ▶ Not impede the effectiveness or integrity of any land use or resource use restriction.

Sections 20101 and 21303 of the NREPA define a facility or a site as property with contamination in soil or groundwater at concentrations above Michigan's cleanup criteria for residential property.

An owner's or operator's "due care" obligations summarized in this document are specified in Part 201, Section 20107a and its Administrative Rules 1001-1021 and in Part 213, Section 21304c. Find more information at Michigan.gov/EGLEDueCare, including:

- ▶ Part 201 of NREPA
- ▶ Part 201 Administrative Rules (Part 10)
- ▶ Part 201 Residential Cleanup Criteria
- ▶ Part 213 of NREPA
- ▶ EGLE RRD Guidance Documents
- ▶ Due Care Brochure, Matrix, and Forms

Prevent Exacerbation

Exacerbation occurs when an activity undertaken by the person who owns or operates the property causes the existing contamination to migrate beyond the property boundaries. Examples of exacerbation can include:

- ▶ Mishandling excavated contaminated soil such that contamination now migrates off-site
- ▶ Pumping contaminated water from footing drains into a nearby ditch
- ▶ Creating a new migration pathway by putting a utility line through a zone of highly contaminated groundwater or soil.

An owner or operator can also exacerbate contamination by changing the facility conditions in a manner that would increase the response activity or corrective action costs for the liable party. An example might be to place a building over the source of the existing contamination. A person that causes exacerbation would be liable for remediation of the contamination they caused or paying the increase in the response activity or corrective action costs.

Prevent Unacceptable Human Risk

Owners and operators must evaluate the existing contamination to determine if the people using or working at the property would be exposed to contamination at levels above the appropriate generic or site-specific criteria. Upon the identification of unacceptable risks, the owner and operators must then undertake the actions that are necessary to prevent unacceptable exposures to contamination in order to demonstrate compliance with their due care obligations. Criteria for differing land uses can be found in the Part 201 Administrative Rules (Rules 1-50).

For example, if groundwater used for drinking is contaminated above the drinking water criteria then the owner and operator must prevent the use of the contaminated drinking water. If soils are contaminated above the direct contact criteria for the appropriate land use at the surface of the property, then people must be prevented from coming into contact with those soils by restricting access, installing a barrier to prevent exposure, or removing contaminated soil. Exposure barriers can be clean soil, concrete, paving, etc. In some instances, remediation of the contamination may be the most cost effective response.

In addition, if there is a potential unacceptable risk for utility workers or people conducting activities in an easement on the property, then utility and/or easement holders must be notified in writing of the conditions by the owner and operator. If there is a fire and explosion hazard, the local fire department must be notified, and the situation must be mitigated.

Take Reasonable Precautions

Taking reasonable precautions against the reasonably foreseeable actions and omissions of a third party means trying to prevent things that could cause a

third party to be exposed to an unacceptable risk. This might include:

- ▶ notifying contractors of contamination so they can take proper precautions
- ▶ preventing trespass that would result in an unacceptable exposure (neighborhood kids playing in a vacant industrial yard that has direct contact hazards)
- ▶ taking actions to secure abandoned containers so they don't get damaged by traffic, etc.

Provide Reasonable Cooperation, Assistance, and Access

Owners and operators must allow a person authorized to take response activities or corrective actions on the property (such as the liable person, or the state) to take such actions as: installing monitor wells, operating a remediation system, and maintaining the integrity of an exposure barrier, etc. However, the statute specifically states that this shall not be interpreted as providing any right of access not expressly authorized by law. The authorized person must still go through the normal process of acquiring voluntary or court ordered access, including the potential for compensation as the parties and/or court deem reasonable.

Comply With and Not Impede the Effectiveness of Land Use and Resource Use Restrictions

If there are land use or resource use restrictions on the property, owners and operators must comply with those restrictions and not take actions that would impede their effectiveness. Examples of compliance might include:

- ▶ not installing a well when a restriction on using the groundwater for drinking water purposes
- ▶ not allowing a residential use on a property if there is a restriction limiting the property use to nonresidential
- ▶ not removing a barrier installed to prevent contact with contaminated soil
- ▶ not turning off an operating remediation system.

Evaluating the Need for Due Care

The necessity for conducting response actions are determined by evaluating the current/intended property use and the existing contamination. Based on that evaluation, the actions needed to prevent unacceptable exposures and comply with all due care obligations must be implemented. Environmental professionals often assist with this process (see the Environmental Professionals section).

Due Care Documentation

Owners and operators must maintain documentation that an evaluation to identify unacceptable risks was conducted, necessary actions have been taken, and the actions are adequate. Certain response actions (e.g., exposure barriers, mitigation system, etc.) will require continued maintenance, inspections, and repair that must also be documented.

Documentation requirements are described in the Part 201 Administrative Rule 1003. The documentation does not need to be submitted to EGLE but must be available for EGLE to review upon request within eight (8) months of becoming the owner or operator or of having knowledge that the property is contaminated. You may request an EGLE review and determination and submit Documentation of Due Care Compliance pursuant to Sections 20114g or 21323n.

Notification

The Part 10 (“due care”) Rules require notification to EGLE and others in the following circumstances:

- ▶ Notify EGLE if there are discarded or abandoned containers that contain hazardous substances on the property; see Form EQP 4476.
- ▶ Notify EGLE and adjacent property owners if contaminants are migrating off the property; see Form EQP 4482.
- ▶ Notify the local fire department if there is a fire or explosion hazard.
- ▶ Notify utility and easement holders if contaminants could cause unacceptable exposures and/or fire and explosion hazards.

Notices must be made within 45 days of becoming the owner or operator, or of having knowledge of the conditions. Forms are available at EGLE District Offices and online at Michigan.gov/EGLEDueCare.

Exemptions/Limitations

Parts 201 and 213 provide exemptions to the “due care” obligations to prevent exacerbation, prevent or mitigate unacceptable exposures, and take reasonable precautions for the following entities:

- ▶ An owner or operator of property where the contamination is migrating onto the property.
- ▶ An owner or operator of a utility franchise on the property.
- ▶ An owner or operator of the severed mineral rights to the property.
- ▶ A local unit of government (LUG) that: involuntarily acquires title or control of property by virtue of its governmental functions, or the property is transferred to the LUG from the state or a LUG that is not liable under Part 201 or 213, or by seizure, receivership or forfeiture or court order, or voluntarily acquired the property and conducted a baseline environmental assessment (BEA).
- ▶ A LUG that has an easement interest or holds a utility franchise for a transportation or utility corridor or public right of way, or for conveying or providing goods and services.
- ▶ A LUG that is not liable and is leasing the property to a non-labile party.

However, if the state or LUG exempted above offers access to the property and makes it available for public use, such as for parks, schools, municipal office buildings, public works operations, etc., then the person, state, or LUG must comply with all due care obligations for that portion of the property that is accessible to the public.

Additionally, the person, state, or LUG that is exempted above still has due care obligations to provide cooperation, assistance, and access, comply with land use or resource use restrictions, and not impede the integrity or effectiveness of the land or

resource use restriction. Further, Sections 20107a(6) and 21304c(6) specify utilities and severed mineral right owners must comply with due care in regard to their own activities.

While Parts 201 and 213 provide these exemptions, it may be in the owner's and operator's best interest to ensure the property is safe for the intended use and that they do not cause a new release by their actions or exacerbate pre-existing conditions.

Environmental Professionals

Resources for finding an environmental professional, consultant or engineer include online searches for Environmental, Ecological, or Engineering consulting firms; referrals from financial institutions, real estate agencies, or trade associations, etc. It is wise to ask the professional or consultant for references and inquire as to past due care compliance documentation reports they have successfully completed. EGLE does not provide recommendations for environmental professionals, consultants or engineers.

EGLE Resources

Environmental Assistance Center:

800-662-9278 | EGLE-Assist@Michigan.gov

Remediation and Redevelopment Division:

Michigan.gov/EGLEERRD

Due Care

Jeanne Schlaufman

586-753-3823 | SchlaufmanJ1@Michigan.gov

Office of Oil, Gas and Minerals Division

Michigan.gov/EGLEOilGasMinerals

Part 615 (Supervisor of Wells – oil/gas wells)

Part 625 (Mineral Wells)

Kaitlyn Bertram

231-878-6138 | BertramK@Michigan.gov

EGLE will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation. Questions or concerns should be directed to the Office of Human Resources, P.O. Box 30473, Lansing, MI 489093.

To request this material in an alternate format, contact EGLE-Accessibility@Michigan.gov or 800-662-9278.

ATTACHMENT B

Phase I Environmental Site Assessment, February 4, 2025



ATTACHMENT C

Baseline Environmental Assessment, March 24, 2025





BASELINE ENVIRONMENTAL ASSESSMENT

Vacant Land
775 Industrial Road
Marshall, Calhoun County, Michigan 49068
SES Project No.: 2025-0250

March 24, 2025

Prepared for:

Tiger's Towing, LLC
19218 11 Mile Road
Battle Creek, Michigan 49014
Attn: Ms. Karrie Hammer



TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Owner/Operator Information.....	1
1.2	Intended Use of Property	1
1.3	Executive Summary of All Appropriate Inquiry (AAI).....	1
1.4	AAI Exceptions or Deletions.....	5
1.5	Data Gaps	5
1.6	Discussion of Sampling	5
1.7	Location of Known On-Site Contamination	10
1.8	Facility Classification.....	11
2.0	PROPERTY INFORMATION	11
2.1	Legal Description of Property	11
2.2	Subject Property Figures.....	12
2.3	Property Location and Spatial Data	12
3.0	FACILITY STATUS.....	12
3.1	Summary Tables	13
3.2	Laboratory Reports.....	14
4.0	IDENTIFICATION OF BEA AUTHOR.....	15
5.0	AAI OR ASTM PHASE 1 REPORT	15
6.0	REFERENCES	16

TABLES

Table 1	Cleanup Criteria Comparison for Soils – VOCs, PNAs, and PCBs
Table 2	Cleanup Criteria Comparison for Soils – Metals
Table 3	Cleanup Criteria Comparison for Groundwater - Metals

FIGURES

Figure 1	Topographic Map
Figure 2	Subject Property with Sample Locations
Figure 3a	Soil Analytical Results – VOCs, PNAs, and PCBs
Figure 3b	Soil Analytical Results – Metals
Figure 4	Groundwater Analytical Results

APPENDICES

Appendix A	Phase I ESA Report, February 4, 2025
Appendix B	Soil Boring Logs
Appendix C	Land Survey Map
Appendix D	Environmental Professional Qualification Summary



1.0 INTRODUCTION

SES Environmental (SES) prepared this Baseline Environmental Assessment (BEA) on behalf of Tiger's Towing, LLC for the vacant land property located at 775 Industrial Road in Marshall, Calhoun County, Michigan (referred to herein as the "subject property"). Refer to Figure 1 for a map showing the subject property location.

The BEA was conducted pursuant to Section 20126(1)(c) of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, and the Rules promulgated thereunder. The purpose of this BEA is to establish a liability exemption for a new owner or operator of a property that is designated as a "facility" as defined by Section 20101(1)(r). The conditions of this exemption require the submitter to conduct the BEA prior to or within 45 days after purchase, occupancy, or foreclosure. Also, the BEA must be submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and subsequent purchaser or transferee within 6 months of the date of property purchase, occupancy, or foreclosure. The "Baseline Environmental Assessment Submittal Form," EGLE Remediation and Redevelopment Division, Form EQP 4025 (12/24), is attached to this document.

The subject property is classified as a "facility" (as defined by Part 201 of the NREPA, as amended) because soil and groundwater contamination has been detected at concentrations exceeding generic residential land-use cleanup criteria published by EGLE.

This BEA was prepared to meet the requirements for BEAs published by EGLE in its document, *Contents of BEA Report*, and the amended Administrative Rules for BEAs (R299.51001 to R299.51021 M.A.C.).

1.1 Owner/Operator Information

Tiger's Towing, LLC purchased the subject property on February 11, 2025, from Morris Stulberg Trust.

At the time of the Phase I Environmental Site Assessment (ESA) subject property inspection on January 17, 2024, the subject property consisted of vacant land.

1.2 Intended Use of Property

Tiger's Towing, LLC intends to develop the property with a commercial building in the east portion and utilize the property for storing trailers.

1.3 Executive Summary of All Appropriate Inquiry (AAI)

SES conducted a Phase I ESA for the subject property, which is documented in a report dated February 4, 2025 (Appendix A). The Phase I ESA was conducted under the guidance and protocols of the American Society of Testing and Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Standard E1527-21)* and the United States Environmental Protection Agency (USEPA) *Standards and Practices for All Appropriate Inquiries; Final Rule (40 CFR Part 312)*. Completion of the Phase I ESA under these standards was intended to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA liability.



The scope of the Phase I ESA included a physical subject property inspection, historical data review, regulatory agency records review, and interviews with persons potentially familiar with subject property activities.

The subject property is generally rectangle-shaped and consists of 3.03 acres of land. Access to the property is from informal entrances off Industrial Road to the north and an access drive that extends along the south property boundary.

At the time of the site visit conducted on January 17, 2025, the property consisted of vacant land.

The subject property consists of grass landscaping and cleared land. At the time of inspection, survey markers were observed along the south-central property boundary, and construction equipment and sewer and utility equipment were stored on cleared areas across the east portion of the property. Buried telephone conduits and associated access boxes are located along the north property boundary. Utility marking flags were observed on the southwest portion of the property. No evidence of current or former manufacturing operations, building foundations, in-ground structures, stressed vegetation, or staining was observed; however, snow cover prevented a thorough inspection of ground surfaces across the west portion of the property and along the north and south property boundaries.

The historical research presented in this assessment has established the use of the subject property since 1899. Historical review indicates the subject property was part of a larger railroad maintenance yard from at least 1899 through 1931. A pattern warehouse is shown in a 1945 Sanborn fire insurance map on the northwest corner of the subject property and extending onto the west adjoining property; however, the majority of building structures associated with former railroad maintenance activities were documented on the west adjoining property. The property operated as a storage yard for an adjoining foundry to the east and southeast from 1938 through 1960. The property then began operations as Marshall Iron & Metal, an automobile salvage scrap yard, from at least 1961 through 1996. Railroad lines were abandoned after 1966. Scrap yard operations ceased in 1996, at which time all scrap material was removed. The property has generally consisted of vacant land since 1996.

A Phase I ESA was prepared in 2003 and identified three RECs: 1) former railroad maintenance operations, scrap yard operations, the presence of fill and debris, and bare soil; 2) former UST operations; and 3) Part 201 listings and documented impact to soil and groundwater at the property.

An interview conducted with a representative of the City of Marshall Industrial Pretreatment/Safety Wastewater Department revealed investigations have been conducted in 1993, 1995, 1997 and 2001. A 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. The UST was an oil/water separator process tank that had been used to collect oil and water from a sloped cement slab collection area. The sludge, soils, and liquids from the UST and overburden were reportedly transported to a landfill at the time of removal. Soil samples were collected from the former tank basin in 2001, and a summary of the analytical results indicated metals, xylenes, 1,2,4-trimethylbenzene, and naphthalene were detected above laboratory detection limits, with chromium being detected above the former Michigan Department of Environmental Quality ([MDEQ]; now identified as EGLE) Part 201 Residential Drinking Water Protection Criteria. Soil and groundwater investigation from 1993 through 2001 indicated impact existed at the property at levels exceeding Part 201 Residential cleanup criteria. In addition, the property was listed as a MDEQ Part 201 Contaminated Site due to metals, polychlorinated biphenyls (PCBs), and polynuclear aromatic hydrocarbons (PNAs), among others, detected due to historical Property operations.



As part of the Phase I ESA, SES reviewed available reports for the subject property. Review of the reports indicated the following:

- A *Baseline Environmental Assessment* dated 2003 indicates a Phase I ESA had been completed for the subject property and additional acreage to the west. At the time of inspection, the property consisted of a gravel drive and grass with areas of exposed soil and debris (metal pieces, glass, plastic, concrete, wood poles, metal beams, metal piping, bricks, tires, slag, cinders, and metal siding). Stressed vegetation and three monitoring wells were also observed. Historical information indicated railroad tracks extended across the Property from at least 1899 until approximately 1966. The subject property and now-existing west adjoining property were utilized as a portion of a railroad shop from at least 1899 until approximately 1931. According to historical Sanborn maps, the railroad shop roundhouse, machine shop, turntable, and paint shop, used to repair rail cars, adjoined the subject property to the west. A coal house and a lumber warehouse, associated with the railroad shop, were located on the now-existing west adjoining property. From approximately 1938 until 1960, the property appeared to have been used as a portion of an adjoining foundry, with a pattern warehouse building occupying the now existing west adjoining property. The subject property appeared to have been utilized as a scrap yard from approximately 1961 until at least 1996. The subject property has remained undeveloped since 1996. The Phase I ESA identified a REC associated with former railroad maintenance operations, scrap yard operations, the presence of slag and debris, and bare soil as a REC.

An interview was conducted with a representative of the City of Marshall Industrial Pretreatment/Safety Wastewater Department regarding the history of the property. The information included an updated summary of site information and analytical data from 1993, 1995, 1997, and 2001 and indicated a 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. The UST was an oil/water separator process tank that had been used to collect oil and water from a sloped cement slab collection area. The sludge, soils, and liquids from the UST and overburden were reportedly transported to a landfill at the time of removal. Soil samples were collected from the former tank basin in 2001, and a summary of the analytical results indicated metals, xylenes, 1,2,4-trimethylbenzene, and naphthalene were detected above laboratory detection limits, with chromium being detected above the former MDEQ Part 201 Residential Drinking Water Protection Criteria. The UST was also identified as a REC.

Soil and/or groundwater sampling was previously performed at the property in 1993, 1995, 1997, and 2001. Soil and groundwater impact existed at the property at levels exceeding Part 201 Residential cleanup criteria. In addition, the property is listed as an MDEQ Part 201 Contaminated Site due to metals, PCBs, and PNAs, among others, detected due to historical property operations. The Part 201 listing and previous soil and groundwater impact documented at the property were identified as a REC in the Phase I ESA.

A Phase II ESA was conducted in September 2003 and included advancement of six soil borings and three groundwater samples from existing monitoring wells MW6, MW7 and MW8. A map provided as an attachment indicates investigation on the east, southeast, north-central, central, south-central, northwest, and west portions of the property. The results of the Phase II ESA indicated arsenic, chromium, iron, manganese, mercury, selenium, benzo(a)pyrene, carbazole, fluoranthene, naphthalene, phenanthrene, and xylenes were present in soil at concentrations exceeding applicable Part 201 Residential cleanup criteria. In addition, iron, manganese, fluorene and phenanthrene were present in groundwater at concentrations exceeding applicable Part 201 Residential cleanup criteria. Eight inches of free product was observed in monitoring well MW6. The free product was black in color and appeared to be some type of oil, based on visual and olfactory observations. The property was identified as a "facility" as defined by Section 20101(1)(1) of Part 201 of NREPA, PA451 of 1994, as amended.

- Correspondence dated 2015 indicates two excavation areas are associated with the central portion of the property, north of the existing wastewater treatment plant on the south adjoining property.



- A report dated 2017 indicates a pilot study was conducted on the south-central portion of the property, six borings were located along the south property boundary, and impacted soils had been excavated on the central portion of the property.
- A report from 2021 indicates soil and groundwater data was limited. A Remedial Design Characterization (RDC) was proposed to be completed to supplement the existing soil and groundwater historical data and to quantitatively determine the contaminant mass and extent of impact in the saturated soil and groundwater. Up to 23 borings were proposed to 15 feet bgs, collection of soil and groundwater samples, evaluation of free product, a Bench Test, a pilot test injection of BOS 200 (a carbon adsorption remediation method), and groundwater monitoring for at least 4 quarters were recommended. Six temporary monitoring wells are shown along the south property boundary. The majority of investigation would be conducted on the south adjoining property.
- Laboratory testing results dated August 2023 indicate dichlorodifluoromethane, chloromethane, trichloroethene, and trichlorofluoromethane were detected in vapor point samples.
- Laboratory testing results dated April 2024 indicate groundwater samples were analyzed for iron, manganese, and hydrogen sulfide.
- A 2021 workplan indicates five soil borings are located along the south subject property boundary, and three groundwater monitor wells are located on the south-central portion of the property.

Based on analytical results of the subsurface investigation activities, the subject property met the criteria of a “facility.” A BEA was prepared (by others) and submitted on August 13, 2003.

SES did not identify any *historical recognized environmental conditions* (HRECs) associated with the subject property during the completion of this Phase I ESA.

SES did not identify any *controlled recognized environmental conditions* (CRECs) associated with the subject property during the completion of this Phase I ESA.

SES identified one *vapor encroachment condition* (VEC) associated with subject property that cannot be ruled out.

SES identified the following *recognized environmental condition* (REC) associated with the subject property during the completion of this Phase I ESA:

- REC #1** Historical review indicates the subject property was part of a larger railroad maintenance yard from at least 1899 through 1931. The property operated as a storage yard for an adjoining foundry to the east and southeast from 1938 through 1960. The property then began operations Marshall Iron & Metal, an automobile salvage scrap yard, from at least 1961 through 1996. Railroad lines were abandoned after 1966. Scrap yard operations ceased in 1996, at which time all scrap material was removed. The property has generally consisted of vacant land since 1996. A 7,000-gallon steel UST was removed from the north-central portion of the property in September 2000. Investigation and corrective action were conducted at the property in 1993, 1995, 1997, 2001, 2003, and 2015. Elevated metals, VOCs, and semi-volatile organic compounds (SVOCs) were detected in soil samples. Elevated VOCs and metals concentrations were documented in submitted soil confirmation samples following completion of corrective action to address free product on the central portion of the property. The property is identified as a “facility,” as defined by Part 201 P.A. 451 of the Michigan Natural Resources Environmental Protection Act (NEPRA), as amended.



1.4 AAI Exceptions or Deletions

SES performed the referenced Phase I ESA in conformance with the scope and limitations of ASTM E1527-21 Standard. The assessment resulted in no significant exceptions, deviations, or deletions from the Standard. Researched and reviewed information was limited to documentation that was reasonably ascertainable and/or practically available from local, State, and Federal government records.

1.5 Data Gaps

A “data gap” is defined in Section 3 of ASTM E1527-21 as, “a lack of or inability to obtain information required by this practice (ASTM E1527-21) despite good faith efforts by the environmental professional to gather such information”.

SES identified the following data gaps during the completion of the Phase I ESA:

- A review of land title records for environmental liens and activity or use limitations was not conducted during this assessment pursuant to ASTM Standard Practice E1527-21. This review is necessary in order to determine if environmental liens and/or activity and use limitations have been recorded at the subject property; however, based on no listings within the EDR Database Report for any Institutional or Engineering Controls and no records of environmental cleanups or investigations at the subject property, this data gap is not considered significant. SES understands title work will be provided to the User at the time of closing.
- Subject property history was not determined back to first developed use pursuant to ASTM Standard Practice E1527-21. A Sanborn fire insurance map from 1911, the earliest attainable historical record, shows the property developed with railroad tracks. Potential environmental concerns associated with the first development of the property have been evaluated in previous subsurface investigations. As such, this data gap is not considered significant.

1.6 Discussion of Sampling

The subject property is classified as a “facility” based on soil and groundwater contamination exceeding EGLE Part 201 Residential Generic Cleanup Criteria (GCC)/Risk-Based Screening Levels (RBSLs) identified during subsurface investigations conducted at the subject property in 2003, 2015, and 2023 through 2024.

2003 Subsurface Investigation

Soil and Materials Engineers, Inc (SME) conducted a Phase II ESA to address RECs identified in a 2003 Phase I ESA, also conducted by SME. The 2003 RECs included the following:

- The historical Property uses as a railroad shop, foundry and scrap yard, gaps in historical property uses, and visual observations of debris and soil containing slag and cinders.
- A former UST located on the north portion of the property.
- Previous soil and groundwater impact documented at the Property and the MDEQ Part 201 Contaminated Site listing of the property.

To evaluate the identified RECs, SME conducted a subsurface investigation of the subject property on September 18, 2003, that included advancing six soil borings (i.e., SP1 through SP6) to depths between 10 and 11 feet below ground surface (bgs). The soil borings were completed throughout the subject property to investigate the impact in the subsurface as a result of the historical operations conducted on the subject



property. SP4 was located in the area of the former UST to investigate subsurface impact. One soil sample was collected from each boring and analyzed for VOCs, SVOCs, PCBs, Michigan 10 metals, iron, manganese, and nickel.

Soil lithology consisted of sand fill from the near surface to approximately 2.5 feet bgs in SP1, SP2, SP3, SP5, and SP6. The sand fill contained trace silt, clay, gravel, brick, metal, glass, and cinders. SP4 consisted of sand fill from the near surface to approximately 9 feet bgs. SP4 was located near the area of the former UST. Following the sand fill, sandy clay was encountered in SP1, SP2, and SP3 ranging from depths 4 to 6 feet bgs. Clayey sand with trace amounts of gravel and silt was encountered at SP5 to 3 feet bgs. Below the sandy clay or clayey sand, sand with trace gravel, silt, or clay, was encountered at SP1, SP2, SP3, and SP5, and encountered in SP4 and SP6 below the sand fill. Native sand ranged to depths of 10 to 11 feet bgs. The maximum explored depth was 10 feet bgs. Odors were noted in soil samples collected from SP2, SP4, and SP5, as well as greenish staining at 10.5 to 11 feet bgs in SP4. PID readings were not collected during completion of the borings.

Groundwater was encountered between 6 to 11 feet bgs in all soil borings. Approximately eight inches of free product was observed in monitoring well MW6. The free product was black in color.

The VOC and SVOC data are not considered relative to the current subject property conditions, due to 22 years of degradation. However, the metals data can be used because metals generally do not degrade over time. SES utilized the 2003 metals data for this BEA report.

2007/2008 Subsurface Investigation

MACTEC Engineering and Consulting of Michigan, Inc. (MACTEC) completed a technical memorandum report on behalf of the former MDEQ. The scope of work was to delineate the free product and monitor the subject property.

To conduct the scope of work, a total of 30 soil borings (GP-1 through GP-30) were completed on September 17, 2007, through September 19, 2007, and on December 13, 2007. The borings were advanced to 10 to 15 feet bgs. Soil samples were collected from GP-2 and GP-11 for VOCs, PNAs, PCBs, and metals cadmium, chromium, and lead. Soil samples were also collected from GP-7 for VOCs and the metals cadmium, chromium, and lead, and from GP-9 and GP-10 for VOCs only. Additional soil samples were collected from GP-18 and GP-20 for glycol analysis. Following the completion of the borings, 21 out of the 30 soil borings were converted into temporary monitoring wells and screened from 7 to 12 feet bgs. Groundwater samples were not collected from the temporary monitoring wells.

On December 5, 2007 and December 6, 2007, six monitoring wells were installed on the subject property and south adjoining property. MW-DEQ-3 through MW-DEQ-6 replaced GP-12, GP-18, GP-18, and GP-4, respectively. The monitoring wells were screened approximately from 9 to 14 feet bgs or 10 to 15 feet bgs. Following the installation of the monitoring wells, MW-DEQ-1, MW-DEQ-2, MW-DEQ-4, and MW-DEQ-6 were sampled on June 5, 2008, and analyzed for VOCs, SVOCs, PCBs, and phenols.

Groundwater and free product monitoring was performed on September 25, 2007, October 2, 2007, December 5, 2007, and December 19, 2007.

Free product sampling was collected from GP-13, GP-16, GP-21, GP-30, MW-WEST (formerly MW6 from 2003 BEA), and MW-DEQ-5 on December 19, 2007. Analysis consisted of VOCs, SVOCs, PCBs, and metals.



The analytical results of the free product samples indicate the results were inconclusive to source material.

SES did not utilize the 2007 and 2008 data due to the majority of the samples collected were from an area that was later excavated in 2015. Also, the VOC and SVOC data are not considered relative to the current subject property conditions due to 16 to 17 years of degradation.

2015 Remedial Excavation and Disposal

AMEC Engineering and Consulting of Michigan, Inc. (AMEC) conducted a construction summary report on behalf of the former MDEQ. The scope of work was to remove PCB contaminated soil and restore the area to previous conditions. The report documented response measures conducted by AMEC.

To conduct response measures, the following activities were implemented: abandonment of existing monitoring wells, excavation, loading and disposal of contaminated soils. Nine monitoring wells previously existed at the property, eight of which were abandoned. The remaining monitoring well (MW-DEQ-1) was left in place due to the presence of free product in the well. Excavation activities began by removing six inches of soil from the surface in the scrape zone and the excavation zone. The excavation was dug to approximately 10.5 feet bgs, where groundwater was encountered. Approximately 10,231.44 tons of contaminated soil were removed from the subject property, transported and disposed to a licensed landfill facility. The excavation zone was backfilled with 600 yards of Class II Sand, and 440 yards of native overburden, and was restored to its pre-existing condition.

During the excavation activities, 12 sidewall samples and 9 floor samples were collected from the excavation zone. Sidewall samples were collected at a depth of approximately 5 feet bgs, and the floor samples were collected at approximately 10.5 feet bgs. The soil samples were analyzed for VOCs, PNAs/SVOCs, Michigan 10 Metals, and PCBs. SES utilized the data collected from the 2015 excavation for this BEA.

2021 Investigation

AST Environmental, Inc. (AST) conducted a quantitative high resolution site characterization (qHRSC), Bench Test Study, Pilot Test, and Final Remedial Approach/Design report for the south portion of the subject property and the south adjoining property. AST began field work on March 29, 2021, to locate utilities on the south portion of the subject property and on the south adjoining property. By April 6, 2021, a total of 23 soil borings were completed (6 on the subject property). Each soil boring was converted to a temporary monitoring well, purged, sampled, and abandoned. One monitoring well, MW-201, was installed on the south portion of the subject property, along with two temporary monitoring wells (PZ-201 & PZ-202) installed to monitor pilot injections and post injection performance monitoring. Pre-injection, 0.1 feet of light non-aqueous phase liquid (LNAPL) was identified in MW-201, 0.18 feet of LNAPL was identified in PZ-201, and 3.40 feet of LNAPL was identified in PZ-202.

Groundwater samples were analyzed for total petroleum hydrocarbons (TPH), dissolved gases & carbon dioxide, and anions.

After completion of the soil and groundwater sampling, AST performed a BOS 200®+ Pilot Test. The area around MW-201, was the designated area for the Pilot Test. Surrounding MW-201, 14 injection points were completed to depths of 9 to 15 feet bgs. Injections were initiated on April 13, 2021, and completed on April 14, 2021. AST injected a total of 2,000 pounds of BOS 200®, 1,250 pounds of gypsum, 750 pounds



of magnesium sulfate, 500 pounds of corn starch, 25 pounds of yeast extract, and 5 gallons of Trap & Treat® Bacteria Concentrate into the injection points. Following the injections, MW-201 was reinstalled at approximately the original location. Post-injection, no LNAPL was identified in MW-201, 0.02 feet of LNAPL was identified in PZ-201, and 0.75 feet of LNAPL was identified in PZ-202. PZ-201 and PZ-202 were abandoned.

The soil lithology identified during the investigation did not classify soil from 0 to 4 feet bgs due to soft digging methods for identifying utilities. Soil lithology from 4 to 10 feet bgs consisted of silty sand or sandy silt, followed by gravelly sand or sandy gravel from 10 feet bgs to 16 feet bgs, and clayey silt from 16 to 18 feet bgs. (i.e., maximum depth explored). Groundwater was observed between 8 to 13 feet bgs.

Data provided in the 2021 report are not relied upon in this BEA report. The data pertained to an injection study; therefore, the data does not provide the current subject property conditions. However, quarterly groundwater sampling was conducted in May 2023 through July 2024 for MW-201. Groundwater samples were analyzed for iron, manganese, and hydrogen sulfide. SES utilized the iron and manganese groundwater data for this BEA report.

Refer to Figures 2, 3a, 3b, and 4 for a subject property map with soil boring locations, soil analytical results, and groundwater analytical results. The boring logs can be found in the 2003 BEA, 2008 technical memorandum report, and 2021 quantitative high resolution site characterization (qHRSC), Bench Test Study, Pilot Test, and Final Remedial Approach/Design report maintained at the EGLE – Kalamazoo District office.

Field Observations

During the subsurface investigation conducted in 2003, field evidence of contamination (i.e., visual, odorous, and/or PID readings) was not noted with the exception of fill material to depths ranging from the near surface to at least 9 feet bgs in the soil boring locations. PID readings were not collected from the soil borings.

During the subsurface investigation conducted in 2021, on the south portion of the subject property, field evidence of contamination (i.e., visual, odorous, and/or PID readings) was not noted with the exception of the following:

- RDC-01: PID readings ranging from 0.6 to 6.3 ppm were recorded from 8 to 16.5 feet bgs. Odors were present from 6 to 12 feet bgs, and 14 to 16.5 feet bgs.
- RDC-02: PID readings ranging from 1.2 to 7.6 ppm were recorded from 8 to 20 feet bgs. Odors were present from 7 to 16 feet bgs.
- RDC-03: PID readings ranging from 1.3 to 12.3 ppm were recorded from 6 to 20 feet bgs. Odors were present from 6 to 18 feet bgs.
- RDC-04: PID readings ranging from 0.1 to 14.4 ppm were recorded from 6 to 16 feet bgs. Odors were present from 6 to 12 feet bgs.
- RDC-05: PID readings ranging from 0 to 47.3 ppm were recorded from 6 to 20 feet bgs. Odors were present from 6 to 8 feet bgs, and 12 to 14 feet bgs.
- RDC-23: No PID readings were collected. Odors were present from 11 to 14 feet bgs.

Subsurface Geology and Hydrogeology

The description of the subsurface conditions provided below was derived from onsite observations of soil samples and cuttings collected from the 2003 and 2021 soil borings.



Soil stratigraphy generally consisted of the following, as described by others:

- During the 2003 investigation, the soil lithology consisted of sand fill from the near surface to approximately 2.5 feet bgs in SP1, SP2, SP3, SP5, and SP6. The sand fill contained trace silt, clay, gravel, brick, metal, glass, and cinders. SP4 consisted of sand fill from the near surface to approximately 9 feet bgs. SP4 was located near the area of the former UST. Following the sand fill, sandy clay was encountered in SP1, SP2, and SP3 ranging from depths 4 to 6 feet bgs. Clayey sand with trace amounts of gravel and silt was encountered at SP5 to 3 feet bgs. Below the sandy clay or clayey sand, is sand with trace gravel, silt, or clay, was encountered at SP1, SP2, SP3, and SP5, and also encountered in SP4 and SP6 below the sand fill. Native sand ranged to depths ranging from 10 to 11 feet bgs. The maximum explored depth was 10 feet bgs.
- During the 2021 subsurface investigation, the soil lithology identified during the investigation did not classify soil from 0 to 4 feet bgs due to soft digging methods for identifying utilities. Soil lithology from 4 feet bgs, consisted of silty sand or sandy silt from 4 feet bgs, to 10 feet bgs, followed by gravelly sand or sandy gravel from 10 feet bgs to 16 feet bgs, and clayey silt from 16 to 18 feet bgs. (i.e., maximum depth explored).

According to previous subsurface investigation activities completed by others, groundwater was encountered between 6 to 13 feet bgs.

Soil Analytical Results

A summary of soil sample analytical results collected in November 2015 at the subject property is presented in Table 1, Table 2, Figure 3a, and Figure 3b, along with comparisons to the current EGLE Part 201 GCC and Part 213 RBSLs. Also included in Table 2 and Figure 3b are the metals analytical results from the September 2003 subsurface investigation. The laboratory analytical reports can be found in the 2003 BEA, and the 2015 construction summary report, maintained at the EGLE – Kalamazoo District office.

Six soil samples were collected from the subject property in a 2003 subsurface investigation. The soil samples were submitted for VOCs, PNAs/SVOCs, PCBs, Michigan 10 metals, iron, manganese, and nickel. The samples were collected as a general representation of the subject property. The VOC and SVOC data are not considered relative to the current subject property conditions, due to 22 years of degradation. However, the metals data can be used because metals generally do not degrade over time. An additional 21 soil verification samples were collected from the subject property in 2015 during an excavation in the central portion of the property. The soil samples were submitted for analysis of VOCs, PNAs/SVOCs, PCBs and Michigan 10 Metals.

Review of the soil analytical results (Tables 1 and 2) indicates the following:

- Several VOCs were detected in the soil samples at concentrations exceeding the laboratory method detection limits (MDLs) in 12 out of the 21 soil samples analyzed; however, none of the identified VOCs exceed EGLE Part 201 GCC, with the exception of 1,2,4-trimethylbenzene in soil samples collected from SW-4 (5 feet bgs), F-2 (approximately 10.5 feet bgs), F-4 (approximately 10.5 feet bgs), F-6 (approximately 10.5 feet bgs), and F-7 (approximately 10.5 feet bgs) exceeding EGLE Part 201 Residential and Nonresidential Groundwater Surface Water Interface Protection (GSIP) GCC.
- Several PNAs/SVOCs were detected at concentrations exceeding laboratory MDLs in 15 of the 21 soil samples analyzed; however, the concentrations did not exceed EGLE Part 201 GCC, with the exception of phenanthrene in soil samples collected from F-1 (approximately 10.5 feet bgs) and F-3 (approximately 10.5 feet bgs), exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC.



- Several PCBs were detected at concentrations exceeding laboratory MDLs in 10 of the 21 soil samples analyzed; however, the concentrations did not exceed EGLE Part 201 GCC.
- Concentrations of metals were detected in each of the analyzed soil samples at concentrations exceeding the laboratory MDLs; however, arsenic in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP4 (10 to 11-foot sample interval), SP6 (1 to 2-foot sample interval), SW-1 (approximately 5 feet bgs), SW-2 (approximately 5 feet bgs), SW-6 (approximately 5 feet bgs), SW-7 (approximately 5 feet bgs), F-1 (approximately 10.5 feet bgs), F-2 (approximately 10.5 feet bgs), F-5 (approximately 10.5 feet bgs), and F-7 (approximately 10.5 feet bgs) exceeding EGLE Part 201 Residential and Nonresidential Drinking Water Protection (DWP), and GSIP; Residential Direct Contact (DC) GCC with the exception of soil sample F-7 (approximately 10.5 feet bgs), and Nonresidential Direct Contact (DC) GCC in only soil sample SW-6 (approximately 5 feet bgs); cadmium in soil sample collected from SP1 (0 to 1-foot sample interval) exceeds EGLE Part 201 Residential and Nonresidential GSIP GCC; iron in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP4 (10 to 11-foot sample interval), and SP6 (1 to 2-foot sample interval), exceeds EGLE Part 201 Residential and Nonresidential DWP GCC; manganese in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), and SP4 (10 to 11-foot sample interval), exceeds EGLE Part 201 Residential and Nonresidential DWP GCC; mercury in soil samples collected from SP1 (0 to 1-foot sample interval), and SP3 (1-2-foot sample interval) exceeds Residential and Nonresidential GSIP GCC; and selenium in soil samples collected from SP1 (0 to 1-foot sample interval), SP2 (1 to 2-foot sample interval), SP3 (1 to 2-foot sample interval), SP6 (1 to 2-foot sample interval), and SW-6 (approximately 5 feet bgs) exceeds EGLE Part 201 Residential and Nonresidential GSIP GCC.

Groundwater Analytical Results

A summary of groundwater samples collected from May 2023 through July 2024 at the subject property is presented in Table 3 and Figure 4, along with comparisons to the current EGLE Part 201 GCC and Part 213 RBSLs. The laboratory analytical reports can be found at the EGLE –Kalamazoo District office.

Five groundwater samples were collected from the subject property from MW-201 which was installed in 2021. The samples were collected quarterly for monitoring purposes. The samples were submitted for analysis of iron, manganese, and hydrogen sulfide. SES utilized the iron and manganese groundwater data for this BEA report.

Review of the groundwater analytical results (Table 3) indicates the following:

- Iron and manganese were detected in all five groundwater samples at concentrations exceeding laboratory MDLs, with the exception of manganese in the July 11, 2024, groundwater sample. However, iron in groundwater samples collected from MW-201 in May 11, 2023, August 11, 2023, November 2023, April 17, 2024, and July 11, 2024, exceed EGLE Part 201 Residential and Nonresidential Drinking Water (DW) GCC; and manganese in groundwater samples collected from MW-201/201R in May 11, 2023, August 11, 2023, November 14, 2023, and April 17, 2024 exceed EGLE Part 201 Residential and Nonresidential DW GCC.

1.7 Location of Known On-Site Contamination

Based on the previous subsurface investigations, concentrations of 1,2,4-trimethylbenzene were detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of phenanthrene were detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential



GSIP GCC; concentrations of arsenic were detected in fifteen soil samples exceeding EGLE Part 201 Residential and Nonresidential DW and GSIP GCC, as well as exceeding Residential DC GCC in fourteen soil samples, and exceeding Nonresidential DC GCC in one soil sample; cadmium was detected in one soil sample exceeding EGLE Part 201 Residential and Nonresidential DW GCC; iron was detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; manganese was detected in three soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; mercury was detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; and concentrations of selenium were detected in five soil samples exceeding Part 201 Residential and Nonresidential GSIP GCC. Concentrations of iron and manganese were detected in quarterly groundwater samples collected from MW-201/201R exceeding Residential and Nonresidential DW GCC.

Please refer to Tables 1 and 2 in the Tables Tab for the soil analytical comparison tables, Table 3 in the Tables Tab for groundwater analytical comparison tables, Figures 2, 3a, 3b, and 4 in the Figures Tab for the subject property map with sampling locations, and analytical results on subject property maps.

1.8 Facility Classification

Based on SES's evaluation, the subject property is classified as a "facility" (as defined by Part 201 of Michigan Public Act 451) and the submitter is eligible for exemption from liability for existing contamination pursuant to Section 20126(1)(c) of 1994 PA 451, Part 201, as amended.

The subject property is classified as a "facility" because concentrations of 1,2,4-trimethylbenzene were detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of phenanthrene were detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of arsenic were detected in fifteen soil samples exceeding EGLE Part 201 Residential and Nonresidential DW and GSIP GCC, as well as exceeding Residential DC GCC in fourteen soil samples, and exceeding Nonresidential DC GCC in one soil sample; cadmium was detected in one soil sample exceeding EGLE Part 201 Residential and Nonresidential DW GCC; iron was detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; manganese was detected in three soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; mercury were detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; and concentrations of selenium were detected in five soil samples exceeding Part 201 Residential and Nonresidential GSIP GCC. Concentrations of iron and manganese were detected in quarterly groundwater samples collected from MW-201/201R exceeding Residential and Nonresidential DW GCC.

The analytical results from the 2003, 2015, and 2023/2024 subsurface investigations/remedial actions/sampling events are reliable and relevant to define the current environmental condition of the subject property.

2.0 PROPERTY INFORMATION

2.1 Legal Description of Property

This BEA was prepared for the following parcels:

City of Marshall Parcel Identification Number: 53-002-535-01 (775 Industrial Road).



The legal description for the subject property is described as:

Parcel No. 53-002-535-01: MARSHALL CITY SE 1/4 OF SEC 26 T2S-R6W COM AT E 1/4 COR OF SEC 26 T2SR6W - S00 DEG 07'00"W, 827.91 FT ALNG E LINE OF SEC 26 TO THE EXTENSION OF S RIGHT-OF-WAY LINE OF INDUSTRIAL RD - N84 DEG 59'30"W, 831.72 FT ALNG S LINE OF INDUSTRIAL RD AND ITS EXTENSION EASTERLY TO THE POB: S00 DEG 31'00"W, 165.17 FT - N89 DEG 36'00"W, 740.77 FT - S00 DEG 00'36"W, 176.14 FT - S89 DEG 59'40"W, 70.63 FT - N00 DEG 03'49"E, 388.90 FT TO THE S LINE OF INDUSTRIAL RD - S84 DEG 59'30"E, 754.54 FT ALONG SAID SOUTH LINE - N05 DEG 00'30"E, 18.97 FT ALONG SAID SOUTH LINE - S84 DEG 59'30"W, 59.38 FT ALONG SAID SOUTH LINE TO THE POB; CONTAINING 3.65 AC M/LEXCEPTING THEREFROM (LAND DIVISION 2007LD-007) SPLIT ON 02/02/2007; A PARCEL OF LAND IN THE SE 1/4 OF SEC 26, T2S, R6W, CITY OF MARSHALL, CALHOUN COUNTY, BEING DESCRIBED AS: COM AT THE E 1/4 CORNER OF SEC 26, T2S, R6W; TH S00D07'00"W, 827.91 FEET ALONG THE E LINE OF SAID SEC 26 TO THE EXTENSION OF THE S ROW LINE OF INDUSTRIAL ROAD; TH N 84D59'30"W, 831.72 ALONG S LINE OF INDUSTRIAL ROAD; TH S 00D31'00"W, 165.17 FT; TH N 89D46'00"W, 740.77 FT TO THE POB OF THE FOLLOWING DESCRIBED PARCEL; TH S 00D 00'36"W, 176.74 FT; TH S 89D59'40"W, 70.63 FT; TH N 00D03'49"E, 388.90 FT TO S LINE INDUSTRIAL RD; TH S 84D59'30"E, 70.53 FT ALONG SAID SOUTH LINE OF INDUSTRIAL RD; TH S00D00'36"W, 206 FT, TO POB, SAID PARCEL CONTAINING 0.62 ACRES +/- SPLIT ON 02/02/2007 FROM 002-535-00.

A Land Survey map of the subject property is included in Appendix C.

2.2 Subject Property Figures

A topographic map, depicting the subject property in relation to the surrounding area, is provided as Figure 1.

Refer to attached subject property figures (Figures 2, 3a, 3b, and 4) in the Figures Tab for sampling locations with analytical results.

2.3 Property Location and Spatial Data

The subject property is located at 775 Industrial Road in Marshall, Calhoun County, Michigan 49068. Geographically, the subject property is located at approximately 42.2660920° north latitude and 84.9685880° west longitude. Coordinates were obtained from an Environmental Data Resources (EDR) Report, dated January 21, 2025.

3.0 FACILITY STATUS

Concentrations of 1,2,4-trimethylbenzene were detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of phenanthrene were detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; concentrations of arsenic were detected in fifteen soil samples exceeding EGLE Part 201 Residential and Nonresidential DW and GSIP GCC, as well as exceeding Residential DC GCC in fourteen soil samples, and exceeding Nonresidential DC GCC in one soil sample; cadmium was detected in one soil sample exceeding EGLE Part 201 Residential and Nonresidential DW GCC; iron was detected in five soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; manganese was detected in three soil samples exceeding EGLE Part 201 Residential and Nonresidential DW GCC; mercury was detected in two soil samples exceeding EGLE Part 201 Residential and Nonresidential GSIP GCC; and concentrations of selenium were detected in five soil samples exceeding Part 201 Residential and Nonresidential GSIP GCC. Concentrations of iron and



manganese were detected in quarterly groundwater samples collected from MW-201/201R exceeding Residential and Nonresidential DW GCC.

3.1 Summary Tables

The following tables list the hazardous substances that have been detected in soil and groundwater at the subject property at concentrations exceeding generic residential cleanup criteria.

Table 4
CAS Numbers for Contaminants Detected in Soil at Concentrations Exceeding Generic Residential Cleanup Criteria

Contaminant	CAS Number	Maximum Concentration (µg/kg)	Location of Exceedance
1,2,4-Trimethylbenzene	95636	860	SW-4
		740	F-2
		890	F-4
		1,100	F-6
		2,100	F-7
Phenanthrene	85018	5,200	F-1
		6,100	F-3
Arsenic	7440382	20,000	SP1
		16,000	SP2
		22,000	SP3
		9,500	SP4
		20,000	SP6
		17,000	SW-1
		15,000	SW-2
		41,000	SW-6
		12,000	SW-7
		10,000	F-1
		11,000	F-2
		12,000	F-5
		7,300	F-7
Cadmium	7440439	16,000	SP1
Iron	7439896	47,000,000	SP1
		35,000,000	SP2
		33,000,000	SP3
		47,000,000	SP4
		24,000,000	SP6
Manganese	7439965	660,000	SP1
		590,000	SP2
		590,000	SP4
Mercury	Varies	170	SP1
		270	SP3



Selenium	7782492	690	SP1
		1,200	SP2
		1,700	SP3
		820	SP6
		600	SW-6

µg/kg = micrograms per kilogram or parts per billion

Table 5
CAS Numbers for Contaminants Detected in Groundwater at Concentrations Exceeding
Generic Residential Cleanup Criteria

Contaminant	CAS Number	Maximum Concentration (µg/L)	Location of Exceedance
Iron	7439896	7,200	MW-201 (May 11, 2023)
		15,000	MW-201R (August 11, 2023)
		4,700	MW-201 (November 14, 2023)
		5,900	MW-201R (April 17, 2024)
		640	MW-201 (July 11, 2024)
Manganese	7439965	890	MW-201 (May 11, 2023)
		460	MW-201R (August 11, 2023)
		260	MW-201 (November 14, 2023)
		150	MW-201R (April 17, 2024)

µg/L = micrograms per Liter or parts per billion

3.2 Laboratory Reports

The laboratory analytical reports from the 2003 subsurface investigation are attached to the 2003 BEA, and the 2015 excavation are attached to the 2015 construction summary report. The 2023 and 2024 sampling data were obtained from EGLE files. The 2003 BEA, 2015 Construction Summary Report, and 2023/2024 laboratory reports are not included in this report but can be found at the EGLE – Remediation and Redevelopment Division – Kalamazoo District office.

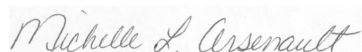


4.0 IDENTIFICATION OF BEA AUTHOR

This BEA was written on March 24, 2025, by Michelle L. Arsenault, P.E., Senior Project Manager with SES Environmental. An Environmental Professional qualification summary is provided as Appendix D.

Environmental Professional Statement

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. I have specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR part 312.



Michelle L. Arsenault, P.E.
Senior Project Manager
Ph: (248) 459-7263

5.0 AAI OR ASTM PHASE I REPORT

SES conducted a Phase I ESA dated February 4, 2025 (included in Appendix A). The Phase I ESA was conducted under the guidance and protocols of the American Society of Testing and Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Site Assessment Process (Standard E1527-21)* and the United States Environmental Protection Agency (USEPA) *Standards and Practices for All Appropriate Inquiries; Final Rule (40CFR Part 312)*. Completion of the Phase I ESA under these standards was intended to satisfy one of the requirements to quality for the *innocent landowner, contiguous property owner, or bona fide prospective purchaser* limitations on CERCLA liability. The scope of the investigation included a physical subject property inspection, historical data review, regulatory agency records review, and interview with persons potentially familiar with subject property activities.



6.0 REFERENCES

- *Phase I Environmental Site Assessment*, prepared by SES Environmental, dated February 4, 2025.
- *Baseline Environmental Assessment*, prepared by Soil and Materials Engineers, Inc, dated December 16, 2003.
- *Technical Memorandum No. 1 – Free Product Delineation*, prepared by MACTEC Engineering and Consulting of Michigan, Inc., dated November 26, 2008.
- *Final Construction Summary Report*, prepared by AMEC Engineering and Consulting of Michigan Inc., dated February 24, 2017
- *Quantitative High Resolution Site Characterization (qHRSC), Bench Test Study, Pilot Test, and Final Remedial Approach/Design*, prepared by AST Environmental, Inc., dated June 4, 2021
- *Contents of BEA Report*, EGLE, October 2022.
- Administrative Rules for BEAs.
- EGLE – Remediation Division Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels (RBSLs), dated October 12, 2023.



TABLES



TABLE 1
CLEANUP CRITERIA COMPARISON FOR SOILS
VOCs, PNAs, and Metals
VACANT LAND
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PNAs), Polychlorinated Biphenyls (PCBs) (µg/Kg)			n-Butylbenzene	sec-Butylbenzene	Ethylbenzene	Isopropylbenzene	p-Isopropyl Toluene	2-Methylnaphthalene	n-Propylbenzene	1,2,3-Trimethylbenzene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Xylenes	Other VOCs	Anthracene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Chrysene	Fluoranthene	Fluorene	Phenanthrene	Pyrene	Other PNAs	PCBs
Chemical Abstract Service Number (CAS#)			104518	135988	100414	98828	99876	91576	103651	526738	95636	108678	1330207	Various	120127	56553	50328	205992	218019	206440	86737	85018	129000	Various	1336363
Sample ID	Sample Date	Sample Depth (bgs)	VOCs												PNAs										PCBs
SW-1	11/2/2015	5'	<70	<70	<70	<70	<70	<350	<70	<70	<70	<70	<70	ND	<230	<230	<460	<460	<230	760	<230	<230	630	ND	250
SW-2	11/2/2015	5'	<76	<76	<76	<76	<76	<380	<76	<76	<76	<76	<76	ND	<240	<240	<470	<470	520	270	<240	<240	420	ND	580
SW-3	11/2/2015	5'	210	83	<74	<74	98	1,000	83	330	<74	<74	<74	ND	<230	300	<460	<460	<230	<230	350	2,000	230	ND	<120
SW-4	11/2/2015	5'	530	250	130	<71	290	<350	290	510	860	230	180	ND	320	<230	<460	<460	880	<230	230	1,800	280	ND	96
SW-5	11/2/2015	5'	<72	<72	<72	<72	<72	<360	<72	<72	<72	<72	<72	ND	<230	<230	<460	<460	<230	<230	<230	<230	<230	ND	<110
SW-6	11/4/2015	5'	<80	<80	<80	<80	<80	<400	<80	<80	<80	<80	<80	ND	<240	<240	<490	<490	<240	240	<240	<240	250	ND	<120
SW-7	11/4/2015	5'	<71	<71	<71	<71	<71	<360	<71	<71	<71	<71	<71	ND	<230	520	490	870	680	1,000	320	750	1,200	ND	440
SW-8	11/4/2015	5'	<71	<71	<71	<71	<71	<360	<71	<71	<71	<71	<71	ND	<230	<230	<450	<450	220	280	<230	<230	230	ND	<110
SW-9	11/4/2015	5'	<68	180	<68	<68	180	<340	<68	280	190	230	<68	ND	<220	<220	<450	<450	<220	<220	<220	<220	<220	ND	<110
SW-10	11/4/2015	5'	<67	<67	<67	<67	<67	<330	<67	<67	80	<67	<67	ND	<220	<220	<440	<440	<220	<220	<220	240	<220	ND	<110
SW-11	11/5/2015	5'	<70	<70	<70	<70	200	<350	<70	230	340	91	<70	ND	<220	<220	<450	<450	<220	<220	<220	650	<220	ND	<110
SW-12	11/5/2015	5'	<66	<66	<66	<66	<66	<330	<66	<66	<66	<66	<66	ND	<220	<220	<440	<440	<220	<220	<220	<220	<220	ND	<110
F-1	11/3/2015	10.5'	580	230	<68	<68	83	<340	150	310	280	230	<68	ND	<220	<220	<450	<450	610	<220	1,100	5,200	<220	ND	270
F-2	11/3/2015	10.5'	<82	260	88	90	270	<410	240	430	740	460	<82	ND	<250	<250	<500	<500	270	<250	<250	870	<250	ND	150
F-3	11/3/2015	10.5'	260	170	<67	<67	190	<330	<67	310	290	110	<67	ND	<220	220	<440	420	810	700	<220	6,100	680	ND	720
F-4	11/3/2015	10.5'	<75	450	120	140	580	480	430	1,700	890	740	150	ND	<230	<230	<470	<470	530	270	460	2,200	290	ND	780
F-5	11/3/2015	10.5'	<77	<77	<77	<77	<77	<380	<77	<77	<77	<77	<77	ND	<240	<240	<470	<470	<240	<240	<240	<240	<240	ND	<120
F-6	11/4/2015	10.5'	<69	230	<69	<69	250	<350	170	690	1,100	440	<69	ND	<220	<220	<440	<440	360	280	380	1,300	270	ND	470
F-7	11/4/2015	10.5'	<70	270	<70	73	440	710	200	1,100	2,100	650	95	ND	<220	<220	<450	<450	680	<220	510	1,800	<220	ND	780
F-8	11/5/2015	10.5'	<81	<81	<81	<81	<81	<410	<81	<81	<81	<81	<81	ND	<590	<590	<1200	<1200	<590	<590	<590	<590	<590	ND	<120
F-9	11/5/2015	10.5'	150	78	<78	<78	79	<390	<78	<78	93	<78	<78	ND	<590	<590	<1200	<1200	<590	<590	<590	<590	<590	ND	<120
EGLE-RRD Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Soil Tables 2 and 3 Residential and Non-Residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs																									
Residential (µg/Kg)																									
Statewide Default Background Levels	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Drinking Water Protection (DWP)	1,600	1,600	1,500	91,000	NA	57,000	1,600	NA	2,100	1,800	5,600	Various	41,000	NLL	NLL	NLL	NLL	NLL	7.30E+5	3.90E+5	56,000	4.80E+5	Various	NLL	NLL
Groundwater Surface Water Interface Protection (GSIP)	ID	ID	360	3,200	NA	4,200	ID	NA	570	1,100	980	Various	ID	NLL	NLL	NLL	NLL	NLL	5,500	5,300	2,100	ID	Various	NLL	NLL
Soil Volatilization to Indoor Air Inhalation (SVII)	ID	ID	87,000	400,000	NA	2.70E+6	ID	NA	4,300,000	2.6E+6	6,300,000	Various	1.0E+9	NLV	NLV	ID	ID	ID	1.0E+9	5.80E+8	2.80E+6	1.0E+9	Various	3.00E+6	3.00E+6
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)	ID	ID	7.20E+5	1.70E+6	NA	1.50E+6	ID	NA	2.10E+7	1.60E+7	4.60E+7	Various	1.40E+9	NLV	NLV	ID	ID	ID	7.40E+8	1.30E+8	1.60E+5	6.50E+8	Various	2.40E+5	2.40E+5
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness	ID	ID	1.00E+6	1.70E+6	NA	1.50E+6	ID	NA	5.00E+8	3.80E+8	6.10E+7	Various	1.40E+9	NLV	NLV	ID	ID	ID	7.40E+8	1.30E+8	1.60E+5	6.50E+8	Various	7.90E+6	7.90E+6
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness	ID	ID	2.20E+6	2.80E+6	NA	1.50E+6	ID	NA	5.00E+8	3.80E+8	1.30E+8	Various	1.40E+9	NLV	NLV	ID	ID	ID	7.40E+8	1.30E+8	1.60E+5	6.50E+8	Various	7.90E+6	7.90E+6
Ambient Air Particulate Soil Inhalation (PSI)	2.00E+9	4.00E+8	1.00E+10	5.80E+9	NA	6.70E+8	1.30E+09	NA	8.20E+10	8.20E+10	2.90E+11	Various	6.70E+10	ID	1.50E+6	ID	ID	ID	9.30E+9	9.30E+9	6.70E+6	6.70E+9	Various	5.20E+6	5.20E+6
Direct Contact (DC)	2.50E+6	2.50E+6	2.2E+7	2.5E+7	NA	8.10E+6	2.50E+06	NA	3.2E+7	3.2E+7	4.1E+8	Various	2.30E+8	20,000	2,000	20,000	2.00E+6	4.60E+7	2.70E+7	1.60E+6	2.90E+7	Various	4,000	4,000	
Soil Saturation Concentration Screening Levels (Csat)	1.00.E+07	1.00.E+07	1.40.E+05	3.90.E+05	NA	NA	1.00E+07	NA	1.1E+05	9.4E+04	150,000	Various	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Various	NA	NA
Non-Residential (µg/Kg)																									
Drinking Water Protection (DWP)	4,600	4,600	1,500	2.60E+5	NA	1.70E+5	4,600	NA	2,100	1,800	5,600	Various	41,000	NLL	NLL	NLL	NLL	NLL	7.30E+5	8.90E+5	1.60E+5	4.80E+5	Various	NLL	NLL
Groundwater Surface Water Interface Protection (GSIP)	ID	ID	360	3,200	NA	4,200	ID	NA	570	1,100	980	Various	ID	NLL	NLL	NLL	NLL	NLL	5,500	5,300	2,100	ID	Various	NLL	NLL
Soil Volatilization to Indoor Air Inhalation (SVII)	ID	ID	4.6E+5	7.3E+5	NA	4.90E+6	ID	NA	8.0E+6	4.8E+6	1.2E+7	Various	1.0E+9	NLV	NLV	ID	ID	ID	1.0E+9	1.0E+9	5.10E+6	1.0E+9	Various	1.60E+7	1.60E+7
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)	ID	ID	2.40E+6	2.00E+6	NA	1.80E+6	ID	NA	2.50E+7	1.90E+7	5.40E+7	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.90E+8	1.50E+8	1.90E+5	7.80E+8	Various	8.10E+5	8.10E+5
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness	ID	ID	3.10E+6	2.00E+6	NA	1.80E+6	ID	NA	6.00E+8	4.60E+8	6.50E+7	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.80E+8	1.50E+8	1.90E+5	7.80E+8	Various	2.80E+7	2.80E+7
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness	ID	ID	6.50E+6	3.00E+6	NA	1.80E+6	ID	NA	6.00E+8	4.60E+8	1.30E+8	Various	1.60E+9	NLV	NLV	ID	ID	ID	8.80E+8	1.50E+8	1.90E+5	7.80E+8	Various	2.80E+7	2.80E+7
Ambient Air Particulate Soil Inhalation (PSI)	8.80E+8	1.80E+8	1.30E+10	2.60E+9	NA	2.90E+8	5.90E+08	NA	3.60E+10	3.60E+10	1.30E+11	Various	2.90E+10	ID	1.90E+6	ID	ID	ID	4.10E+9	4.10E+9	2.90E+6	2.90E+9	Various	6.50E+6	6.50E+6
Direct Contact (DC)	8.00E+6	8.00E+6	7.1E+7	8.0E+7	NA	2.60E+7	8.00E+06	NA	1.0E+8	1.0E+8	1.0E+9	Various	7.30E+8	80,000	8,000	80,000	8.00E+6	1.30E+8	8.70E+7	5.20E+6	8.40E+7	Various	16,000	16,000	
Soil Saturation Concentration Screening Levels (Csat)	1.00E+7	1.00E+7	1.40E+5	3.90E+5	NA	NA	1.00E+07	NA	1.1E+05	94,000	150,000	Various	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Various	NA	NA

ND Not Detected above laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)
NA Not analyzed or Not Available
µg/Kg micrograms per Kilogram or parts per billion
bgs Below Grade Surface (feet)
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

TABLE 2
CLEANUP CRITERIA COMPARISON FOR SOILS
METALS
VACANT LAND
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Metals (µg/Kg)			Arsenic	Barium	Cadmium	Chromium	Copper	Iron	Lead	Manganese	Mercury	Nickel	Selenium	Silver	Zinc
Chemical Abstract Service Number (CAS#)			7440382	7440393	7440439	16065831	7440508	7439896	7439921	7439965	Varies	7440020	7782492	7440224	7440666
Sample ID	Sample Date	Sample Depth (bgs)	Metals												
SP1	9/18/2003	0-1'	<u>20,000</u>	90,000	<u>16,000</u>	84,000	130,000	<u>47,000,000</u>	250,000	<u>660,000</u>	<u>170</u>	54,000	<u>690</u>	ND	290,000
SP2	9/18/2003	1-2'	<u>16,000</u>	39,000	450	9,800	55,000	<u>35,000,000</u>	260,000	<u>590,000</u>	ND	17,000	<u>1,200</u>	ND	110,000
SP3	9/18/2003	1-2'	<u>22,000</u>	57,000	420	10,000	130,000	<u>33,000,000</u>	330,000	370,000	<u>270</u>	24,000	<u>1,700</u>	ND	110,000
SP4	9/18/2003	10-11'	<u>9,500</u>	25,000	160	140,000	63,000	<u>47,000,000</u>	7,600	<u>590,000</u>	ND	58,000	220	ND	240,000
SP5	9/18/2003	3-4'	3,600	47,000	ND	16,000	14,000	11,000,000	8,100	190,000	ND	11,000	ND	ND	25,000
SP6	9/18/2003	1-2'	<u>20,000</u>	61,000	610	17,000	52,000	<u>24,000,000</u>	200,000	320,000	ND	21,000	<u>820</u>	ND	150,000
SW-1	11/2/2015	5'	<u>17,000</u>	39,000	<200	15,000	12,000	NA	13,000	NA	<60	NA	300	<100	82,000
SW-2	11/2/2015	5'	<u>15,000</u>	59,000	<200	14,000	12,000	NA	13,000	NA	<60	NA	400	<100	53,000
SW-3	11/2/2015	5'	4,200	50,000	300	6,600	8,100	NA	7,000	NA	<60	NA	<200	<100	27,000
SW-4	11/2/2015	5'	2,800	14,000	<200	7,200	8,100	NA	5,800	NA	<60	NA	<200	<100	20,000
SW-5	11/2/2015	5'	2,800	14,000	<200	6,100	5,900	NA	4,100	NA	<60	NA	<200	<100	21,000
SW-6	11/4/2015	5'	<u>41,000</u>	170,000	400	18,000	36,000	NA	33,000	NA	100	NA	<u>600</u>	100	92,000
SW-7	11/4/2015	5'	<u>12,000</u>	100,000	<200	5,600	5,400	NA	4,700	NA	<60	NA	<200	<100	35,000
SW-8	11/4/2015	5'	2,900	21,000	<200	7,200	6,300	NA	4,000	NA	<60	NA	<200	<100	23,000
SW-9	11/4/2015	5'	2,000	13,000	<200	6,800	6,400	NA	3,500	NA	<60	NA	<200	<100	29,000
SW-10	11/4/2015	5'	3,300	11,000	<200	5,200	4,900	NA	4,300	NA	<50	NA	<200	<100	20,000
SW-11	11/5/2015	5'	1,500	20,000	<200	8,000	8,400	NA	5,000	NA	<60	NA	<200	<100	25,000
SW-12	11/5/2015	5'	1,900	7,100	<200	3,600	3,800	NA	2,300	NA	<50	NA	<200	<100	16,000
F-1	11/3/2015	10.5'	<u>10,000</u>	21,000	<200	6,000	4,700	NA	3,800	NA	<60	NA	<200	<100	55,000
F-2	11/3/2015	10.5'	<u>11,000</u>	12,000	<200	5,200	6,200	NA	6,200	NA	<60	NA	<200	<100	30,000
F-3	11/3/2015	10.5'	4,000	9,200	<200	4,200	5,000	NA	2,800	NA	<60	NA	<200	<100	24,000
F-4	11/3/2015	10.5'	5,300	52,000	<200	18,000	5,600	NA	2,400	NA	<60	NA	<200	<100	56,000
F-5	11/3/2015	10.5'	<u>12,000</u>	26,000	<200	15,000	8,700	NA	3,500	NA	<60	NA	<200	<100	160,000
F-6	11/4/2015	10.5'	3,000	14,000	<200	6,900	5,300	NA	3,400	NA	<60	NA	<200	<100	25,000
F-7	11/4/2015	10.5'	<u>7,300</u>	9,600	<200	4,800	8,300	NA	4,600	NA	<60	NA	<200	<100	25,000
F-8	11/5/2015	10.5'	<u>13,000</u>	12,000	<200	7,500	5,200	NA	4,600	NA	<60	NA	<200	<100	23,000
F-9	11/5/2015	10.5'	<u>30,000</u>	36,000	<200	15,000	7,900	NA	6,300	NA	<60	NA	300	<100	81,000
EGLE-RRD Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Soil Tables 2 and 3 Residential and Non-Residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs															
Residential (µg/Kg)															
Statewide Default Background Levels	5,800	75,000	1,200	18,000	32,000	1.20E+07	21,000	4.40E+05	130	20,000	410	1,000	47,000		
Drinking Water Protection (DWP)	<u>4,600</u>	1.30E+6	<u>6,000</u>	1.0E+9	5.80E+6	<u>6,000</u>	7.00E+5	<u>1,000</u>	1,700	1.00E+05	4,000	4,500	2.40E+6		
Groundwater Surface Water Interface Protection (GSIP)	<u>4,600</u>	G	G,X	G, X	G	NA	G, X	(G,X)	<u>50</u>	(G)	<u>400</u>	100	G		
Soil Volatilization to Indoor Air Inhalation (SVII)	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	48,000	NLV	NLV	NLV	NLV		
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	52,000	NLV	NLV	NLV	NLV		
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	52,000	NLV	NLV	NLV	NLV		
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	52,000	NLV	NLV	NLV	NLV		
Ambient Air Particulate Soil Inhalation (PSI)	7.20E+5	3.30E+8	1.70E+6	3.30E+8	1.30E+8	ID	1.00E+8	3.30E+06	2.00E+7	1.30E+07	1.30E+8	6.70E+6	ID		
Direct Contact (DC)	<u>7,600</u>	3.70E+7	5.50E+5	7.90E+8	2.00E+7	1.60E+08	4.00E+5	2.50E+07	1.60E+6	4.00E+07	2.60E+6	2.50E+6	1.70E+8		
Soil Saturation Concentration Screening Levels (Csat)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Non-Residential (µg/Kg)															
Drinking Water Protection (DWP)	<u>4,600</u>	1.30E+6	<u>6,000</u>	1.0E+9	5.80E+6	<u>6,000</u>	7.0E+5	<u>1,000</u>	1,700	1.00E+05	4,000	13,000	5.00E+6		
Groundwater Surface Water Interface Protection (GSIP)	<u>4,600</u>	G	G,X	G, X	G	NA	G, X	(G,X)	<u>50</u>	(G)	<u>400</u>	100	G		
Soil Volatilization to Indoor Air Inhalation (SVII)	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	89,000	NLV	NLV	NLV	NLV		
Ambient Air Infinite Source Volatile Soil Inhalation (VSI)	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV		
Ambient Air Finite VSI Criteria for 5 Meter Source Thickness	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV		
Ambient Air Finite VSI Criteria for 2 Meter Source Thickness	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	62,000	NLV	NLV	NLV	NLV		
Ambient Air Particulate Soil Inhalation (PSI)	9.10E+5	1.50E+8	2.2E+6	1.50E+8	5.90E+7	ID	4.4E+7	1.50E+06	8.80E+6	1.60E+07	5.90E+7	2.90E+6	ID		
Direct Contact (DC)	<u>37,000</u>	1.30E+8	2.1E+6	1.0E+9	9.00E+6	5.80E+08	9.0E+5	9.00E+07	5.80E+5	1.50E+08	9.60E+6	9.00E+6	6.30E+8		
Soil Saturation Concentration Screening Levels (Csat)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		

ND Not Detected above laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)
NA Not analyzed or Not Available
µg/Kg micrograms per Kilogram or parts per billion
bgs Below Grade Surface (feet)
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

TABLE 3 (Page 1)
CLEANUP CRITERIA COMPARISON FOR GROUNDWATER
METALS
775 INDUSTRIAL ROAD IN MARSHALL, CALHOUN COUNTY, MICHIGAN 49068
SES PROJECT No.: 2025-0250

Metals (µg/L)			Iron	Manganese
Chemical Abstract Service Number (CAS#)			7439896	7439965
Sample ID	Sample Date	Screen Depth (bgs)	Metals	
MW-201	5/11/2023	5 - 15'	<u>7200</u>	<u>890</u>
MW-201R	8/11/2023	5 - 15'	<u>15000</u>	<u>460</u>
MW-201	11/14/2023	5 - 15'	<u>4700</u>	<u>260</u>
MW-201R	4/17/2024	5 - 15'	<u>5900</u>	<u>150</u>
MW-201	7/11/2024	5 - 15'	<u>640</u>	<50
EGLE-RRD Operational Memorandum No. 1 Part 201 Cleanup Criteria and Part 213 Risk-based Screening Levels (RBSLs), Revised October 12, 2023 Attachment 1: Groundwater Table 1 Residential and Non-residential Part 201 Generic Cleanup Criteria and Screening Levels and Part 213 Tier 1 RBSLs				
Residential (µg/L)				
Residential Drinking Water (DW)			300	50
Groundwater Surface Water Interface (GSI)			NA	(G,X)
Residential Groundwater Volatilization to Indoor Air Inhalation (GVII)			NLV	NLV
Non-Residential (µg/L)				
Non-Residential Drinking Water (DW)			300	50
Groundwater Surface Water Interface (GSI)			NA	(G,X)
Non-Residential Groundwater Volatilization to Indoor Air Inhalation (GVII)			NLV	NLV
Screening Levels (µg/L)				
Water Solubility			NA	NA
Flammability and Explosivity Screening Level			ID	ID

ND Not Detected above the laboratory Method Detection Limit (MDL) or Minimum C

NA Not Available or Not Analyzed

NVL No value listed

µg/L micrograms per Liter or parts per billion

bgs Below Grade Surface (feet)

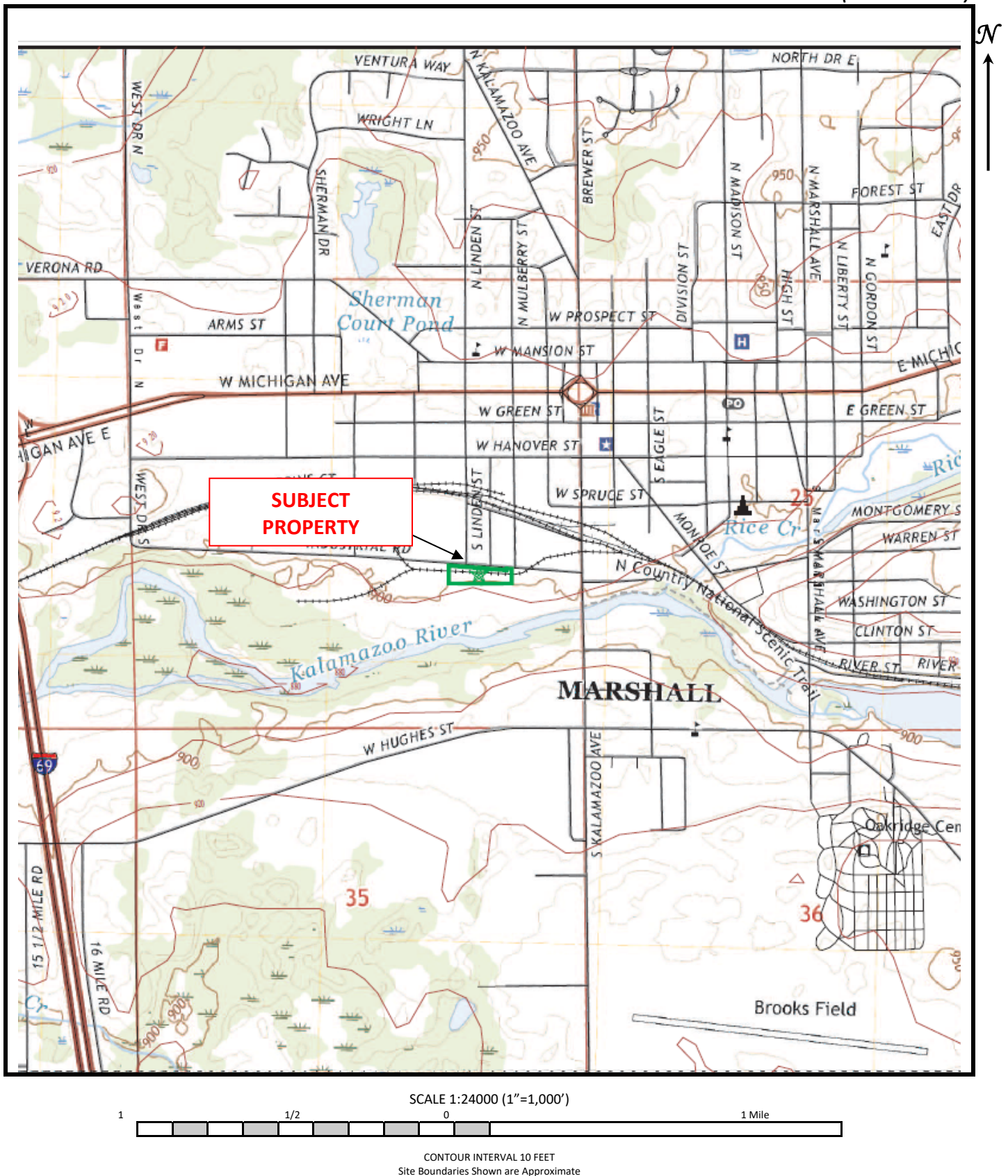
Bold Exceeds Cleanup Criteria

Cleanup Criteria exceeded

FIGURES



Marshall, Michigan 7.5 Minute Quadrangle Map
(Published 2019)

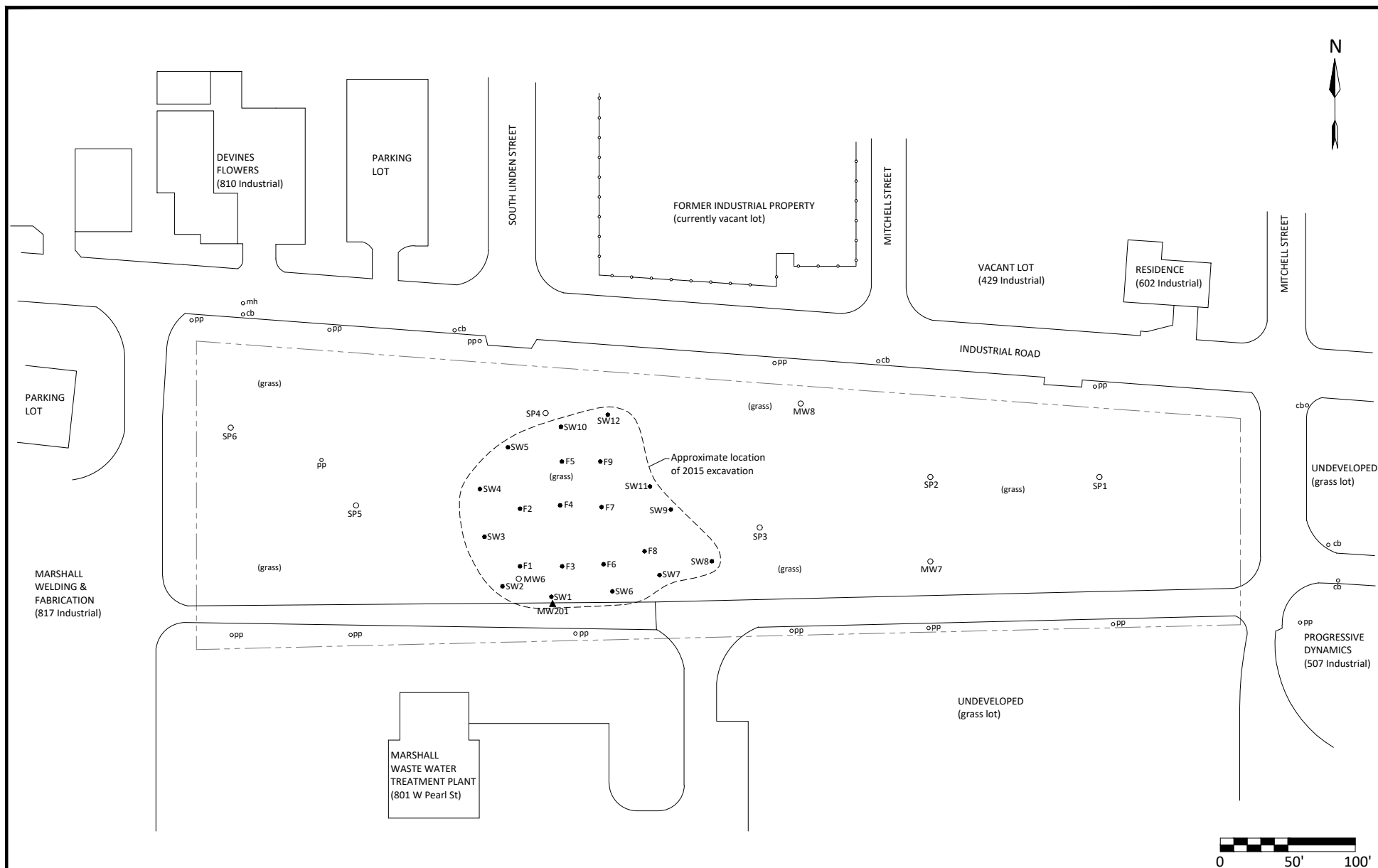


Topographic Map

3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Indiana 49068
SES Project No.: 2025-0091

Figure 1





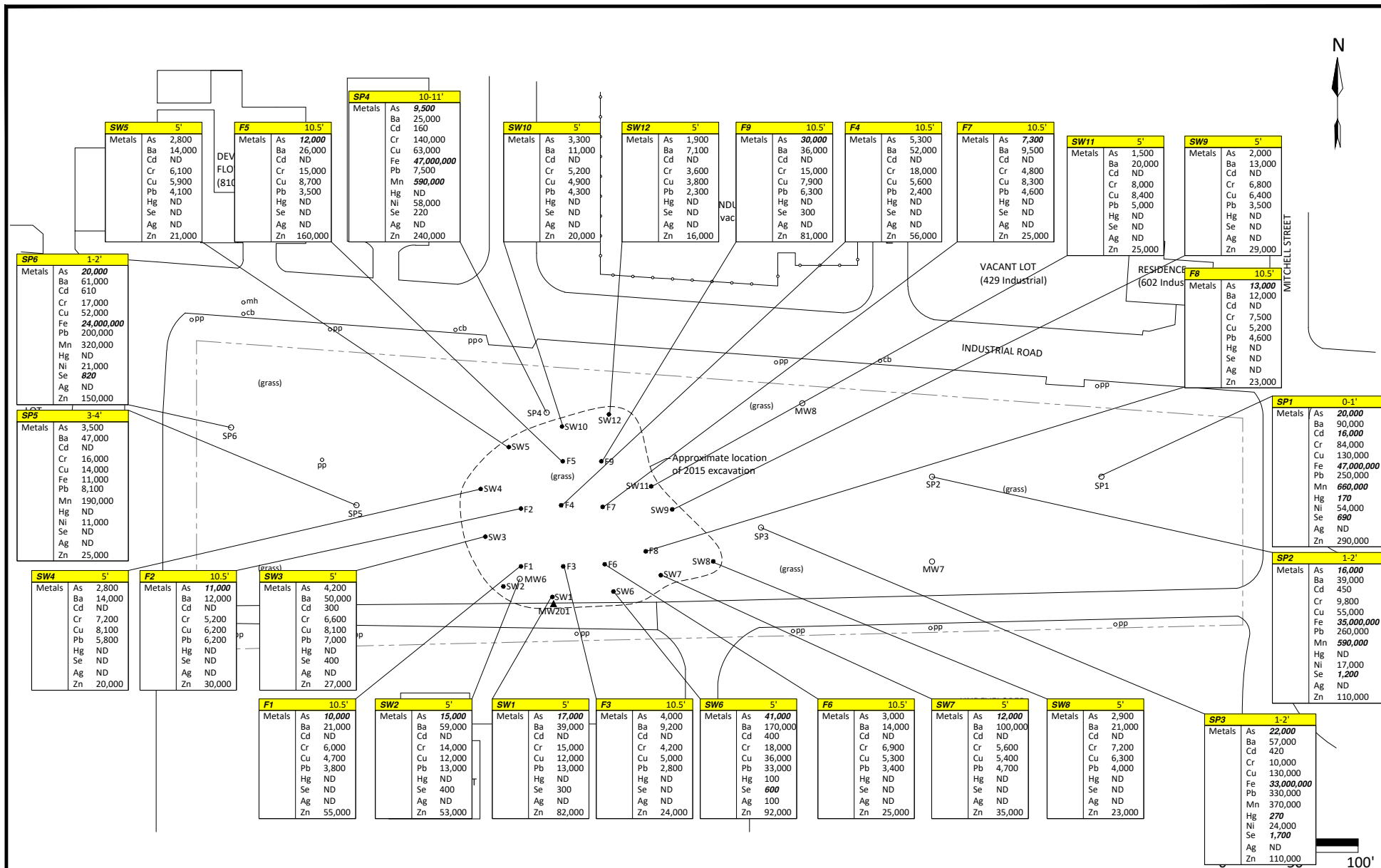
- NOTES:
1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
 2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
 3. MW203 location digitized from AST, Site Map dated 4/22/21

TITLE	SUBJECT PROPERTY WITH SAMPLE LOCATIONS
LOCATION	3.03-Acre Vacant Land Property 775 Industrial Road Marshall, Calhoun County, Michigan

LEGEND	APPROX PARCEL BOUNDARY
pp	POWER POLE
cb	CATCH BASIN
mh	MANHOLE
○ ● ▲	PREVIOUS SAMPLE LOCATIONS

PROJECT	2025-0250
SCALE	1" = 100'
DATE	3/7/25
DRAWN	dn
CHECKED	df
FILE	20250250
FIGURE	2





- NOTES: 1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
3. MW203 location digitized from AST, Site Map dated 4/22/21

TITLE SOIL ANALYTICAL RESULTS - Metals

LOCATION

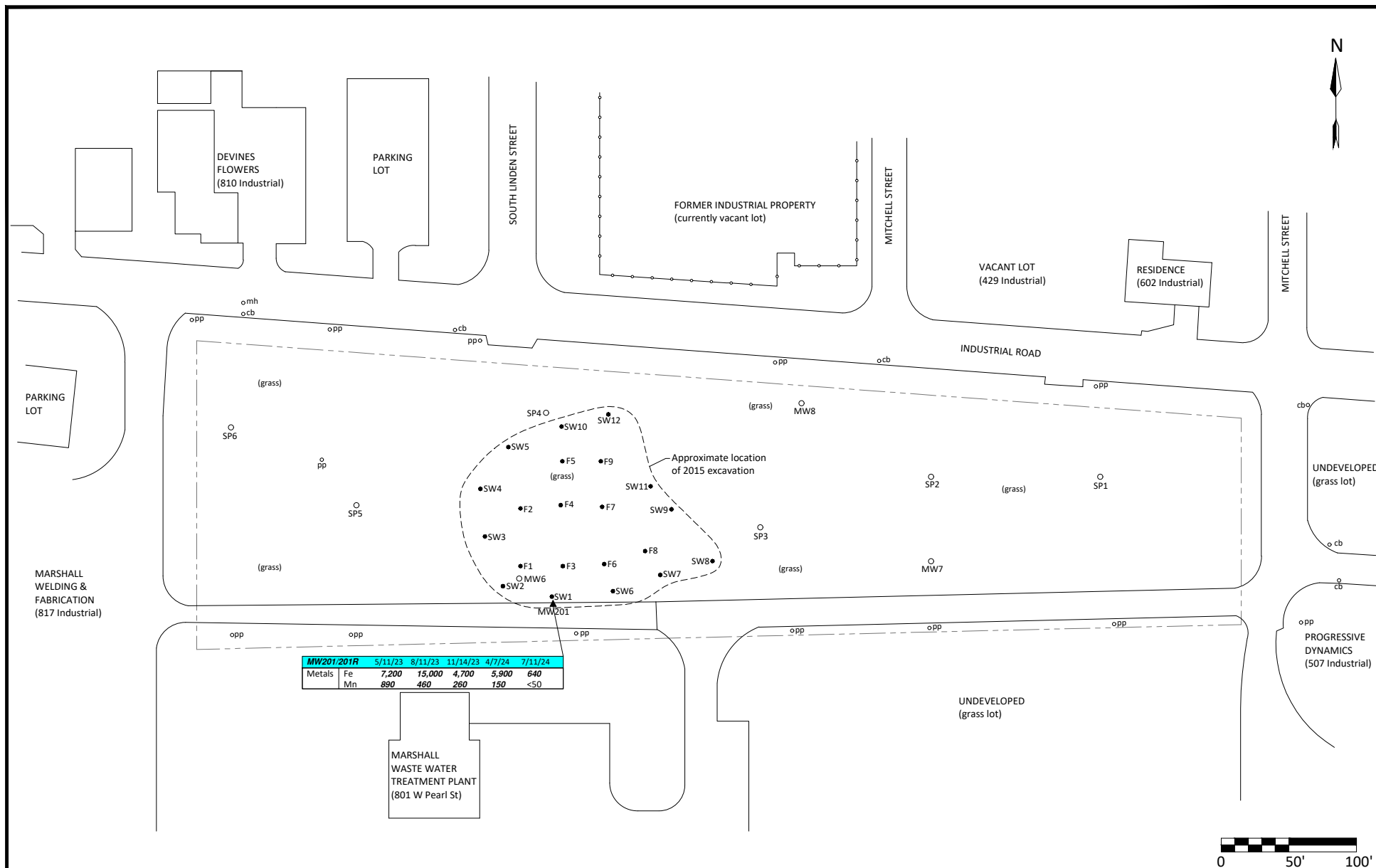
3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Michigan

- LEGEND
- APPROX PARCEL BOUNDARY
 - PP POWER POLE
 - CB CATCH BASIN
 - MH MANHOLE
 - PREVIOUS SAMPLE LOCATIONS

NOTE: Concentrations reported in ug/kg (ppb)

PROJECT	
2025-0250	
SCALE	DATE
1"= 100'	3/20/25
DRAWN	CHECKED
dn	df
FILE	FIGURE
20250250	3b





- NOTES: 1. 2015 excavation area and associated sample locations digitized from Amec, Fig.2 Excavation Zone, dated 12/2/15
2. SP/MW locations digitized from SME, Soil Probe Location Diagram, dated 9/17/03
3. MW203 location digitized from AST, Site Map dated 4/22/21

TITLE GROUNDWATER ANALYTICAL RESULTS

LOCATION

3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Michigan

LEGEND

- APPROX PARCEL BOUNDARY
- pp POWER POLE
- cb CATCH BASIN
- mh MANHOLE
- PREVIOUS SAMPLE LOCATIONS

NOTE: Concentrations reported in ug/L (ppb)

PROJECT

2025-0250

SCALE

1"= 100'

DRAWN

dn

FILE

20250250

DATE

3/20/25

CHECKED

df

FIGURE

4



APPENDIX A

Phase I ESA Report, February 4, 2025





Mary Place, CHMM
Senior Project Manager
3807 Transportation Drive
Fort Wayne, Indiana 46818
Phone: (260) 497-7645
m.place@sesadvantage.com

February 4, 2025

Ms. Karrie Hammer
Owner/Manager
Tiger's Towing
19218 11 Mile Road
Battle Creek, Michigan 49014

Re: Phase I Environmental Site Assessment Report
3.03-Acre Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Indiana 49068
SES Project No.: 2025-0091

Dear Ms. Hammer:

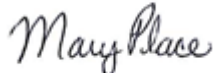
At your request, SES Environmental (SES) completed a Phase I Environmental Site Assessment (ESA) of the above referenced subject property in general accordance with the United States EPA Standards and Practices for All Appropriate Inquiries (AAI), 40 CFR Part 312} and guidelines established by the ASTM Standard Practice E 1527-21.

The results of this assessment indicate one *recognized environmental condition* (REC) is associated with the subject property. Please refer to the Executive Summary and report text for a complete listing of the Phase I ESA findings and corresponding opinions.

According to ASTM Standard E1527-21, Section 4.6.1, this Phase I ESA is considered valid if conducted within 180 days prior to the acquisition date or date of intended transaction. After that period, certain aspects of the Phase I ESA will need to be updated. Based on the earliest completion date of the relevant components, this Phase I ESA remains valid until **July 20, 2025**.

We appreciate the opportunity to assist you with this project. If you should have any questions or concerns regarding this report, or if we can be of any further service to you in the future, please do not hesitate to call us at (260) 497-7645.

Respectfully Submitted,
SES Environmental


Mary Place, CHMM
Senior Project Manager





PHASE I ENVIRONMENTAL SITE ASSESSMENT

3.03-Acre Vacant Land Property

775 Industrial Road
Marshall, Calhoun County, Indiana 49068
Inspection Date: January 17, 2025
Database Report Date: January 21, 2025
SES Project No.: 2025-0091

February 4, 2025

Tiger's Towing

19218 11 Mile Road
Battle Creek, Michigan 49014
Attn: Ms. Karrie Hammer

Kellogg Community Credit Union

41 2nd Street, P.O. Box 140
Battle Creek, MI 49016-0140
Attn: Ms. Tara Steele



APPENDIX B

Soil Boring Logs





soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL START: 9/18/03
PROJECT NUMBER: KE45321

Probe SP1
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)
								0 10 20 30 40 50
0		GROUND SURFACE ELEVATION=						
		Fine to Medium Sand- Trace to Some Silt- Trace Gravel, Glass, Brick Fragments and Root Fibers- Brown- Moist (SP-SM/Fill)	S1					
		Fine to Medium Sand- Trace Gravel, Silt and Cinders- Black- Moist (SP/Fill)						
		Fine to Medium Sand- Trace to Some Clay- Trace Silt and Cinders- Brown- Moist (SP-SC/Fill)						
3		Sandy Clay- Some Silt- Brown (CL)	S2					
		Fine to Coarse Sand- Trace to Some Gravel and Silt- Brown- Moist (SP-SM)	S3					
6			S4					
		Fine to Medium Sand- Trace to Some Clay- Trace Silt- Brown- Moist to Wet (SP-SC)	S5					
9			S6					
		END OF PROBE AT 11 FEET.						
12								
15								
18								
21								

WATER LEVEL OBSERVATIONS	Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL.
--------------------------	---

DRILLER: R.B.
RIG NO.: SP

DRILL METHOD: Soil Probe
BACKFILL METHOD: Soil Cuttings

WATER LEVEL DURING DRILLING: 9.0
WATER LEVEL UPON COMPLETION:

WATER LEVEL HOURS AFTER COMPLETION:
CAVE OF BOREHOLE AT



soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL
PROJECT NUMBER: KE45321

Probe SP2
START: 9/18/03
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)
0		GROUND SURFACE ELEVATION=						0 10 20 30 40 50
		Fine to Medium Sand- Trace to Some Silt- Trace Gravel, Glass, Brick Fragments, Cinders and Root Fibers- Black- Moist (SP-SM/Fill)	S1					
		Fine to Coarse Sand- Trace Silt and Cinders- Gray- Moist (SP/Fill)						
3		Sandy Clay- Some Silt- Gray (CL)	S2					
			S3					
6			S4					
		Fine to Medium Sand- Trace to Some Gravel and Clay- Trace Silt- Brown- Moist to Wet (SP-SC)	S5					
9			S6					
		END OF PROBE AT 11 FEET.						
12								
15								
18								
21								

WATER LEVEL OBSERVATIONS

Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL.
2. ODORS NOTED IN SOIL SAMPLES COLLECTED FROM APPROXIMATELY 2-8 FEET BELOW GROUND SURFACE.

DRILLER: R.B. DRILL METHOD: Soil Probe WATER LEVEL DURING DRILLING: 11.0 WATER LEVEL HOURS AFTER COMPLETION:
RIG NO.: SP BACKFILL METHOD: Soil Cuttings WATER LEVEL UPON COMPLETION: CAVE OF BOREHOLE AT



soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL
START: 9/18/03
PROJECT NUMBER: KE45321

Probe SP3
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)
0		GROUND SURFACE ELEVATION=						0 10 20 30 40 50
0		Fine to Medium Sand- Trace to Some Silt- Trace Gravel, Glass, Metal Pieces, Slag, Cinders and Root Fibers- Black- Moist (SP-SM/Fill)	S1					
3		Sandy Clay- Some Silt- Gray (CL)	S2					
6		Fine to Coarse Sand- Trace to Some Gravel and Silt- Brown- Moist to Wet (SP-SM)	S3					
9			S4					
10		END OF PROBE AT 10 FEET.	S5					
12								
15								
18								
21								

WATER LEVEL OBSERVATIONS

Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL.

DRILLER: R.B.

DRILL METHOD: Soil Probe

WATER LEVEL DURING DRILLING: 10.0

WATER LEVEL

HOURS AFTER COMPLETION:

RIG NO.: SP

BACKFILL METHOD: Soil Cuttings

WATER LEVEL UPON COMPLETION:

CAVE OF BOREHOLE AT



soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL START: 9/18/03
PROJECT NUMBER: KE45321

Probe SP4
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)
0		GROUND SURFACE ELEVATION=						0 10 20 30 40 50
3		Fine to Coarse Sand- Trace Silt- Brown- Moist to Wet (SP/Fill)	S1					
6			S2					
9		Fine to Coarse Sand- Trace Silt- Gray- Wet (SP)	S3					
12		Fine Sand- Trace Silt- Gray- Wet (SP)	S4					
15		END OF PROBE AT 11 FEET.	S5					
18			S6					
21								

WATER LEVEL OBSERVATIONS

Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL.
2. ODORS NOTED IN SOIL SAMPLES COLLECTED FROM APPROXIMATELY 9-11 FEET BELOW GROUND SURFACE.
3. GREENISH STAINING NOTED APPROXIMATELY 10.5-11 FEET BELOW GROUND SURFACE.

DRILLER: R.B.
RIG NO.: SP

DRILL METHOD: Soil Probe
BACKFILL METHOD: Soil Cuttings

WATER LEVEL DURING DRILLING: 6.0
WATER LEVEL UPON COMPLETION:

WATER LEVEL
CAVE OF BOREHOLE AT
HOURS AFTER COMPLETION:



soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL START: 9/18/03
PROJECT NUMBER: KE45321

Probe SP5
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)							
								0	10	20	30	40	50		
0		GROUND SURFACE ELEVATION=													
		Fine to Medium Sand- Trace to Some Silt- Trace Gravel, Glass, Brick Fragments and Root Fibers- Brown- Moist (SP-SM/Fill)	S1												
		Fine to Medium Sand- Trace Gravel, Silt and Cinders- Black- Moist (SP/Fill)													
		Clayey Fine to Medium Sand- Trace to Some Gravel- Trace Silt- Gray- Moist (SC)	S2												
3															
			S3												
6															
		Fine to Medium Sand- Trace to Some Clay- Trace Gravel and Silt- Gray- Moist (SP-SC)	S4												
9			S5												
		END OF PROBE AT 10 FEET.													
12															
15															
18															
21															

WATER LEVEL OBSERVATIONS	Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL. 2. ODORS NOTED IN SOIL SAMPLES COLLECTED FROM APPROXIMATELY 0.5-10 FEET BELOW GROUND SURFACE.
--------------------------	--

DRILLER: R.B.
RIG NO.: SP

DRILL METHOD: Soil Probe
BACKFILL METHOD: Soil Cuttings

WATER LEVEL DURING DRILLING: 10.0
WATER LEVEL UPON COMPLETION: CAVE OF BOREHOLE AT

HOURS AFTER COMPLETION:



soil and materials engineers, inc.

PROJECT NAME: MARSHALL IRON & METAL
PROJECT LOCATION: MARSHALL, MICHIGAN
CLIENT: CITY OF MARSHALL

A/E:
BY: JLS/NBL **START:** 9/18/03
PROJECT NUMBER: KE45321

Probe SP6
END: 9/18/03
SHEET: 1

DEPTH (FEET)	SYMBOLIC PROFILE	PROFILE DESCRIPTION	SAMPLE TYPE/NUMBER INTERVAL	INCHES OF RECOVERY	BLOWS PER SIX INCHES	PID (ppm)	ANALYTICAL SAMPLE	STANDARD PENETRATION TEST RESISTANCES (N-values)
		GROUND SURFACE ELEVATION=						0 10 20 30 40 50
0		Fine to Medium Sand- Trace to Some Silt- Trace Gravel, Metal Pieces, Brick Fragments and Root Fibers- Brown- Moist (SP-SM/Fill)	S1					
		Fine to Coarse Sand- Trace Clay, Silt, Cinders, Glass and Metal Pieces- Black to Brown- Moist (SP/Fill)						
3			S2					
6			S3					
		Fine to Medium Sand- Trace to Some Gravel and Clay- Trace Silt- Brown- Moist to Wet (SP-SC)	S4					
9			S5					
		END OF PROBE AT 10 FEET.						
12								
15								
18								
21								

WATER LEVEL OBSERVATIONS

Notes: 1. THE INDICATED STRATIFICATION LINES ARE APPROXIMATE. IN SITU, THE TRANSITION BETWEEN MATERIALS MAY BE GRADUAL.

DRILLER: R.B. **DRILL METHOD:** Soil Probe **WATER LEVEL DURING DRILLING:** 10.0 **WATER LEVEL** **HOURS AFTER COMPLETION:**
RIG NO.: SP **BACKFILL METHOD:** Soil Cuttings **WATER LEVEL UPON COMPLETION:** **CAVE OF BOREHOLE AT**

PROJECT:				AMEC-Former Marshall Iron & Metal DATE STARTED: 4/6/2021		
BORING IDENTIFICATION: RDC-01				DATE FINISHED: 4/6/2021		
DRILLING CONTRACTOR: AST Enterprises				TOTAL DEPTH: 16.5'		SCREEN INTERVAL: 10
DRILLING METHOD: Direct Push				DEPTH TO WATER:		CASING: 1"
DRILLING EQUIPMENT: 7822DT				LOGGED BY: CN		
SAMPLING METHOD: 2.25 Dual Tube				PROJECT MANAGER: GS		REG. NO. N/A

DEPTH (feet)	REC-OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0						
1						
2					No Sample	
3						
4						
5					No Recovery	
6	50					
7				SM	Silty sand, dk gry, loose, damp, tr pebbles, sl odor	
8		RDC-01(8)	1.2			
9					Sand, md brn, md gry, loose, damp, tr pbbls, odor	
10	75	RDC-01(10)	4.1	SW		10.24
11					Sand, md brn gry, loose, w srtd, wet, sl odor	
12		RDC-01(12)	6.3			
13					No Recovery	
14	45					
15				SP	Sand, lt brn, loose, poorly sorted, wet, abnt grvl, sl odor	
16	100	RDC-01(16)	2.7			
17		RDC-01(16.5)	0.6		Sand, lt brn, loose, poorly sorted, wet, abnt grvl, sl odor	

AST Environmental Inc.

Project No. 5152295

Page 1 of 1

Page 216 of 407

PROJECT:				AMEC-Former Marshall Iron & Metal DATE STARTED: 4/6/2021 DATE FINISHED: 4/6/2021		
BORING IDENTIFICATION: RDC-02				TOTAL DEPTH: 20'		
DRILLING CONTRACTOR: AST Enterprises				DEPTH TO WATER:		CASING: 1"
DRILLING METHOD: Direct Push				LOGGED BY: CN		
DRILLING EQUIPMENT: 7822DT				PROJECT MANAGER: GS		REG. NO. N/A
SAMPLING METHOD: 2.25 Dual Tube						

DEPTH (feet)	REC-OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0						
1						
2					No Sample	
3						
4						
5					No Recovery	
6	25					
7				SM	Silty Sand, dk gry, firm, vw srted, damp, tr pbbles, sl odor	
8		RDC-02(8)	1.2	SP	Sandy Silt, md gry, soft, loose, vw srted, st odor	10.04
9						
10	60	RDC-02(10)	4.6		Grvly Sand, md gry, loose, damp, prly srted, abnt grvl, st odor	
11						
12		RDC-02(12)	7.6			
13				SW	Sand, dk brn, loose, vw srted, wet, tr grvl, st odor, sheen in water	
14	70	RDC-02(14)	3.4			
15					Sand, dk brn, v dk brn, vw srted, loose, wet, sl odor	
16		RDC-02(16)	1.3			
17					Clayey Silt, lt gry, hd, moist, tight, homogenous, no odor	
18	65	RDC-02(18)	2.5	MH		
19					Clayey Silt, lt gry, hd, moist, tight, homogenous, no odor	
20		RDC-02(20)	1.7			

AST Environmental Inc.

Project No. 5152295

Page 1 of 1
Page 217 of 407

PROJECT:		AMEC-Former Marshall Iron & Metal		DATE STARTED: 4/6/21		
BORING IDENTIFICATION: RDC-03				DATE FINISHED: 4/6/21		
DRILLING CONTRACTOR: AST Enterprises				TOTAL DEPTH: 20'		
DRILLING METHOD: Direct Push				DEPTH TO WATER: 20'		
DRILLING EQUIPMENT: 7822DT				LOGGED BY: CN		CASING: 1"
SAMPLING METHOD: 2.25 Dual Tube				PROJECT MANAGER: GS		REG. NO. N/A

DEPTH (feet)	REC- OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0					No Sample	
1						
2						
3						
4						
5				SP	Sandy Silt, dk gry, loose, moist, tr grvl, no odor	
6	70	RDC-03(6)	4.3			
7				SM	Silty Sand, md - dk gry, loose, vw srted, wet, odor	
8		RDC-03(8)	3.2			
9				SM	Silty Sand, md - dk gry, loose, vw srted, wet, odor	9.05
10	75	RDC-03(10)	2.4			
11				SW	Grvly Sand, md gry, lt brn, loose, prly srted, wet, odor	
12		RDC-03(12)	12.3			
13				SW	Grvly Sand, dk gry, dk brn, loost, wet, prly srted, odor	
14	65	RDC-03(14)	5.5			
15				SW	Grvly Sand, lt-md gry, lt brn, loose, wet, prly srted, sl odor	
16		RDC-03(16)	6			
17				SW	Grvly Sand, lt-md gry, md brn, loose, wet, prly srted, sl odor	
18	75	RDC-03(18)	2			
19				MH	Clayey Silt, lt gry, hd, moist, tight, homogenous, no odor	
20		RDC-03(20)	1.3			

PROJECT:		AMEC-Former Marshall Iron & Metal		DATE STARTED: 4/6/2021		
BORING IDENTIFICATION: RDC-04				DATE FINISHED: 4/6/2021		
DRILLING CONTRACTOR: AST Enterprises				TOTAL DEPTH: 16'		
DRILLING METHOD: Direct Push				DEPTH TO WATER:		
DRILLING EQUIPMENT: 7822DT				LOGGED BY: CN		CASING: 1"
SAMPLING METHOD: 2.25 Dual Tube				PROJECT MANAGER: GS		REG. NO. N/A

DEPTH (feet)	REC-OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0					No Sample	
1						
2						
3						
4						
5				SP	Sandy Silt, dk gry, loose, moist, tr grvl, no odor	
6	70	RDC-04(6)	0.4			
7				SM	Silty Sand, md brn gry, firm, damp, tr grvl, odor	
8		RDC-04(8)	14.4			8.18
9					Sand, abnt SILT, lt - md gry, loose, damp, rare pbbl, st odor	
10	100	RDC-04(10)	13.9	SW		
11					Sand, abnt SILT, lt - md gry, loose, damp, rare pbbl, st odor	
12		RDC-04(12)	0.1			
13					Silty Sand, md gry brn, loose, wet, no odor	
14	80	RDC-04(14)	0.4	SM		
15					Silty Sand, md gry brn, loose, wet, no odor	
16		RDC-04(16)	0.8			

PROJECT:				AMEC-Former Marshall Iron & Metal DATE STARTED: 4/6/2021		
BORING IDENTIFICATION: RDC-05				DATE FINISHED: 4/6/2021		
DRILLING CONTRACTOR: AST Enterprises				TOTAL DEPTH: 20'		SCREEN INTERVAL: 10
DRILLING METHOD: Direct Push				DEPTH TO WATER:		CASING: 1"
DRILLING EQUIPMENT: 7822DT				LOGGED BY: CN		
SAMPLING METHOD: 2.25 Dual Tube				PROJECT MANAGER: GS		REG. NO. N/A

DEPTH (feet)	REC-OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0						
1						
2					No Sample	
3						
4						
5				SP	Sandy Silt, dk gry, loose, moist, tr grvl, no odor	
6	65	RDC-05(6)	0		Sand, dk gry brn, loose, wet, staining, str odor	
7		RDC-05(7)	-	SW	Sand, tr silt, md gry, loost, moist, vw srtd, tr grvl, odor	
8		RDC-05(8)	-			8.94
9				SM	Silty Sand, md gry, firm, moist, vw srtd, no odor	
10	75	RDC-05(10)	13.2			
11					Sand, tr silt, md gry, loose, damp, vw srtd, tr grvl, no odor	
12		RDC-05(12)	30.7	SW		
13					Sand, md gry brn, loose, wet, prly srtd, abdt grvl, st odor, product/sheen in water	
14	60	RDC-05(14)	47.3			
15					Silt, com sand, lt-md gry, homogenous, moist, m soft, no odor	
16		RDC-05(16)	17.4			
17				ML	Silt, md gry, homogenous, md hd, moist, no odor	
18	65	RDC-05(18)	23.4			
19					Silt, lt gry, homogenous, md hd, moist, no odor	
20		RDC-05(20)	0.1			

AST Environmental Inc.

Project No. 5152295

Page 1 of 1
Page 220 of 407

PROJECT:		DATE STARTED: 4/8/2021		
AMEC-Former Marshall Iron & Metal		DATE FINISHED: 4/8/2021		
BORING IDENTIFICATION: RDC-23		TOTAL DEPTH: 16		
DRILLING CONTRACTOR: AST Enterprises		SCREEN INTERVAL: 10		
DRILLING METHOD: Direct Push		DEPTH TO WATER:		CASING: 1
DRILLING EQUIPMENT: 7822DT		LOGGED BY: CN		
SAMPLING METHOD: 2.25 Dual Tube		PROJECT MANAGER: GS		REG. NO. -

DEPTH (feet)	REC- OVERY (%)	LAB I.D.	PID READING (ppm)	DESCRIPTION NAME (USCS): color, sorting, plasticity, mositure, sorting, grain size, packing		WELL CONSTRUCTION DETAILS AND/OR DRILLING REMARKS
0						
1						
2					No Sample	
3						
4						
5					No Recovery	
6	50					
7				MH	Clayey silt, dk brn, sft, m plast, moist, no odor	
8		RDC-23(8)				
9					No Recovery	
10	50			SM	Silty sand, lt-md brn, vf grn, md loose, w srted, moist, no odor	10.23
11		RDC-23(11)				
12		RDC-23(12)			Sand, md-dk gry, md grn, prly srted, loose, wet, str odor	
13				SW	sand, md-dk brn, f grn, w srted, md loose, sat, str odor	
14	50	RDC-23(14)				
15					sand, lt-md brn, prly srted, f grn, loose, wet, no odor	
16		RDC-23(16)				

APPENDIX C

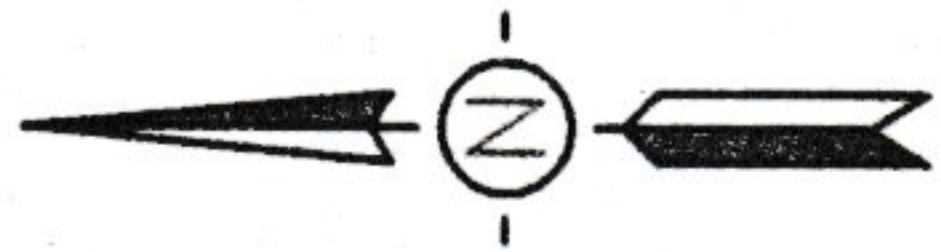
Land Survey Map



SKETCH

EAST LINE SECTION 26
S00°07'00"W 827.91'
EAST 1/4 CORNER
SECTION 26, T2S, R6W

FOR: CITY OF MARSHALL



SCALE 1" = 100'

LEGEND

- = DEED LINE
- = DISTANCE NOT TO SCALE
- - - = SANITARY SEWER
- - - = STORM SEWER
- - - = WATER LINE
- - - = UNDERGROUND TELEPHONE
- - - = UNDERGROUND ELECTRIC
- - - = OVERHEAD WIRES
- ⊙ = SANITARY MANHOLE
- ⊙ = DRAINAGE MANHOLE
- ⊙ = ELECTRIC MANHOLE
- ⊙ = FIRE HYDRANT
- ⊙ = WATER VALVE
- ⊙ = UTILITY POLE
- ⊙ = TELEPHONE RISER
- ⊙ = MONITOR WELL

INDUSTRIAL ROAD

±3.65 ACRES

REVISED: 03 JUNE 2003
REVISED: 29 MAY 2003
REVISED: 2 FEB 2005
REVISED: 15 APRIL 2005

LEGEND

- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- = Survey Boundary Line
- = Distance Not to Scale
- x - = Fence
- ▨ = Deck, Porch, Sidewalk, & Patio Areas

All Dimensions are in Feet and Decimals Thereof.

All Improvements Not Shown.

EDITED BY: MJL
CITY OF MARSHALL

DRAWN BY KEBS	SECTION 26, T2S, R6W
FIELD WORK BY KEBS	JOB NUMBER:
SHEET 1 OF 2	

APPENDIX D

Environmental Professional Qualification Summary



Michelle L. Arsenault, PE

Senior Project Manager

GENERAL SUMMARY

Michelle Arsenault, PE, has more than 27 years of environmental consulting experience.

Ms. Arsenault has expertise evaluating contaminated sites and conducting and preparing Phase I environmental site assessments (ESAs); Phase II subsurface investigations; baseline environmental assessments (BEAs); documentation of due care compliance (DDCC) reports, underground storage tank (UST) removal management and oversight; UST closures; preparation of construction bid specifications; PE for bid specifications and remediation system design; and preparation of spill prevention control and countermeasures (SPCC) plans.

Ms. Arsenault has developed proposals and cost estimates for a variety of projects with both known and unknown environmental contamination and evaluated and implemented remedial options.

For more than 12 years, Ms. Arsenault worked with more than 20 Michigan Department of Environment, Great Lakes, and Energy (EGLE) project managers, at brownfield sites in each MDEQ district. She has provided oversight of more than 16 trade contractors on State-funded sites. Her responsibilities on State of Michigan projects included preparing monthly professional service invoices; preparing change orders and contract modifications; serving as the primary Point-of-Contact; conducting soil and groundwater sampling; free product monitoring; preparation of bid specifications; oversight of contractors; and preparation of final reports.

Her other experience includes:

- Air quality emissions testing
- National Environmental Policy Act (NUSEPA) assessments
- Resource Conservation and Recovery Act (RCRA) site demolition oversight and documentation
- Development of environmental strategy for redevelopment efforts
- Geotechnical investigation for roadway and structural design
- Managed numerous leaking underground storage tank sites

Education:

BSE, Engineering/Geotechnical
University of Michigan

Registration/Certifications:

Registered Professional Engineer,
State of Michigan, No. 6201045594

OSHA 40 - Hour HAZWOPER
Certification

24-Hour AHERA Building Inspector

Years of Experience:

27 Years

Roles:

Staff Engineer, Project Engineer,
Senior Engineer, and Project
Manager

Special Training:

Aerial Work Platform Training
Certification/Operator Permit

RELEVANT EXPERIENCE

Project Manager

Engineering Support, Investigation and Remediation of State-Funded Contaminated Sites, State of Michigan

Provided project management services during investigation and remediation of 29 State of Michigan CMI-funded sites. Prepared requests for proposals, on behalf of the State, to obtain bids from professional service contractors. Reviewed and evaluated proposals, conducted onsite meetings, reviewed MDEQ district file information, conducted oversight of remedial investigations, reviewed initial assessments, final assessment reports, closure reports, technical memorandums, bid specifications, feasibility studies, corrective action plans, pilot study reports, quarterly monitoring reports, free product recovery status reports, invoicing, and change orders for all sites. Conducted public outreach activities at Zoning Board meetings, Planning Commission, and Village Council meetings. Attended meetings with MDEQ-Quality Review Teams to present site documentation and arguments for site closure.

Project Engineer

Building Demolition and Tank Removal Activities, State of Michigan

Served as the Project Engineer for building demolition and tank removal activities at the former site of a petroleum fuel blending facility that utilized numerous above-ground storage tanks (ASTs) in the fuel blending process. Prepared bid specifications for building demolition and UST removal and provided construction management and oversight for the project. Reviewed all trade contractor submittals, including health and safety plans, work plans, invoicing, change orders, and supporting documentation.

Engineering Field Support

Subsurface Investigation, Former Automotive Parts Manufacturer, Western Michigan

Provided field support services during site investigation activities at a former automotive parts manufacturer. Assisted in conducting subsurface investigations to evaluate soil and groundwater impacts by hazardous substances previously used in operations at the site. Contaminants of concern identified at the facility included volatile organic compounds (VOCs), chlorinated VOCs, semi-VOCs (SVOCs), arsenic, and manganese in the soil, and chlorinated VOCs, SVOCs, and manganese in the groundwater. Conducted oversight of sonic drilling activities during the installation of nested monitoring wells to depths as great as 100 feet, performed groundwater sampling, including sampling for cyanide, using low-flow sampling techniques, and collected soil samples using appropriate preservation methods.

Design Engineering

RCRA Demolition Oversight, Metal Foundry Baghouse, Lynchburg, Virginia

Assisted in design of primary and secondary containment features to prevent the release of hazardous dust during demolition of a RCRA Hazardous Waste Generator permitted baghouse in Lynchburg, Virginia. Responsibilities included preparation of a health and safety plan, implementation of primary and secondary containment features, and preparation of the RCRA Clean Closure Report. The project received a Clean Closure designation from the Virginia Department of Environmental Quality.

ATTACHMENT D

Contractor and Utility Worker Notification



Notification to Construction Contractors and Utility Workers

RE: Environmental Information for Construction and Utility Workers – April 17, 2025
Vacant Land Property
775 Industrial Road
Marshall, Calhoun County, Michigan

Previous environmental assessments conducted at the site have identified elevated concentrations of contaminants in the soil. The known contaminants include metals. Precautions are recommended to reduce or eliminate potential hazards to human health for site occupants and workers.

NOTE: This notification is for informational purposes only. Each contractor and/or utility worker working on site is responsible for ensuring the health and safety of their employees. Each contractor is responsible for developing their own health and safety plan. This notice does not constitute a health and safety plan.

Soil samples collected on the site demonstrate that contamination is present at concentrations that may present a risk to human health (refer to the attached figures). The potential exposure may occur by direct skin contact with soil.

The Michigan Department of Environment Great Lakes and Energy (EGLE) has published criteria for acceptable concentrations of contaminants in soil. Construction activities at this site are classified as non-residential use. One contaminant has been detected above the EGLE nonresidential criteria at the site. The contaminant is listed below:

Contaminants in Soil Exceeding Nonresidential Generic Cleanup Criteria
Arsenic

Note: Contaminants in soil are present at concentrations that may leach to groundwater and result in unacceptable groundwater concentrations for consumption (drinking water), as well as surface water.

The location of the contamination is within all onsite soils, including all soil at any depth within the property parcel, and is the result of historical uses of the subject property. Contaminants at the site have been identified to exceed Nonresidential Direct Contact criteria in soil located in the south-central portion of the subject property (see attached Figures).

The nonresidential criteria assumes that a commercial worker is present at the site for daily work week exposure over a period of 21 years. Construction and utility workers are generally present on the work site for a period of weeks to months which is significantly less than the commercial exposure assumptions. The shorter duration of worker exposure to potentially contaminated media reduces the potential health risk.

Special Health and Safety Measures to Protect Construction Workers and the General Public

All contractors should prepare a Site-Specific Health and Safety Plan for their employees as required by MiOSHA. The contaminated soil or groundwater must be handled and disposed of in compliance with applicable environmental laws, and may not be relocated offsite or outside of the “facility” limits without further evaluation.

The following procedures shall be followed by all site work personnel to protect worker health, the public, and maintain site control over contaminated materials. The procedures apply to all subsurface site work and additionally to all surface soil sitework implemented.

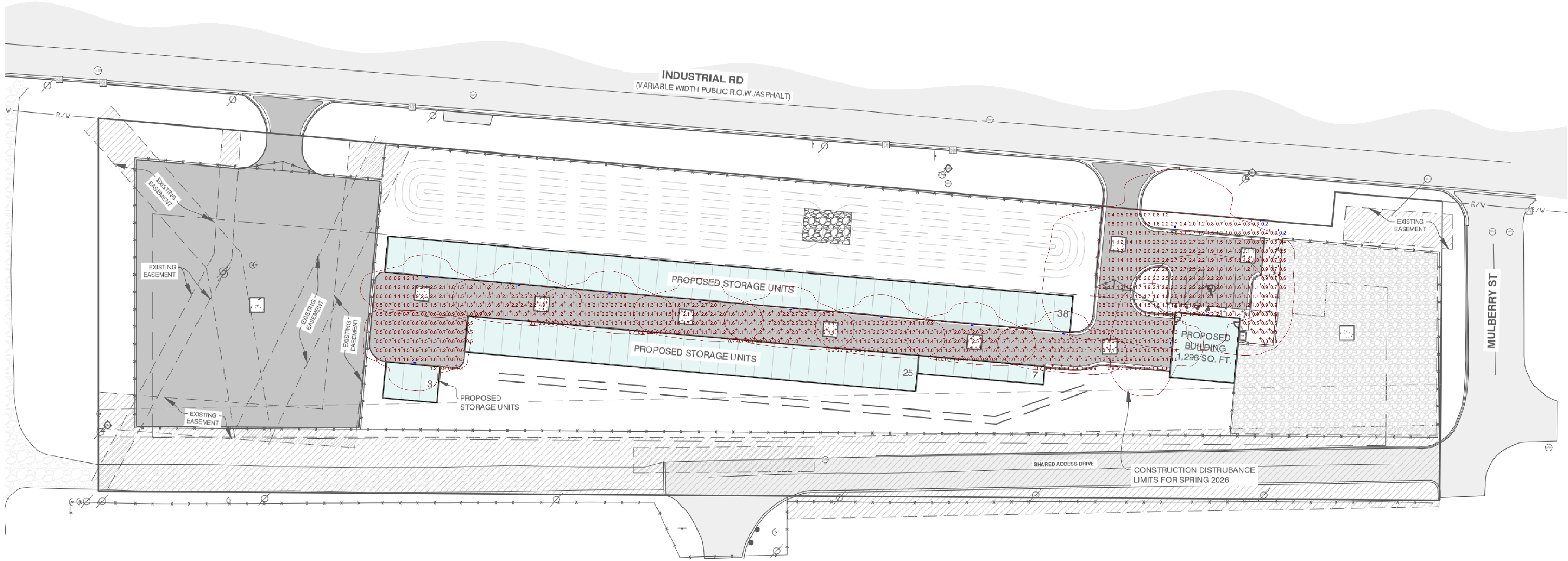
Worker Health and Safety

- Personal Protection Equipment (PPE): Industry standard workwear including close-toed footwear (Level D) shall be required and work gloves shall be worn by personnel engaged in direct contact with soils.
- Hygiene Practices: It is recommended that personnel engaged in direct contact with soils wash hands before eating, drinking, or smoking to reduce the potential for ingestion of contaminated soil.
- Workers should take precautions to remove soil/dust from skin, clothing, and boots prior to leaving the site.

Public Safety & General Environmental Compliance

- Reasonable precautions shall be taken to prevent members of the public from coming into contact with exposed soil that may be contaminated.
- Erosion and sediment control measures must be followed.
- Soils must not be tracked off site. Tracked equipment, vehicles tires and undercarriage, and worker boots and clothing shall be free of visible quantities of soil prior to exiting the site work areas.
- All excavated or relocated soils from the site shall be directly loaded into trucking for offsite landfill disposal or temporarily staged onsite in stockpile location within the “facility” area, unless otherwise specified in site development plans. Relocation of cut soils as fill is acceptable within the designated “facility” or work site boundaries only, with the exception of arsenic-impacted soil from the south-central portion of the property, which may not be relocated onsite under any conditions.
- Soil for offsite disposal may require further characterization as required by the receiving landfill. Contaminated soil shall not be relocated to any offsite location, except for approved landfill disposal or other specific approval.

- All excavated soils from within the contaminated soil horizon must be placed on plastic sheeting, impervious pavement, and covered to prevent mixing with clean soil.
- Copies of all disposal documentation must be retained and provided to Tiger's Towing, LLC or it's consultants.
- Site workers shall notify Tiger's Towing, LLC immediately upon discovery of unusual subsurface site conditions including soil or groundwater with strong odors, staining or discoloration, oils or non-aqueous (non-water) liquid substances, or buried containers such as drums or underground storage tanks (USTs), or insulated piping.



Plan View
Scale - 1" = 30ft

Schedule							
Symbol	Label	QTY	Catalog Number	Description	Number Lamps	Lumens per Lamp	LLF Wattage
	A	8	DSXW1 P1 40K T2M	2000 4000K 70CRI Type 2 Medium	1	1964	1 12.37
	B	3	DSXW1 P1 40K T4M	2000 4000K 70CRI Type 4 Medium	1	1946	1 12.37
	C	1	DSXO LED P5 40K 80CRI T4M	D-Series Size 0 Area Luminaire P5 Performance Package 4000K CCT 80 CRI Type 4 Medium	1	11259	1 90.12

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1		1.4 fc	3.1 fc	0.2 fc	15.5:1	7.0:1

ITEM: 10.D

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2025-33 - OPRA DISTRICT ESTABLISHMENT - 201 AND 203 WEST MICHIGAN AVE.**

We have received a request for tax incentives in the form of an Obsolete Property Rehabilitation Act (OPRA) District related to the following project. This request is for the establishment of the OPRA District (No Brownfield Plan is requested).

OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years. Freezing the taxable value of a property provides an incentive for a property owner to make significant improvements to a building without incurring an increase in property taxes for the period approved by the City.

The DDA/LDFA will review the project and provide a recommendation of support for the project at their next meeting. Their approval is not required for the OPRA, but we want their engagement in the process.

As part of their plan, the developer is requesting an OPRA district establishment and, subsequently, an OPRA certificate.

The first step towards preparing for an OPRA is to hold a public hearing tonight regarding the establishment of an Obsolete Property Rehabilitation Act (OPRA) District for the associated parcels (listed below).

Developer: MBJ Prop, LLC 201 W Michigan Avenue, Marshall, MI 49068
Contact: Mike Johnson, Stagecoach Inn

Location

Parcel ID

201 W. Michigan Avenue 53-000-545-03

203 W. Michigan Avenue 53-000-545-02

Both buildings are located in the downtown district and were determined functionally obsolete by the City Assessor on October 17, 2025.

Proposed Redevelopment

The project involves full rehabilitation of (1) three-story historic commercial building, and (1) two-story historic commercial building into a mixed-use development featuring:

- First-floor commercial space will be combined to expand the existing restaurant for bar and

entertainment areas.

- An elevator will lead to 1 second-floor residential apartment and commercial space for restaurant expansion, including outdoor seating.
- Approximately 8,700 sq. ft. total between both buildings
- Proposed rehabilitation is expected to be over \$1,883,000.

The project will rehabilitate two floors of these 187-year-old buildings with new utilities, interiors, flooring and roofing, improve the Michigan Avenue streetscape with facade improvements, and support downtown businesses.

- Buildings are certified as functionally obsolete
- An OPRA would temporarily freeze the taxable value of a property for a period of up to twelve (12) years.
- This incentive supports financial feasibility for a mixed-use project in a highly visible building.

The proposed resolution regarding the OPRA District establishment has been included for your consideration.

BUDGET IMPACT:

None associated with establishing the district.

RECOMMENDATION:

Approve Resolution 2025-33, A Resolution to establish an Obsolete Property Rehabilitation Act (OPRA) District for 201 - 203 West Michigan Avenue and authorize the City Manager and City Clerk to sign the necessary documents.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2025-31**

**A RESOLUTION TO ESTABLISH AN OBSOLETE PROPERTY REHABILITATION
DISTRICT FOR 201 -203 W. MICHIGAN AVENUE**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Marshall; and

WHEREAS, MBJ, LLC has filed a written request with the clerk of the City of Marshall requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 201 & 203 W. Michigan Avenue (Stagecoach) located in the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district meets the requirements set forth in section 3 (1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Advisor and/or by public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on January 5, 2026 a public hearing was held and all residents and taxpayers of the City of Marshall were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Marshall to establish the Obsolete Property Rehabilitation District as proposed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL that the following described parcel(s) of land situated in the City of Marshall, County of Calhoun, and the State of Michigan, to wit:

201 W. Michigan Avenue: MARSHALL CITY, LOWER VILLAGE E 2 RDS OF N 7 RDS OF LOT 5 BLK 23.

AND

203 W. Michigan Avenue: MARSHALL CITY, LOWER VILLAGE, COM AT THE NE COR OF LOT 5, BLOCK 23 TH N 89 DEG 39'38" W, 34.34 FT TO THE POB: S 00 DEG 16'57"E 88.01 FT - N 89 DEG 39'38"W 17.99 FT -N 00 DEG 30'34"W 88.10 FT- S 89 DEG 39'38"E 18.34 FT TO POB

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 201-203 West Michigan Avenue Obsolete Property Rehabilitation District No.1.

WHEREAS should any section, clause, or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

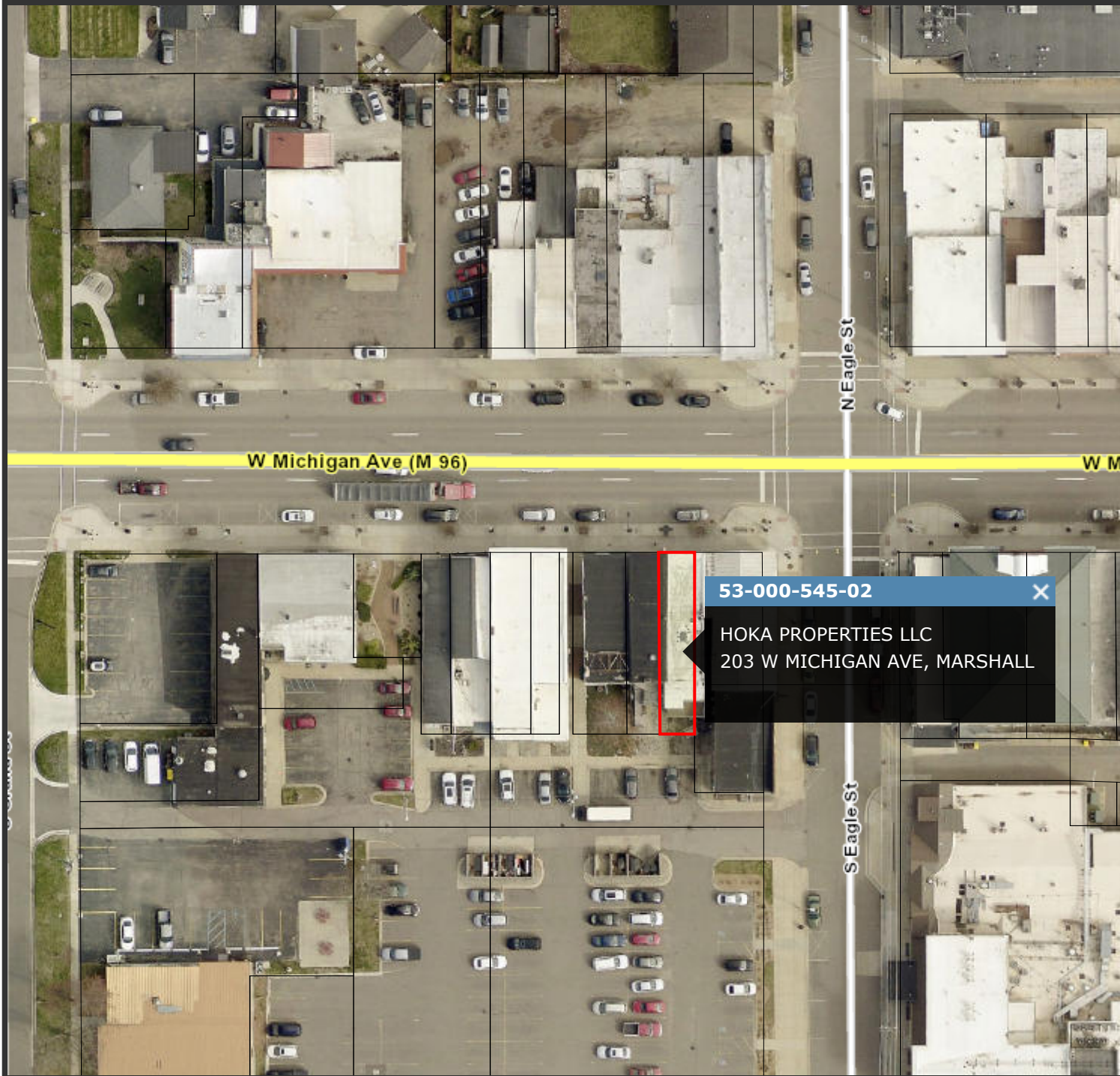
WEREAS All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Resolution declared adopted this 5th day of January 2026.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 5, 2026 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk



Calhoun GIS

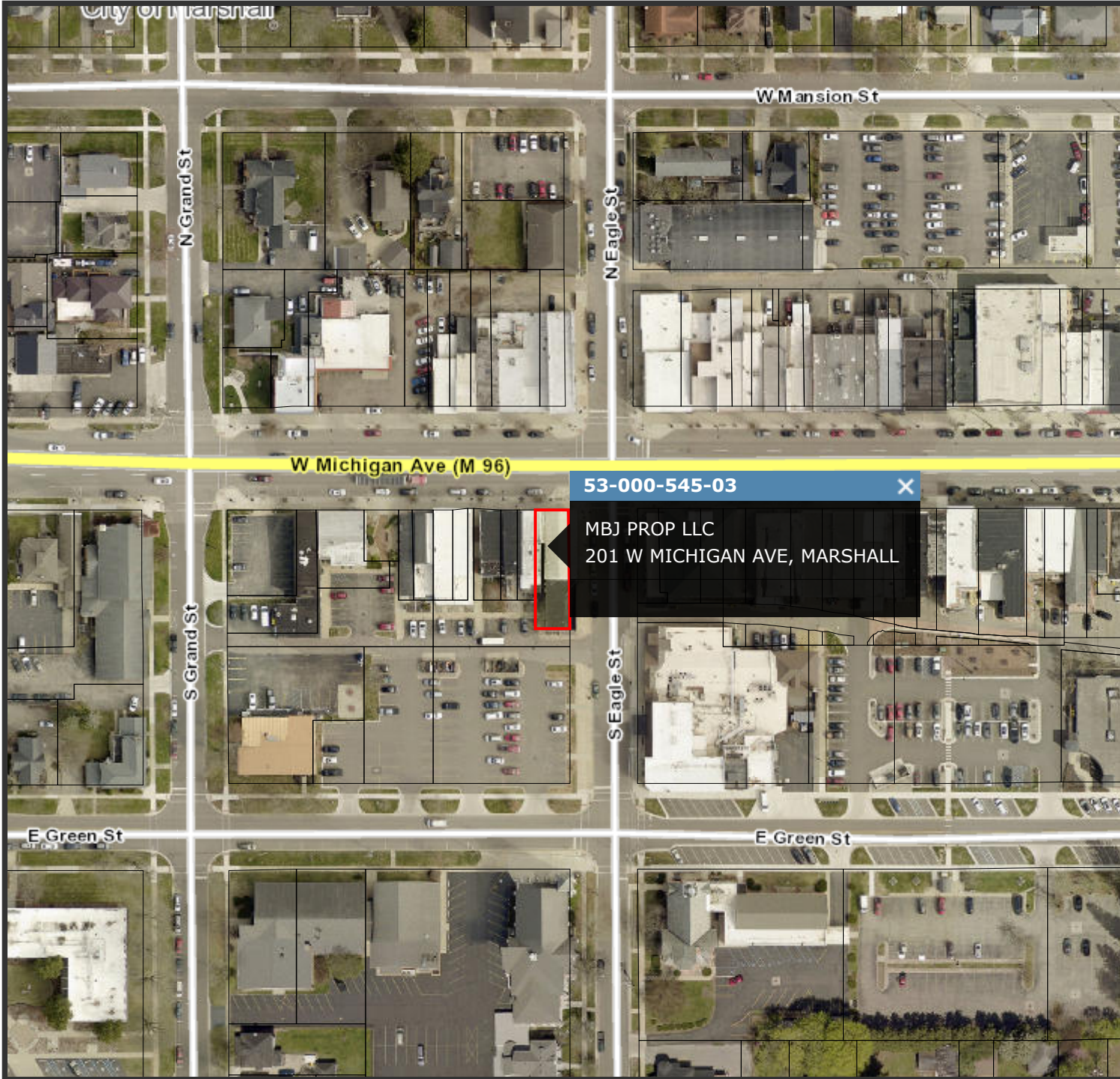


Map Publication:
11/26/2025 8:01 AM



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Map Publication:
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ITEM: 10.E

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
Alec Egnatuk, Wastewater Superintendent
DATE: January 5, 2026
SUBJECT: **ORDINANCE 2025-5 - CHAPTER 52, SANITARY SEWER,
ORDINANCE UPDATES**

The Wastewater Department is implementing an Industrial Pretreatment Program (IPP) in response to the City's changing industrial customer base. As presented at the September 2, 2025 regularly scheduled work session, a component of approval for the IPP is updating the City Code of Ordinances Chapter 52 Sewers.

IPP approval is required from the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE) before the City can implement the program. The IPP approval process has several steps and as of November 15, 2025, the program was posted for public viewing and comment on EGLE's [MiEnviro page](#). This public notice period closes on December 15, 2025. Assuming no major changes are required to the Sewer Ordinance after December 15, 2025, the City must submit an adopted Sewer Ordinance as one of the requirements prior to receiving EGLE plan approval.

In summary, ORDINANCE #2025-5- An Ordinance amending City of Marshall Code of Ordinances, Chapter 52- Sanitary Sewer, changes include updating definitions, adding authority, rules, and requirements for the city to enforce an Industrial Pretreatment Program, and removing outdated sections.

BUDGET IMPACT:

None. The IPP program will generate revenue and expenses. Those impacts are summarized in specific action associated with the IPP components. Outside of advertising and document updating expenses, there are no budget impacts for the Sanitary Sewer Ordinance update.

RECOMMENDATION:

Enact Ordinance 2025-5 amending City of Marshall Code of Ordinances Chapter 52, Sanitary Sewer, and direct the City Clerk to publish the ordinance in full.

City of Marshall, Michigan

Ordinance # 2025-05

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, CHAPTER 52 – SEWERS.

WHEREAS, Marshall City Code Chapter 52 addresses the subjects of sewers;

WHEREAS, City officials have determined that it is in the best interests of the City to revise Chapter 52;

WHEREAS, the protection of public infrastructure and the local environment as well as the health and safety of City employees will be maintained by the revisions set forth herein; and

NOW, THEREFORE, Chapter 52 shall be and hereby amended as set forth herein.

The City of Marshall hereby ordains:

CHAPTER 52 SANITARY SEWER

GENERAL PROVISIONS

SECTION 1 [CODE SEC. 52.01]. TILE AND PURPOSE . The title of this ordinance shall be “Amendment to CHAPTER 52 SANITARY SEWERS, (2025)”. The purpose of the ordinance is to amend City Chapter 25 and code Section 52.01, *et seq.*, regarding Chapter 52 Sanitary Sewer, and to provide for the public health, safety, and welfare of the City and persons within the City; and to establish violation penalties, and to repeal any conflicting ordinances and codes, and to establish an effective date.

Sec. 52.01 Purpose and scope.

- (A) The purpose of this chapter is to establish standards, rules and regulations with respect to the use of the ~~P.O.T.W.~~ **Publicly Owned Treatment Works (POTW)**; to provide for equitable distribution of the costs of the ~~P.O.T.W.~~ **POTW** facilities; to provide procedures for complying with the requirements contained herein and to protect the environment from pollution.
- (B) (1) This chapter shall apply to the city and to persons outside the city who, by contract or agreement with the city, discharge into the ~~P.O.T.W.~~ **POTW**. Any other municipality that discharges into the ~~P.O.T.W.~~ **POTW** shall adopt an ordinance which is substantially identical to this chapter and which is approved by the city as being sufficiently identical.
- (2) This chapter provides for the regulation of discharges into the ~~P.O.T.W.~~ **POTW** through the issuance of permits to significant industrial users and through enforcement of the chapter's requirements against all dischargers into the ~~P.O.T.W.~~ **POTW**. This chapter authorizes monitoring and enforcement activities and requires discharger reporting.

(Prior Code, § 27-17; Ord. 94-1, passed 3-7-1994)

Sec. 52.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

10 State Standards are the Standards for water and wastewater facilities to serve as a guide in the design and preparation of plans and specifications for public water supply systems developed by the Great Lakes - Upper Mississippi River Managers (GLUMRB).

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

Administrator means the Administrator of the United States Environmental Protection Agency.

~~A.S.T.M.~~ **ASTM** means the American Society for Testing and Materials.

~~B.O.D.~~ **Authorized or biochemical Duly Authorized Representative of the User**

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 and 2, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having

overall responsibility for environmental matters for the company, and the written authorization is submitted to the Public Works Directors' office.

Baseline Monitoring Report (BMR) shall be submitted to the POTW and contain the information listed in section 52.18(E)(4).

Best Management Practices (BMP) means the schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 52.15.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C **20°C**, expressed in milligrams per liter.

Building sewer means the extension from the wastewater plumbing facilities of a building or premises to the public sanitary sewer, **including the connection of the building sewer to the public sanitary sewer via a wye fitting.**

Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

~~Categorical pretreatment standards or F.C.P.S.~~ means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a P.O.T.W. by a specific category of industrial user described in such standards.

~~C.F.R.~~, as referenced in this chapter, shall refer to the Code of Federal Regulations as published by the United States Government. All definitions, terminology and references to 40 C.F.R. shall be in accordance with its latest revisions.

~~C.O.D.~~ or **Chemical oxygen demand (COD)** means the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressed as the amount of oxygen consumed from a chemical oxidant in a specified test; it does not differentiate between stable and unstable organic matter, and thus does not necessarily correlate with ~~B.O.D.~~ **BOD**.

Code of Federal Regulations (CFR), as referenced in this chapter, shall refer to the Code of Federal Regulations as published by the United States Government. All definitions, terminology and references to 40 CFR shall be in accordance with its latest revisions.

Collection system means all of the common sewers, lift stations, pumps and other equipment of the city and of a municipality which has a contract with the city for discharge to the P.O.T.W. **POTW** treatment plant which are primarily installed to receive wastewater and pollutants directly from users for transmission to the P.O.T.W. **POTW** treatment plant.

Combined sewer means any sewer designed or intended to receive both stormwater and sewage.

Combined waste means wastewater containing surface water or stormwater.

Commercial or Class II user means any premises occupied by, a user not within the definition of an industrial or residential user, and which is connected to the ~~P.O.T.W.~~ **POTW.**

Composite sample means the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, over a specified period which provides a representative sample of the average stream during the sampling period.

Connection permit means a **Water/Sewer** permit issued by the city for the connection of a building sewer into the ~~P.O.T.W.~~ **POTW.**

Constituent means any analytically defined parameter.

Construction means any placement, assembly or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where the equipment will be used, including preparation work at the premises, if such equipment will in any way actually or potentially affect the quality or quantity of discharges or the measurement or analysis of a discharge.

Contributory Industrial User (CIU) means any industrial user that discharges specific pollutants to the POTW at concentrations greater than typical domestic/commercial wastewater as calculated in the most recent EPA approved local limit evaluation.

Control Authority is the City of Marshall POTW.

Control manhole, also known as a sampling manhole, means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes in the public sewer.

Cooling water means once-through, noncontact cooling water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources.

Daily average means the sum of the concentrations of a constituent for the measurement period divided by the number of days on which the discharge was sampled and analyzed in the period. The concentrations which are added are single numbers for single days for all days for which analyses are obtained (whether by the user or the city), but the concentrations may be based upon a sample or samples taken over either all or part of that day and upon single or multiple analyses for that day as determined by the city.

Daily maximum means the concentration which shall not be exceeded on any single **arithmetic average of all effluent samples of a pollutant collected during a calendar day.** The units of measure for the Daily Maximum can be expressed in concentrations or expressed in units of mass.

Debt service charge means the portion of the sewer charge required to retire the bonds outstanding for capital improvements of the wastewater system.

Department means the Director of Public Services.

Department of Natural Resources (DNR) is a department of the State of Michigan responsible for managing, protecting, and preserving natural resources like land, water, wildlife, and forests for public benefit and sustainable use.

Discharge means the introduction of pollutants into the ~~P.O.T.W.~~ POTW which is either intentional or unintentional.

~~F.C.P.S.~~ ***Discharge*** includes deposit, conduct, drain, emit, throw, run, allow, seep or otherwise release or dispose of or allow, permit or suffer any of these acts or omissions.

Domestic user means a user that discharges only domestic wastes or wastes from sanitary conveniences.

Domestic waste means a combination of water-carried waste flowing in or from a building drainage system or sewer originating from residences, business buildings, institutions and commercial establishments.

Effluent means wastewater flowing out of any facility.

Enforcement Response Plan (ERP) means the guidelines created and periodically amended by the Department of Public Services, which establishes enforcement procedures for violations of Section 52.37 of this Chapter.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency.

Existing source means any source which is not a new source as defined in this section.

~~Federal-Fats, oil, and grease (FOG)~~ ***(FOG)*** means a material, either liquid or solid, composed primarily of fats, oil and grease from animal or vegetable sources.

~~Federal categorical pretreatment standards. See "categorical (FCPS) means the national pretreatment standards."~~ ***FCPS)*** means the specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a POTW by a specific category of industrial user described in such standards.

Garbage means solid wastes from domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Groundwater means water which is pumped or otherwise captured from the ground, and which is not used in a process. Mere treatment of groundwater is not used in a process.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump trucks.

Industrial user (IU) means any establishment which discharges pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

Industrial or Class III user means any user identified in Divisions A, B, D, E or I of the Standard industrial Classification Manual. CLASS III shall also include any user,

industrial or otherwise, which discharges wastewater containing toxic or poisonous substances, or any substance(s) which causes interference to in the conveyance or treatment process or any user designated as a categorical industry in accordance with 40 C.F.R. ~~CFR~~ Chapter I, Subch ~~Subchapter~~ **Subchapter N**.

***Influent* means wastewater, raw or partly treated, flowing into any sewage treatment device or facilities.**

Interceptor sewer lines means those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to the ~~P.O.T.W.~~ **POTW** treatment plant.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the ~~P.O.T.W.~~ **POTW**, its treatment processes or operations, or its sludge processes, use or disposal and is a cause of a violation of any requirement of the ~~N.P.D.E.S.~~ **NPDES** permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act, the Solid Waste Disposal Act (~~S.W.D.A.~~) (**SWDA**) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (~~R.C.R.A.~~) (**RCRA**) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the ~~S.W.D.A.~~), **SWDA**, the Clean Air Act, the Toxic Substances Control Act and Marine Protection, Research and Sanctuaries Act.

~~*M.D.N.R.* or *D.N.R.* means the Department of Natural Resources of the State of Michigan or its successor.~~

Maintenance means to keep in a certain state of repair; to keep up buildings, equipment and grounds.

Mass based limitation means the conversion of standard weight-to-volume limitations to an equivalent limitation expressed as the weight of material discharged to the sewer system during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum allowable industrial loading means the maximum mass of pollutants allowed to be discharged to the POTW from all CIUs.

mg/l means milligrams per liter or ppm.

~~mg~~ **µg/l** means micrograms per liter or ppb.

***Ng/l* means nanogram per liter or part per trillion**

National pretreatment standard means any requirement containing pollutant discharge limits promulgated by the EPA in accordance with Subsections 307(b) and (c) of the Clean Water Act and prohibitive discharge limits established pursuant to 40 CFR 403.5 as prescribed in Section 402 of the Act.

New source means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge at an existing source; or
 - (c) The production or wastewater generating processes the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same, general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) or (c) of this definition, but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source, as defined herein, has commenced if the owner or operator has begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly or installation of facilities or equipment;
 - (b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Non-domestic user means a user other than a domestic user.

***Non-domestic waste or industrial waste* means any wastewater resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resource, or any mixture of such waste with water or domestic wastewater, as distinct from domestic wastewater.**

Non-residential user means any user not defined under residential or class 1 user.

~~N.P.D.E.S.~~ **NPDES** permit means a permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the surface waters of the state **as prescribed in Section 402 of the Act.**

Nuisance means anything which, by itself or by interaction with other wastes found in sewage, is injurious to health or is indecent or offensive to the senses or is capable of preventing entrance into the public sewer system for maintenance and repair.

Operation means the proper functioning of the facility. In this case, the manpower and equipment necessary to efficiently run the wastewater treatment plant.

Organic chemicals means compounds composed of carbon and hydrogen or their derivatives which are manmade or by-products of manmade or natural substances which include, but are not limited to, synthetic fibers, plastics, rubber, medicinals, solvents, surface-active agents, pesticides and other agricultural chemicals and lubricating oil additives or other petroleum derivatives.

Overload means the imposition of any constituent or hydraulic loading on a treatment facility more than its treatment capacity.

Pass through means a discharge which exits the ~~P.O.T.W.~~ **POTW** into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the ~~P.O.T.W.'s N.P.D.E.S.~~ **POTW's NPDES** permit (including an increase in the magnitude or duration of a violation).

Permit to discharge or ~~P.T.D.~~ **PTD** means a permit issued by the city to any Class III user.

Person means any individual, firm, municipality, company, association, society, corporation, partnerships or group, including their officers and employees who have responsibility for or actual involvement in the matters regulated by this chapter.

~~Ph~~ **pH** means the negative logarithm of the concentration of hydrogen ions in grams per liter of solution.

Pollutant means any material which is discharged to the ~~P.O.T.W.~~ **POTW** or is proposed for discharge to the ~~P.O.T.W.~~ **POTW** The term also includes properties of such materials such as pH and heat.

~~P.O.T.W.~~ **Pollution Incident Prevention Plan (PIPP)** is a document outlining procedures to prevent and respond to the release of polluting material.

Publicly Owned Treatment Works (POTW) means City of Marshall owned and operated sewage treatment system that collects and cleans wastewater from homes, businesses, and industrial facilities to protect public health and the environment.

POTW treatment plant means the ~~P.O.T.W.~~ **POTW**, exclusive of the collection system.

Premises means each lot or parcel of land or building, having any connection, direct or indirect, to the ~~P.O.T.W.~~ **POTW**.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in sewage to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the ~~P.O.T.W.~~ **POTW**. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. **CFR §§ 403.6(d)**, as amended.

***Pretreatment requirement* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a national pretreatment standard.**

Public sanitary sewer means the full outside diameter of a main sanitary sewer, ~~including the wye or tee connection point of the building sewer to the main sanitary sewer.~~

Publicly- owned treatment works or ~~P.O.T.W.~~ **POTW** means the treatment works, as defined by § 212 of the Act, which are owned by the city and the collection system. The term also means the city or its authorized representative. This term includes any devices, processes and systems used by or for the city in **including conveyance**, storage, treatment, recycling or reclamation of wastewater or sludge from the treatment works or the collection system.

Residential user or *Class I* means any premises used only for human residency and which is connected to the wastewater facilities.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the works were designed and constructed. The term "operation and maintenance" includes "replacement", **40 CFR § 35.905**.

Sanitary sewer means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted and which may include pumping stations, metering stations and other appurtenances.

Severe property damage means substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially inoperable; or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

***Sewage* means the same as wastewater, as defined.**

***Sewage treatment works (sewage treatment plant, pollution control plant)* means any arrangement of devices, facilities and structures used for receiving, processing and treating wastewater, industrial waste and sludge from the sanitary or combined sewers.**

***Sewer* means a pipe or conduit, generally closed, for carrying wastewater.**

Sewer charge means the total monthly charge made to each user to the wastewater system. The total charge includes a fixed service charge, user charge and a debt service charge based upon the volume metered.

Sewer system means all sewers, laterals, or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works and/or projects of the City, including all City-owned facilities.

Shall is mandatory; **may** is permissive.

Shredded garbage means garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half (1/2) inch in any direction.

Significant industrial user or **S.I.U. SIU** means any user of the ~~P.O.T.W.~~ **POTW** that:

- (1) Is subject to categorical pretreatment standards;
- (2) Discharges an average of 25,000 gallons per day of processed wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater);
- (3) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the ~~P.O.T.W.~~ **POTW**; or
- (4) Is designated as such by the ~~P.O.T.W.~~ **POTW** on the basis that the user has a reasonable potential for adversely affecting the ~~P.O.T.W.~~ **POTW's** operation or for violating any pretreatment standard or requirement.
- (5) **Upon a finding that a nondomestic user meeting the criteria in numbers 2, 3, and 4 above has no reasonable potential for adversely affecting the publicly owned treatment works' operation or for violating any pretreatment standard or requirement, the control authority may, at any time, on its own initiative or in response to a petition received from a nondomestic user or publicly owned treatment works, determine that a nondomestic user is not a significant nondomestic user.**

Significant non-compliance means a violation which meets one or more of the following criteria specified in 40 ~~C.F.R.~~ **CFR** § 403.8(f)(2)(viii):

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) ~~the daily maximum limit~~ **a numeric Pretreatment Standard or the average limit for the same pollutant parameter; Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (I);**
- (2) Technical review criteria (~~T.R.C.~~) **TRC**) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant taken during a six-month period equal or exceed the product of the ~~daily maximum limit~~ **Pretreatment Standard or the average limit Requirement including instantaneous limits, as defined by 40 CFR 403.3 (I),** multiplied by the applicable ~~T.R.C.~~ (~~T.R.C.~~ **TRC** (**TRC** = 1.4 for ~~B.O.D.~~, ~~T.S.S.~~, **BOD, TSS**, fats, oil and grease, and 1.2 for all other pollutants, except pH);

- (3) Any other violation of a ~~pretreatment effluent limit~~ **Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (I)** (daily maximum or longer, long-term average, **instantaneous limit, or narrative standard**) which the ~~P.O.T.W.~~ **POTW** determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of ~~P.O.T.W.~~ **POTW** personnel or the general public);
- (4) Any discharge of a pollutant that has, caused imminent endangerment to human health, welfare or to the environment or has resulted in the ~~P.O.T.W.~~ **POTW's** exercise of its emergency authority under 40 ~~C.F.R.~~ **CFR** § 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit to discharge or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as ~~baseline monitoring reports~~ **BMRs**, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; and
- (8) Any other violation or group of violations which the ~~P.O.T.W.~~ **POTW** determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge means a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-routine batch discharge: **which has reasonable potential to cause Interference or Pass-Through, or in any other way violate the POTW's regulation, local limits or permit conditions.**

Source means any building, structure, facility, vehicle or installation from which there is or may be a discharge to the ~~P.O.T.W.~~ **POTW**

Standard industrial classification or ~~S.I.C.~~ **(SIC)** means a code number used to identify specific industrial classifications.

Standard Methods means the latest edition of the examination and analytical procedures set forth in the recommended standard analytical techniques prepared jointly by the American Public Works Association (APWA), American Water Works Association (AWWA) and Water Environment Federation (WEF).

State director means the director of the state's water pollution control agency.

Storm sewer means a sewer intended to carry only storm waters, **stormwater** surface runoff, street wash waters and drainage of waters which are not wastewater.

Stormwater means the excess water running off from the surface of a drainage area of building during and immediately following a period of precipitation.

Suspended solids or ~~S.S.~~ **(SS)** means solids that either float on the surface of, or in suspension in, wastewater and which can be removed by standard laboratory procedures.

Total suspended solids (TSS) means the dry weight of solids, expressed as milligrams per liter, that either float on the surface of, are in suspension in or are settleable in water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

Toxic substances means any substance, whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any wastewater treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the wastewater treatment plant, pose a hazard to workers in the sewer system, constitute a hazard to fish or animal life or interfere with proper sludge disposal.

United States Environmental Protection Agency (EPA) is a federal agency established to protect human health and the environment by developing and enforcing environmental regulations, conducting research, and providing assistance for environmental cleanup and pollution prevention.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or other limits applicable to the user because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

~~***U.S.E.P.A. or E.P.A.***~~ means the United States Environmental Protection Agency or its successor.

User means a person who discharges, either directly or indirectly, into the ~~P.O.T.W.~~ **POTW** and a municipality whose collection system discharges into the ~~P.O.T.W.~~ **POTW**.

User charge means a charge levied on users of the treatment works for the cost of operation and maintenance of the works pursuant to Pub. L. No. 92-500*, § 204(b), 40 **CFR § 35.905**.

Variance means approval granted by the General Manager for an industrial user to discharge outside the requirements of this Division.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic and non-domestic activities.

Wastewater means water discharged to the ~~P.O.T.W.~~ **POTW** by a user which may or may not contain other pollutants.

~~***W.E.F.***~~ means the Water Environment Federation. ***Wastewater constituents and characteristics*** means the individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater.

Wastewater facilities mean all facilities for collection, pumping, treating and disposing of wastewater.

Wastewater treatment plant means sewage treatment works, as defined.

***Water Environment Federation (WEF)* is an international non-profit organization that serves as a leading resource for water quality professionals, providing education, training, and technical information to protect and improve water quality**

(Prior Code, § 27-18) (Ord. 94-1, passed 3-7-1994; Am. Ord. 04-02, passed 2-17-2004)

Sec. 52.03 Management of ~~P.O.T.W.~~ POTW; standards and rules.

- (A) The ~~P.O.T.W.~~ **POTW** shall be and remain under the management, supervision and control of the city. The city may employ a city director to administer the facility and may employ such others as the city deems advisable to carry out the management, operation and administration of the ~~P.O.T.W.~~ **POTW**.
- (B) The city may make such rules, orders or regulations as deemed advisable and necessary to ~~assure~~ **ensure** the proper management, operation and administration of the ~~P.O.T.W.~~ **POTW**. The standards, rules, orders and regulations established in or pursuant to this chapter are for the preservation of the public health, safety, welfare and to fulfill the obligations of the city with respect to state and federal law and all rules and regulations adopted pursuant thereto, and to provide for proper management, operation and administration of the **POTW**.
- (C) The city may deny or condition connection to or use of the **POTW** in accordance with federal, state and local laws.

(Prior Code, § 27-19; Ord. 94-1, passed 3-7-1994)

Sec. 52.04 Wastewater disposal.

- (A) It shall be unlawful to discharge without an ~~N.P.D.E.S.~~ **NPDES** permit to any natural outlet within the city, or in any area under its jurisdiction, either directly or through a city storm sewer.
- (B) Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (C) All houses, buildings or properties which are required by other authority to have sanitary or industrial wastewater facilities and are located where the ~~P.O.T.W.~~ **POTW** is not available or required as specified by the provisions of division (E) below, shall be equipped, at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this section, and all applicable requirements of the State of Michigan Department of Public Health and the Calhoun County Sanitation Code. This section shall not apply to any private system which discharges to the ~~P.O.T.W.~~ **POTW** or which discharges directly to a natural outlet by authority of a separate ~~N.P.D.E.S.~~ **NPDES** permit and in compliance with applicable state and federal laws.

(D) The owner shall **always** operate and maintain private wastewater disposal facilities in a sanitary manner ~~at all times~~ in accordance with applicable state requirements and at no expense to the city. The facilities shall be subject to inspection by the city at reasonable times.

(E) **Requirements for Connection**

(1) The owner of any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes and for which the nearest point of the house, structure or building located on said property is not more than 200 feet away from the right-of-way line of any street, alley, or ~~right-of-way~~ **easement** in which the ~~P.O.T.W.~~ **POTW** is available, is required, at the owner's expense, to install suitable wastewater disposal facilities therein, and to connect the facilities directly to the ~~P.O.T.W.~~ **POTW** in accordance with the provisions of this chapter upon the earlier of the following events:

(a) The failure of any existing septic system which serves the house, building, or property;

(b) When any repair, improvement or replacement to be made to an existing sanitary sewer system which would require **a permit** from the county's health department; or

(c) **Upon the redevelopment of property; or**

(d) Upon sale of any house, building, structure, or property with an existing septic system.

(2) Any septic tanks, cesspools or similar wastewater disposal facilities shall, upon connection to the ~~P.O.T.W.~~ **POTW**, be emptied of wastes and either removed or refilled with suitable material to prevent collapse as ordered by the city director or other applicable authorities. This division shall not apply to any persons served by a privately constructed, owned, operated or maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

(F) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officials or other applicable authorities.

(Prior Code, § 27-20; Ord. 94-1, passed 3-7-1994; Am. Ord. 96-7, passed 9-3-1996; Am. Ord. 04-07, passed 8-2-2004)

Sec. 52.05 Building sewers and connections.

(A) **General**

(1) No unauthorized person shall uncover, use, alter, disturb or make any connections with the ~~P.O.T.W. or a storm sewer,~~ **POTW** nor shall any person discharge any substance into the ~~P.O.T.W. or storm sewer~~ **POTW** without

possessing a valid connection license of a class appropriate to the use of the premises and the discharges to the ~~P.O.T.W.~~ **POTW** therefrom. All ~~persons~~ **people** presently using the ~~P.O.T.W.~~ **POTW** shall be deemed to possess a valid connection permit.

- (2) There shall be three classes of licenses for connections to the ~~P.O.T.W.~~ **POTW**: Class I - residential users; Class II - commercial users; and Class III - industrial users. In all cases, the owner shall make application on a form furnished by the city for a permit of the applicable class to connect to the ~~P.O.T.W. or storm sewer.~~ **POTW**. The application shall be supplemented by such wastewater information as required by the city to administer this chapter. A permit and inspection fee in such amount as shall be determined by resolution of the city council shall be paid to the city at the time an application is filed.
- (3) **In no event shall a storm drain or outlet or channel be used to discharge any sewage, industrial waste, polluted water, or other pollutants, except where permitted by NPDES permit. Any violation of this provision may also result in a violation of Chapter 54 and subject the violator to additional enforcement procedures and penalties.**
- (4) Prior to obtaining a permit to connect to the ~~P.O.T.W.~~ **POTW**, all non-residential users shall file an industrial user survey form with the ~~P.O.T.W.~~ **POTW**. Upon receipt of the industrial user survey form, a review and determination will be made concerning the need for the non-residential user to apply for and obtain a permit to discharge.
- (45) The city may deny a connection permit if the application for permit shows that anticipated discharges will be harmful to the ~~P.O.T.W. or storm sewer~~ **POTW**, will violate the provisions of this chapter, or in any other way will hamper the operations of the ~~P.O.T.W. or storm sewer.~~ **POTW**. The city may require, as a condition to granting the permit, that the applicant enter into an agreement as set forth in section 52.19 of this Code.
- (56) The city shall not issue a connection permit for any applicant unless there is sufficient capacity, not legally committed to other users, in the ~~P.O.T.W. or storm sewer~~ **POTW** to convey and adequately treat the quantity and quality of wastewater which the required connection will add to the ~~P.O.T.W. or storm sewer.~~ **POTW**. The city may allow the permit if there are legally binding commitments to provide the needed capacity.
- (67) A violation of any provision or requirement contained in a connection permit is a violation of this chapter.
- (B) The costs and expenses incidental to the building sewer (**lateral**) installation and connection to the ~~P.O.T.W. or storm sewer~~ **POTW** shall be borne by the owner, **including the wye or tee connection point of the building sewer (lateral) to the public sanitary sewer.** The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (C) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer in the front building may be extended to the rear building and the whole considered as one building sewer. The city assumes no responsibility for damage caused by or resulting from any single building sewer which serves two buildings.
- (D) Existing building sewers may be used for connection with new buildings only when they are found, on ~~examination and test~~ **visual inspection** by the city, to meet the requirements of this chapter.
- (E) The size, slope, alignment, construction materials, trench excavation and back-fill methods, pipe placement, jointing and testing methods used in the construction and installation of the building sewer shall conform to the building and plumbing code or other applicable requirements of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. **ASTM**, **WEF**, and ~~W.E.F.~~ **10 States Standards** shall apply.
- (F) Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the ~~P.O.T.W. or storm sewer~~, as the case may be **POTW**, wastewater carried by the building drain shall be lifted by an approved means and discharged to a building sewer draining to the ~~P.O.T.W. or storm sewer~~ **POTW**.
- (G) (4) The connection of a building **sanitary** sewer into the ~~P.O.T.W. or storm sewer~~ **POTW** shall conform to the requirements of the building and plumbing code or other, applicable requirements of the city or the procedures set forth in appropriate specifications of the ~~A.S.T.M.~~ **ASTM** or the ~~W.E.F.~~ **WEF**. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the city before installation.
- (2)(H) The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable building code or other applicable requirements of the city. The connection of any such drain to the ~~P.O.T.W.~~ **POTW** under a permit to discharge shall conform to the requirements specified by the city as a condition of approval of such ~~P.T.D.~~ **PTD**.
- (3)(I) The city director, either at the time of the connection of the building sewer to the ~~P.O.T.W.~~ **POTW** or at a later time, shall have the authority to require installation of a monitoring or sampling manhole, grease or sand interceptors, or such other facilities which, in his or her opinion, shall be necessary for the protection and/or proper operation of the ~~P.O.T.W.~~ **POTW**. The type, installation and design of these facilities shall be subject to the approval of the city director.

(~~HJ~~) The applicant for a connection permit shall notify the city when such sewer or drainage connection is ready for inspection. Prior to its connection to the ~~P.O.T.W.~~ **POTW** or storm sewer, and upon payment of any fees required by the city, inspection and testing as deemed necessary by the city, and as required by city building or plumbing codes shall be conducted at the expense of the owners.

(~~IK~~) Excavations for building sewer installation shall be adequately guarded with barricades and lights ~~so as to~~ protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(~~JL~~) The costs and expenses incidental to the building sewer maintenance and repair shall be borne by the owner.

(Prior Code, § 27-21; Ord. 94-1, passed 3-7-1994; Am. Ord. 04-02, passed 2-17-2004)

Sec. 52.06 Savings provision.

The invalidity of any section, clause, or provision in this chapter shall not affect the validity of any other part of this chapter which may be given effect without reliance upon any such invalid part or parts.

(Prior Code, § 27-34; Ord. 94-1, passed 3-7-1994)

REGULATIONS

Sec. 52.15 Discharges to the ~~P.O.T.W.~~ POTW

(A) *General discharge prohibitions.* The regulations contained in this section are generally intended to:

(1) Prohibit the discharge to the ~~P.O.T.W.~~ **POTW** of wastewater which may cause **pass-through** interference or could have detrimental effects on the physical structures or operating personnel of the ~~P.O.T.W.~~ **POTW**, or on the general public; and

(2) ~~Restrict the discharge to the P.O.T.W. of stormwater, groundwater (contaminated and uncontaminated), and non-contact cooling water.~~

(B) *Specific discharge prohibitions.* No user shall discharge, cause to be discharged or allow to be discharged into the ~~P.O.T.W.~~ **POTW** any of the following:

(1) Pollutants which create a fire or explosion hazard in the ~~P.O.T.W.~~ **POTW**, including, but not limited to, pollutants with a closed cup flashpoint of less than 140°F (60°C), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ~~A.T.S.M.~~ **ASTM** standard D-93-79 or D-93-80k (incorporated by reference, see § 260.11) or a Setaflash Closed Cup Tester, using the test method specified in ~~A.T.S.M.~~ **ASTM** standard D-3278-78 (incorporated by reference, see § 260.11) and pollutants which cause an

- exceedance of ten percent of the lower explosive limit (~~L.E.L.~~)**LEL**) at any point within the ~~P.O.T.W.~~ **POTW**;
- (2) Pollutants which result in the presence of toxic gases, vapors, or fumes within the ~~P.O.T.W.~~ **POTW** in a quantity that may cause acute or chronic health and safety problems for workers;
 - (3) Pollutants which cause or may cause corrosive structural damage to the ~~P.O.T.W.~~ **POTW**, but in no case wastewater with pH lower than 5.5 or higher than 9.5;
 - (4) Solid or viscous pollutants in amounts which could cause or do cause either obstruction to flow or interference in the ~~P.O.T.W.~~ **POTW**.
 - (5) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause or may cause interference in the ~~P.O.T.W.~~ **POTW**.
 - (6) Pollutants which may cause:
 - (a) Impairment of the strength or durability of structures in the ~~P.O.T.W.~~ **POTW**.
 - (b) Restriction of hydraulic capacity of structures in the ~~P.O.T.W.~~ **POTW**; and/or
 - (c) Unsafe conditions ~~to~~ **for** personnel in the inspection or maintenance of structures of the ~~P.O.T.W.~~ **POTW** or unsafe conditions to the ~~general~~ public, with respect to the collection system.
 - (7) Heat in amounts which will inhibit biological activity in the ~~P.O.T.W.~~ **POTW** resulting in interference, but in no case heat in such quantities that the temperature at the point of discharge exceeds 65°C (150°F) or that the temperature at the ~~P.O.T.W.~~ **POTW** treatment plant exceeds 40°C (104°F) unless the state director, upon request of the ~~P.O.T.W.~~ **POTW**, approves alternate temperature limits;
 - (8) Pollutants which cause or may cause pass through or interference, including petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that cause or may cause interference or pass through;
 - ~~(9) Any pollutants which exceed the limitations set forth in a categorical pretreatment standard;~~
 - ~~(10)~~**(9)** Any noxious or malodorous liquids, gases or solids which either singly or by interaction ~~are capable of creating~~ **can create** a public nuisance;
 - ~~(11)~~**(10)** Any pollutant introducing colors not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
 - ~~(12)~~**(11)** Any unpolluted water, non-contact cooling water, stormwater, groundwater (contaminated and uncontaminated) or surface water unless separate ~~P.O.T.W.~~ **POTW** facilities are available and identified for the discharges;

- (~~12~~**12**) Any radioactive wastes in harmful quantities as ~~such quantities are~~ defined by applicable state and federal regulations;
- (~~13~~**13**) Any solvent extractables (grease, fat, oils) ~~in excess of~~ **more than** a daily average of 5.0 mg/l;
- (~~14~~**14**) Any grease, oil or other pollutants that will become solid or viscous at a temperature of 60°C or below after being discharged into the ~~P.O.T.W.~~ **POTW**.
- (~~15~~**15**) Any insoluble substance retained by a standard No. 8 sieve or having any dimension greater than ½ inch (1.27 cm);
- (~~16~~**16**) Insoluble substances having a specific gravity greater than 2.65;
- (~~17~~**17**) Improperly shredded garbage;
- (~~18~~**18**) Any water or wastes containing substances which are not amenable to treatment or reduction by the processes employed by the ~~P.O.T.W.~~ **POTW** or would upset the treatment process or are amenable to treatment only to such a degree that the ~~P.O.T.W.~~ **POTW** effluent cannot meet the requirements of any state or federal agency having jurisdiction over the discharge by the ~~P.O.T.W.~~ **POTW** to the receiving waters;
- (~~19~~**19**) Sludge which results from a treatment process unless the city director has determined that it is amenable to treatment by the ~~P.O.T.W.~~ **POTW** without application of unusual means or expense; ~~and/or~~
- (~~20~~**20**) Discharges greater than the concentrations of specific pollutants as provided for in division (D) below; ~~and/or~~
- (21) Any water or waste that contains more than ten (10) mg/l of hydrogen sulfide.**
- (C) *Trucked wastes.* No wastes or wastewater shall be discharged by any user into the ~~P.O.T.W.~~ **POTW** from a vehicle which transported the waste or wastewater to the point of discharge unless the discharge is approved, in writing, by the city director, prior to the discharge. No wastes or wastewater shall be discharged by any user if the waste or wastewater was at any time transported by a vehicle (such as a tank truck) from its point of generation prior to discharge to the ~~P.O.T.W.~~ **POTW** unless the discharge is approved, in writing, by the city director prior to the discharge. The city director may specify which location must be used and any other terms and conditions for the discharges, including requiring a ~~P.T.D~~ **PTD**.
- (D) *Local limitations on wastewater discharges.* All users of the ~~P.O.T.W.~~ **POTW** shall be subject to limitations as to concentration, mass and/or volume for wastewater discharges. These limitations shall be ~~adopted by resolution and kept on file at the~~ ~~P.O.T.W.~~ **POTW**. They shall be revised from time to time as required by discharge limitations imposed on the ~~P.O.T.W.~~ **POTW** by any state, federal or other public agency having jurisdiction for such discharge to the receiving waters, and the final disposal of residual solids from the treatment process, or for any reason the ~~P.O.T.W.~~ **POTW** deems necessary. The limitations referred to in this division shall henceforth be referred to as local limits and shall be deemed pretreatment

standards in accordance with 40 C.F.R. ~~CFR § 403.5(d)-d~~. **No person shall discharge wastewater containing in excess of the following:**

Pollutant of Concern (POC)	Local Limit (mg/L)
COD	4336
BOD5	1778
TSS	978
NH3-N	85.8
Total P	31.5
FOG	100
Arsenic	0.05
Cadmium	0.17
Chromium, Total	1.09
Copper	0.04
Cyanides, Total	0.44
Lead	0.11
Mercury	< 0.0002
Molybdenum	0.35
Nickel	1.00
Selenium	0.15
Silver	0.2
Zinc	0.04

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. The City may impose mass limitations in addition to the concentration-based limitations above.

- (E) *Right of revision.* The city may revise local discharge limitations in accordance with applicable laws as necessary to prevent interference with ~~P.O.T.W.~~ **POTW** treatment processes, residual solids disposal practices or effluent to the waters of the State of Michigan.
- (F) *Bypass.*
 - (1) *Bypass notice.* If a user knows in advance of the need for a bypass, it shall submit prior notice to the ~~P.O.T.W.~~ **POTW**, if possible, at least ten days before

the date of the bypass. A user shall submit oral notice of an unanticipated bypass that exceeds applicable categorical pretreatment standards and other applicable limits to the ~~P.O.T.W.~~ **POTW** within 24 hours from the time the user becomes aware of the bypass. Written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The ~~P.O.T.W.~~ **POTW** may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (2) *Prohibition of bypass.* Bypass is prohibited and the ~~P.O.T.W.~~ **POTW** may take enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 - (c) The user submitted notices as required under division (F)(1) above.
- (3) ~~P.O.T.W.~~ **POTW** -*approved bypass.* The ~~P.O.T.W.~~ **POTW** may approve an anticipated bypass, after considering its adverse effects, if the ~~P.O.T.W.~~ **POTW** determines that it will meet the three conditions listed in division (F)(2) above.

(G) *Upset.*

- (1) *Upset liability.* In the event of an upset, the user shall not be liable for the fines, imprisonment or civil penalties provided for in this chapter, but the user is still liable to the city for surcharges and damages. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof by clear and convincing evidence.
- (2) *Conditions necessary for a demonstration of upset.* A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - (a) An upset occurred, and the user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the ~~P.O.T.W.~~ **POTW** within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the discharge and cause of non-compliance;
 2. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.
- (3) *User responsibility in case of upset.* The user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable limits upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.
- (H) *Categorical pretreatment standards.* A user shall comply with all categorical pretreatment standards and any other pretreatment requirements established under §§ 307(b) or 307(c) of the Act that are applicable to that user. If a categorical pretreatment standard and another limit contained in this chapter regulate the same pollutant, then the more restrictive of the two shall apply.
- (I) *Future conditions.* Future conditions imposed on the city by government agencies with proper jurisdiction may require subsequent amendment of these regulations by the city. Where federal or state promulgated pretreatment standards require limits on parameters not covered in this regulation or limits more stringent than those specified in the regulation, the state or federal limits shall have precedence and take effect with respect to the applicable user on the later of:
- (1) Their promulgation date; or
 - (2) The date specified for compliance with the standards.
- (J) *Dilution prohibition.* No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment before discharge to the ~~P.O.T.W.~~ **POTW** to achieve compliance with the standards set forth in this chapter.
- (K) *Special agreements.* No statement contained in this chapter shall be construed as preventing any special agreement between the city and any industrial user, whereby an industrial waste containing compatible pollutants, up to levels which are within treatment capacity of the wastewater treatment plant, may be accepted, subject to payment therefore by the industrial concern, provided the agreement shall not violate ~~E.P.A.~~ **EPA** guidelines or ~~N.P.D.E.S.~~ **NPDES** requirements and provided user charges and surcharges as provided in this chapter are agreed to in the agreement.

(Prior Code, § 27-22; Ord. 94-1, passed 3-7-1994)

Sec. 52.16 Inspections.

- (A) *Authority of inspectors.*

- (1) The city director or other duly authorized representative bearing proper credentials and identification shall be permitted to enter private or public properties at any reasonable time for the purpose of inspection, observation, measurement and/or sampling of the user's discharge. **The authorized representative shall have access to all parts of the premises including records examination and copying along with the performance of any additional duties.** The inspection shall be conducted for the purposes of determining that the discharge to the ~~P.O.T.W.~~ **POTW** is in accordance with the provisions of this chapter and to obtain remedies for non-compliance.
 - (2) Representatives of the city must be permitted to enter any private or public properties at any hour during or following emergencies, spills, plant upsets or to investigate real or suspected violations of this chapter.
 - (3) Inspections need not be announced by the inspector.
 - (4) **Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the authorized representative and shall not be replaced. The costs of clearing such access shall be the responsibility of the User.**
 - (5) **Unreasonable delays in allowing authorized representative access to the User's premises shall be a violation of this ordinance.**
- (B) *Safety rules of users.*
- (1) While on the property of the user, the authorized representative of the city shall observe all reasonable safety rules applicable to the premises established by the user.
 - (2) Users of the public or private property in which sanitary sewers are located shall maintain the sanitary sewer and the surrounding area in a safe condition free from obstacles, obstructions and deterioration.
- (C) *Other inspections.* Inspection by state or federal representatives pursuant to law shall not relieve a user from inspection by city representatives and inspection by the city representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.

(Prior Code, § 27-23; Ord. 94-1, passed 3-7-1994)

Sec. 52.17 Pretreatment.

(A) *Federal categorical pretreatment standards.*

- (1) All industrial users subject to categorical pretreatment standards shall be subject to the rules, regulations and requirements of 40 ~~C.F.R.~~ **CFR part 403.**
- (2) No user shall discharge or cause to be discharged to the ~~P.O.T.W.~~ **POTW** wastewaters containing substances subject to an applicable federal categorical pretreatment standard promulgated by EPA or such other discharge limitation set by the city under section 52.15(D), whichever is lower, in excess of the

quantity prescribed in such applicable pretreatment standards or discharge limitations, except as otherwise provided in this section. Compliance with such applicable pretreatment standards or discharge limitations shall be within the time set by ~~E.P.A.~~**EPA** or by the city, whichever is less.

(B) *Existing sources.*

- (1) Existing sources shall comply with categorical pretreatment standards within three years of the date the standard is effective unless a shorter compliance time is specified in 40 ~~C.F.R.~~CFR Chapter I, Subchapter N.
- (2) Existing sources which become significant industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users, except where the sources meet the definition of a new source as defined in section 52.02.
- (3) **Existing sources shall submit to the POTW within 180 days after a categorical determination, a BMR that contains information as stated in section 52.18(E)(4)(a-g).**

(C) *New sources.*

- (1) Compliance with categorical pretreatment standards and local limits for new sources shall be as follows:
 - (a) New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards and local limits before beginning to discharge.
 - (b) Within the shortest feasible time (not to exceed 90 days) new sources shall meet all applicable categorical pretreatment standards and local limits.
- (2) New sources and sources that become ~~significant~~**categorical** industrial users ~~subsequent to~~**after** the promulgation of categorical standards shall submit a ~~baseline monitoring report (B.M.R.)~~ **(BMR)** to the city director at least 90 ~~within 180 days prior to the commencement of any discharge.~~ **categorization as an CIU or when EPA regulatory requirements change. The B.M.R.****BMR** shall include information as specified in section 52.18(E)(4)-)(a-g). **A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards and give estimates of its anticipated flow and quantity of pollutants to be discharged.**
- (3) All **categorical** industrial users shall comply with the reporting requirements including compliance schedule progress reports, 90-day compliance reports and periodic compliance reports for existing and new sources as outlined in section 52.18-:**(E)(4)(a-g).**

(D) *Wastewaters with special characteristics.*

- (1) While the city may initially rely upon the federal categorical pretreatment standards **and local limits** to protect the ~~P.O.T.W.~~ **POTW** or receiving waters, if any wastewater which contains substances or possesses characteristics in

excess of those established under this section, sections 52.15 or which constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the ~~P.O.T.W.~~ **POTW** may:

- (a) Require pretreatment to an acceptable condition prior to discharge to the ~~P.O.T.W.~~ **POTW**.
 - (b) Require control over the quantities and rates of discharge into the ~~P.O.T.W.~~ **POTW**.
 - (c) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges;
 - (d) Require the development of compliance schedules to meet any applicable pretreatment requirements;
 - (e) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - (f) Carry out all inspections, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - (g) Obtain remedies for non-compliance by any user; and/or (Such remedies may include those specified in sections 52.35 et seq.)
 - (h) Reject the wastewater.
- (2) When considering the above alternatives, the ~~P.O.T.W.~~ **POTW** shall ~~assure~~ **ensure** that conditions of the ~~P.O.T.W.'s N.P.D.E.S.~~ **POTW's NPDES** permit are met. The ~~P.O.T.W.~~ **POTW** shall also take into consideration cost effectiveness and the economic impact of the alternatives on the user. If the ~~P.O.T.W.~~ **POTW** allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review and approval by the city. The ~~P.O.T.W.~~ **POTW** shall review and recommend any appropriate changes to the program within 60 days of submittal.
- (3) Where pretreatment or flow equalizing facilities are approved or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the user.

(E) *Compliance with pretreatment requirements.*

- (1) Users required to pretreat wastewater in accordance with this chapter shall be required to submit reports on compliance with pretreatment requirements in accordance with section 52.18.
- (2) When so directed by the ~~P.O.T.W.~~ **POTW**, industrial users shall provide, at their expense, such pretreatment as may be necessary to comply with the concentration, mass and/or volume limitations established in this chapter; and furthermore, limit the discharge of the regulated pollutants so as not to cause interference with the ~~P.O.T.W.~~ **POTW** treatment processes, residual solids disposal practices or effluent quality discharged to the waters of the State of Michigan.

(F) *Removal credits for CIUs.*

- (1) Upon application by an industrial user or upon its own initiative the ~~P.O.T.W.~~ **POTW** shall review any limitations on substances specified in the applicable pretreatment standards and may modify the limitations to reflect historic removal of the substances by the wastewater treatment facility if the requirements contained in 40 ~~C.F.R.~~ **CFR** § 403.7 are fulfilled and prior approval from the ~~M.D.N.R.~~ **MDNR** is obtained.
- (2) Revised discharge limitations for specified substances shall be derived in accordance with 40 ~~C.F.R.~~ **CFR** § 403.7 governing removal credits.

(G) *Fundamentally different factors for CIUs.*

- (1) Upon application by an industrial user, the ~~P.O.T.W.~~ **POTW** shall review and may adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to the user which are fundamentally different from the factors considered by ~~E.P.A.~~ **EPA** during the development of the pretreatment standard.
- (2) Request for and determination of a fundamentally different adjustment shall be in accordance with 40 ~~C.F.R.~~ **CFR** § 403.13 governing variance from categorical pretreatment standards for fundamentally different factors.

(H) *Net/gross calculation for CIUs.* Any industrial user may seek an adjustment in the categorical pretreatment standards to reflect the presence of pollutants in the user's intake water. The ~~P.O.T.W.~~ **POTW** may allow a credit in accordance with 40 ~~C.F.R.~~ **CFR** § 403.15 governing net/gross calculations.

(I) *Equivalent mass/concentration-based limits for CIUs.*

- (1) If in establishing discharge restrictions, discharge limits, or pretreatment requirements pursuant to this chapter, the ~~P.O.T.W.~~ **POTW** establishes concentration limits to be met by an industrial user, the ~~P.O.T.W.~~ **POTW**, in lieu of concentration limits may establish mass limits of a comparable or more stringent nature.
- ~~(2) The P.O.T.W. may impose mass limitations on industrial users which use dilution to meet applicable discharge limits or in other cases where the imposition of mass limitations is appropriate.~~
- ~~(3)~~ (2) If the limits in a categorical pretreatment standard are expressed only in terms of mass pollutants per unit of production, the ~~P.O.T.W.~~ **POTW** may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration limits for the purposes of calculating effluent, limitations applicable to individual categorical industries.
- (43) Equivalent limitations calculated in accordance with this section shall be deemed pretreatment standards for the purposes of § 307(d) of the Act and this section. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

- (J) ~~Combined wastestream.~~ **waste streams for CIUs.** Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the ~~P.O.T.W.~~ **POTW**, as defined in 40 ~~C.F.R.~~**CFR** § 403.6(e). These alternative limits shall be applied to the mixed effluent.
- (K) *Notification.* The ~~P.O.T.W.~~ **POTW** shall notify any user affected by the provisions of this section and establish an enforceable compliance schedule for each.
- (Prior Code, § 27-24; Ord. 94-1, passed 3-7-1994)

Sec. 52.18 Reporting and information requirements.

(A) Required submittal of information.

- (1) All industrial users shall file with the ~~P.O.T.W.~~ **POTW**, wastewater information deemed necessary by the ~~P.O.T.W.~~ **POTW** for determination of compliance with this chapter, the ~~P.O.T.W.'s N.P.D.E.S.~~ **POTW's NPDES** permit, and state and federal law. The information shall be provided by completion of a questionnaire designed and supplied by the ~~P.O.T.W.~~ **POTW** and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the user as confidential is subject to the conditions of confidentiality as set forth in division (K) below.
- (2) Where an industrial user owns, operates or occupies properties at more than one location, separate information submittals shall be made for each location as may be required by the ~~P.O.T.W.~~ **POTW**.

(B) Provisions for monitoring.

- (1) When required by the ~~P.O.T.W.~~ **POTW**, the user of any premises serviced by a building sewer carrying industrial wastewater discharges shall provide suitable access and such necessary meters, monitoring facilities and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewater. The access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the **POTW**. The access, metering and monitoring facilities and appurtenances shall be provided and maintained at the user's expense so as to be safe and accessible at reasonable times.
- ~~(2) The P.O.T.W. shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge and wastewater treatment facility removal capabilities in determining whether or not access and equipment for monitoring industrial wastewater discharges shall be required.~~
- ~~(3) Where the P.O.T.W. determines access~~
- (2) **Where the POTW determines traditional methods** and equipment for monitoring or measuring industrial wastewater discharges is not practicable, reliable or cost effective, the ~~P.O.T.W.~~ **user** may specify **request** alternative

methods of determining the characteristics of the wastewater discharge which will, in the ~~P.O.T.W.~~ **POTW's** judgement, provide an equitable measurement of such characteristics.

- (43) The type of equipment, methods and frequency used for metering, sampling and analysis shall be subject to the approval of the ~~P.O.T.W.~~ **POTW**. All monitoring and analytical instrumentation and related equipment shall be periodically calibrated and maintained by the user at intervals to ensure accuracy of measurements.
- (54) When required by the ~~P.O.T.W.~~ **POTW**, any industrial user who discharges wastewaters subject to the requirements of this chapter, shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and the measurement of waste. The manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the ~~P.O.T.W.~~ **POTW**. The manhole shall be installed and maintained by and at the expense of the industrial user.

(C) *Determination of wastewater characteristics.*

- (1) Measurements, tests, and analyses of the wastewater characteristics shall be made in accordance with ~~40 C.F.R. pt.~~ **CFR part** 136 and amendments thereto. Where ~~40 C.F.R. pt.~~ **CFR part** 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures including procedures suggested by the ~~P.O.T.W.~~ **POTW** or other parties approved by the administrator.
- (2) Such tests as are herein specified shall be determined upon representative samples taken at the control manhole provided for in division (B)(54) above. ~~In the event that.~~ **If** no manhole has been required, the control manhole shall be ~~considered to be~~ the nearest downstream manhole in the sanitary sewer **for local limit sampling only.**
- (3) Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval of the ~~P.O.T.W.~~ **POTW**. The user shall have the option to use, at his or her own expense, ~~more complete~~ **additional EPA approved** sampling methods, locations, times, durations, and ~~frequencies than specified~~ **frequencies specified** by the ~~P.O.T.W.~~ **POTW**.
- (4) Measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall be performed by a qualified laboratory approved by the city director. When such analyses are required of a user, the user may ~~make arrangements~~ **decide** with the ~~P.O.T.W.~~ **POTW**, or any other qualified laboratory, including that of the user, to perform such analyses.
- (5) Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted **based**

on the basis of a schedule established by EPA **semi-annual frequency** unless more frequent monitoring is required by the city director. The ~~P.O.T.W.~~ **POTW** may, in its judgment, determine that the characteristics of the specific discharge warrant a more stringent frequency of monitoring and require additional monitoring and analysis in a permit to discharge ~~in a manner not inconsistent with Best Management Practices (BMPs), as outlined in similar regulations established by the EPA and the State of Michigan.~~

- (6) Upon demonstration by any user that the characteristics of the wastewater discharged by that user are consistent, the ~~P.O.T.W.~~ **POTW** may reduce the established monitoring frequency, except in no case shall the frequency of monitoring be less than semi-annual for the determination of compliance with pretreatment standards.
- (7) In determining discharge characteristics, factors such as continuous or batch, seasonal operation and the information or requirements of other provisions of this chapter shall be considered by the ~~P.O.T.W.~~ **POTW**. The ~~P.O.T.W.~~ **POTW** may obtain wastewater samples as required to verify the consistency of discharge characteristics.
- (8) Fees for any given measurement, test, or analyses of wastewater required by this chapter and performed by the ~~P.O.T.W.~~ **POTW** shall be the same for all users, regardless of the quantity or quality of the discharge and shall reflect direct and indirect costs. Costs of analysis performed to determine compliance with pretreatment standards shall be borne directly by the user.
- (9) Sampling for daily average or daily maximum shall be 24-hour flow proportioned composite samples, ~~except that a minimum of four grab samples shall be taken in lieu of a 24-hour flow proportioned composite sample for a single day for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of four grab samples may be used in lieu of the flow proportioned sample if the user demonstrates to the city, director that representative samples will be obtained.~~ **unless time-proportional composite sampling or grab sampling is authorized by the Authorized Representative. Where time-proportional composite sampling or grab sampling is authorized by the POTW the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:**
 - for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;
 - for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the POTW, as appropriate.

In addition, grab samples may be required to show compliance with Instantaneous Limits. The Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements. For new CIU facilities with historical sampling data, the use of historical sampling data may be used to supplement BMRs and 90-day reports.

(D) *Self-monitoring.*

- (1) Any user who discharges wastewater subject to the requirements of this chapter may be required to provide self-monitoring for determination of continuing compliance. The frequency of monitoring, including sampling and reporting shall be determined by the ~~P.O.T.W.~~ **POTW** and specified in a permit ~~to discharge~~ **PTD**.
- (2) The date when a sample is taken, start time, stop time, sample location, sampler programming information, and persons involved in the sampling shall be recorded by the user if the user is self-monitoring.
- (3) Flow measurements shall be taken to record the daily discharge volume.
- (4) All analytical results for each calendar month shall be submitted to the ~~P.O.T.W.~~ **POTW** by the fifteenth day of the following month. **The results shall be provided to the POTW by informal submission via email. Monthly sampling data will be required to be submitted formally in a semi-annual periodic compliance report that is signed and certified by an authorized representative.**
- (5) A user who is performing self-monitoring shall contract with an independent company to maintain, repair, and calibrate the sampling and flow measurement equipment and instruments used to monitor that user's discharge. The maintenance, repair and calibration shall be performed as necessary so that monitoring data is accurate and representative, but in no case less frequently than twice in a calendar year at reasonable intervals. The city may inspect and test a user's monitoring equipment at reasonable times. The user shall maintain complete records of equipment maintenance.
- (6) Users may **specifically** request not to perform self-monitoring, in which case the city, at its discretion, may agree to obtain samples using composite flow proportioned sampling or may contract with an independent firm for the sampling. The user shall pay a sampling fee to the city to fully reimburse the city for the sampling, including administrative and overhead costs. If the city contracts with an independent firm for the sampling, the user shall fully reimburse the city for amounts paid by the city to the firm. ~~It is the user's sole responsibility to provide self-monitoring.~~ The city will use its own discretion in determining whether or not to take on the burden of self-monitoring if requested, otherwise, it is the user's sole responsibility to provide self-monitoring.
- (7) Samples shall be analyzed at the sole cost of the user. If a user does its own sampling or causes its samples to be taken, then the user shall submit the

samples to a laboratory, which may be the user's own laboratory, approved by the city director, for analysis. If the user utilizes its own laboratory, that user shall send a split sample to an independent laboratory, at a frequency determined by the ~~P.O.T.W.~~ **POTW**, as a quality control check. If a user does its own sampling and/or analyses, the city may also take and have analyzed up to four daily composites or up to four grab samples per day for four days at the sole cost of the user in any calendar month. If the city takes the samples, the city, at its sole discretion, may analyze the samples at its own laboratory or ~~contract with an independent laboratory for the analyses.~~

- (8) **If sampling performed by an IU indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the IU, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:**

(1) The Control Authority performs sampling at the IU at a frequency of at least once per month; or

(2) The Control Authority performs sampling at the IU between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(E) *Reporting requirements.*

- (1) ~~The P.O.T.W.~~ **POTW** may require any ~~industrial user~~ **SIU** to submit periodic reports which shall include information on the quality and quantity of wastewater and pollutants discharged to the ~~P.O.T.W.~~ **POTW**. The report shall include the volume of wastewater and concentration of pollutants and be related to pretreatment standards as shall be required by the ~~P.O.T.W.~~ **POTW**. The names of all ~~persons~~ **people** responsible for operating and maintaining any pretreatment, equipment, pretreatment process, or responsible for wastewater management at the user's facilities shall be listed in the report with a brief description of each person's duties. The ~~P.O.T.W.~~ **POTW** may also require additional information from the users as to materials or substances which may cause interference or pass through.
- (2) Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision is made upon a category determination submission under § 403.6(a)(4), whichever is later, existing ~~industrial users~~ **IUs** subject to the categorical pretreatment standards and currently discharging or scheduled to discharge to the ~~P.O.T.W.~~ **POTW** shall be required to submit a ~~report~~ **BMR** to the ~~P.O.T.W.~~ **POTW** which contains the information listed in divisions (E)(4)(a) through (g) below.

- (3) At least 90 days prior to commencement of discharge, new sources and sources that become ~~industrial users subsequent to IUs~~ **after** the promulgation of an applicable categorical standard, shall be required to submit to the ~~P.O.T.W.~~ **POTW** a report which contains the information listed in divisions (E)(4)(a) through (e) below. New sources shall also be required to include in this report information on the method of pretreatment the user intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in divisions (E)(4)(d) and (e) below.
- (4) Informational requirements for submittal of required **categorical** reports **noted in (2) and (3) above**.
- (a) The user shall submit the name and address of the facility including the name of the operator and owners.
 - (b) The user shall submit a list of any environmental permits held by the facility.
 - (c) The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by the ~~industrial user IU~~. This description shall include a schematic process diagram which indicates points of discharge to the ~~P.O.T.W.~~ **POTW** from the regulated process.
 - (d) The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the ~~P.O.T.W.~~ **POTW** from regulated process streams and other streams as necessary to allow the use of the combined ~~wastestream~~ **waste stream** formula. The ~~P.O.T.W.~~ **POTW** may allow for verifiable estimates of these flows when justified by cost or feasibility considerations.
 - (e) The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants from each regulated **categorical** process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations and sampling shall be performed in accordance with division (C)(1) of this section.
 - (f) A statement, reviewed by an authorized representative of the user, as defined in division (F) of this section, and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet applicable pretreatment standards and requirement.
 - (g) If additional operation and maintenance or pretreatment will be required to meet pretreatment standards, the shortest feasible schedule by which the user will provide the pretreatment shall be developed and submitted to the ~~P.O.T.W.~~ **POTW**. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment

standard. The following conditions shall apply to the contents of the compliance schedule.

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment.
 2. No increment shall exceed nine months.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the ~~P.O.T.W.~~ **POTW** including at a minimum whether or not it complied with the increment of progress, and if not, the date on which it expects to comply with this increment, the reason for delay, and the steps being taken by the user to return the construction to the established schedule. In no event shall more than nine months elapse between the progress reports to the ~~P.O.T.W.~~ **POTW**.
- (5) ~~Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of new sources following the commencement of the introduction of wastewater into the P.O.T.W. any user subject to pretreatment standards and requirements shall submit a report containing the information described in divisions (E)(4)(d) through (f) above.~~
- (6) ~~Any user subject to categorical pretreatment standards~~ **categorized as a SIU**, after the compliance date of the pretreatment standard, shall submit to the ~~P.O.T.W.~~ **POTW** during the months of June and December unless required more frequently, a report indicating the nature and concentration of pollutants in the effluent. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. **In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. The User shall submit hard copies of the report to the POTW via mail or hand delivery and date stamped upon receipt. In addition to hard copies provided by mail or hand delivery, a digital copy of the report is acceptable as well as a fax of the report to the POTW.**
- (76) All industrial users shall notify the ~~P.O.T.W.~~ **POTW** immediately of **any substantial change in the volume or character of pollutants in their discharges** of all discharges that could cause problems to the ~~P.O.T.W.~~ **POTW**, including any slug discharges.
- (8) ~~Significant non-categorical industrial users shall submit to the P.O.T.W. at least once every six months (on dates specified by the P.O.T.W.) a description of the nature, concentration and flow of the pollutants required to be reported by the P.O.T.W.~~

- (97) The reports required in this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. All analysis shall be performed in accordance with division (C) ~~above~~ (1), (2), and (4).
- (40) ~~8~~ If sampling performed by a user indicates a violation, the user shall notify the ~~P.O.T.W.~~ **POTW** within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the ~~P.O.T.W.~~ **POTW** within 30 days after becoming aware of the violation.
- ~~(11) The city shall notify~~ **Where the user that Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required to submit reports. if:**
- ~~(12)~~ (1) **The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or**
- (2) **The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.**
- (9) **The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. In addition, grab samples may be required to show compliance with Instantaneous Limits. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved**

EPA methodologies may be authorized by the Control Authority, as appropriate.

(10) Each user that has been notified of its obligation to submit reports shall file an initial report within ~~60~~**90** days from the date the notice is served upon the user- **containing the information listed in 52.18(E)(3).**

~~(13)~~**11** Each user, so notified by the city director, ~~may~~**will** be required to file **informal** monthly reports by the fifteenth day of the month for the preceding month.

~~(14)~~ **12** If any user subject to categorical limits, **or any user categorized as a SIU,** monitors, in accordance with approved methods, any pollutant more frequently than required by the ~~P.O.T.W.~~ **POTW**, the results of that monitoring shall be included in the periodic compliance reports.

~~(15)~~**13** All users shall promptly notify the **POTW** in advance of any- substantial change in the volume or character of pollutants in its discharge, including the hazardous wastes for which the user has submitted initial notification in accordance with division (J) below. **SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.**

(14) Reporting requirements for IUs not subject to categorical Pretreatment Standards.

- 1. The Control Authority must require appropriate reporting from those IUs with Discharges that are not subject to categorical Pretreatment Standards. Non-categorical SIUs must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.**
- 2. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR part 136 of this chapter and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the non-categorical SIU.**

(F) Signatory requirements. All reports required in this chapter shall be signed as follows:

- ~~(1) By a responsible corporate officer, if the user submitting the reports is a corporation; (A responsible corporate officer means a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions of the corporation; or the~~ **The** manager of one or more

manufacturing, production, or operating facilities ~~employing more than 250 persons~~, **if, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where** authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship respectively;
- (3) By a duly authorized representative of the individual designated in this section if:
 - (a) The authorization is made in writing by the individual described in divisions (F)(1) and (2) above;
 - (b) The authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of general manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the city director.
- (4) If an authorization under division (F)(3) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of division (F)(3) above must be submitted to the city director prior to or together with any reports to be signed by an authorized representative.
- (5) The submission of any report(s) required under a permit to discharge or any provision of this chapter shall include the following certification statement as set forth in 40 C.F.R. **CFR** § 403.6(a)(2)(ii):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (G) *Notice of exceedance.* All users shall promptly notify the city, as soon as possible, of a discharge which exceeds a limit in this chapter: **no later than 24 hours after becoming aware of the violation (or exceedance).**
- (H) ~~*Notice Reports of significant user status*~~ **Changed Conditions.** All users shall notify the city of a change in discharge which may convert the user into a significant industrial user: **at least 90 days before the change.** Where a change in discharge may convert the user into a significant industrial user, ~~such user~~ **the POTW** shall ~~promptly submit an application~~ **notify the User to apply** for a permit to discharge to the ~~P.O.T.W.~~ **POTW.**
- (I) *Emergency or accidental discharges.* All users shall report to the ~~P.O.T.W.~~ **POTW** as soon as possible any discharges which are known to exceed the limits established by this chapter, in a permit to discharge, in any other special agreement, ~~in a F.O.P.S.,~~ or in any other applicable law or regulation.
- (1) The notice shall be given in advance whenever possible and contain available information regarding the intended or accidental discharge, volume, duration, constituents, loading and concentrations, and such other available information as may be necessary to determine the impact such discharge may have on the ~~P.O.T.W.~~ **POTW.**
 - (2) The following is the emergency contact point which may be used to convey such information:
 - (a) Normal office hours: city director.
 - (b) After normal office hours: ~~city's police department.~~ **after hours emergency number.**
- (J) Notification regarding wastes which are otherwise hazardous. Any user that discharges to the ~~P.O.T.W.~~ **POTW** any substance which, if disposed of other than by discharge to the ~~P.O.T.W.~~ **POTW**, would be a hazardous waste under 40 ~~C.F.R.~~ **CFR** § 261 or under the rules promulgated under the Michigan Hazardous Waste Management Act ("Michigan Rules") shall notify the city director, the ~~U.S.E.P.A.~~ **USEPA** Region V waste management division director, and the chief of the waste management division of the ~~M.D.N.R.~~ **DNR** of the discharge. The notice shall be given within 180 days after the discharge first occurs. The notice shall be in writing and shall include the **EPA hazardous waste number along with the name** of the hazardous waste set forth in 40 ~~C.F.R.~~ **CFR** § 261 or the Michigan rules and the type of discharge (continuous, batch, or other). **An IU is exempt from notification under this subsection during a calendar month in which the user discharges no more than 15 kilograms of hazardous waste unless the waste are acute hazardous waste as specified in 40 CFR § 261.30(d) and 261.33(e).** In the case of a new regulation which first regulates a substance as a hazardous waste after the effective date of this chapter, notification under this division shall be made within 90 days of the effective date of the regulation. In any notice submitted under this division, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous **waste generated to the degree the user has determined to be economically practical.** If the user discharges more than 100

kilograms of the waste per calendar month to the ~~P.O.T.W.~~ **POTW**, the notice shall also contain the following information to the extent the information is known and readily available to the user:

- (1) An identification of the hazardous constituents contained in the wastes;
- (2) An estimation of the mass and concentration of the constituents in the discharge during that calendar month; and
- (3) An estimation of the mass of constituents expected to be discharged during the following 12 months. Notification under this division must be submitted once for each hazardous waste discharged. Notification under this division is not required for pollutants already reported under self-monitoring by industrial users under F.C.P.S. reporting requirements. ~~An industrial user is exempt from notification under this subsection during a calendar month in which the user discharges no more than 15 kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 C.F.R. § 261.30(d) and 261.33(e).~~ **IUs under FCPS reporting requirements.** wastes generated to the degree the user has determined to be economically practical.

(K) *Confidentiality*. The following confidentiality provisions shall apply:

- (1) All information and data submitted to the ~~P.O.T.W.~~ **POTW** relating to matters regulated in this chapter are presumed not to be confidential. Information submitted by a user shall be clearly marked on each page as to the portion or portions considered by the user to be confidential and accompanied by a written explanation of why the user considers the information confidential. Mere marking of the page as "confidential" does not necessarily mean that the information on that page must be kept confidential.
- (2) Information furnished to the ~~P.O.T.W.~~ **POTW** on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged into the ~~P.O.T.W.~~ **POTW** shall be available to the public or other governmental agency without restriction. When requested by the a user furnishing information, the portions of the information submitted which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the ~~N.P.D.E.S.~~ **NPDES** permit, state disposal system permit and/or pretreatment programs; provided, however, all such information shall be available for use by the state and any state agency or the city in judicial review or enforcement proceedings involving the user furnishing the information. The city shall notify a user, who has requested and is entitled to confidentiality for information furnished by the user to the city, that the city has sent the confidential information to another governmental agency that has made a written request for it.
- (3) Where a user has mass-based limits as allowed by certain categorical-pretreatment standards on a production basis, the production data necessary to determine compliance must also be provided by the user to the city and be available to the public. Where application of the combined waste stream

formula is necessary to apply categorical pretreatment standards to a user, the flow measurements and other data used in the calculation must be provided to the city, and be available to the public.

~~(4) Observations made by P.O.T.W. inspectors are subject to the confidentiality provision of this section as if they were in writing if the user specifies in writing to the city the observations made by the P.O.T.W. inspector for which the user seeks confidentiality.~~ **(4) If the user seeks confidentiality for observations made during site inspections, then that user shall provide a request for confidentiality in writing to the POTW. That user shall provide a written explanation as to why areas are confidential and shall not be available to the public.**

(L) *Records retention.* Any non-residential user subject to the sampling, analysis or reporting requirements of this chapter, including reports under 40 C.F.R. **CFR** § 403.12, as amended, shall maintain copies of the reports and records pertaining to those reports. The reports and records shall be retained by the user, and by the city if the reports and records have been submitted to the city, for at least three years. This period shall be extended during the course of any unresolved litigation regarding the discharges of the user or the P.O.T.W. **POTW** pretreatment program or when requested by the city director, the state director, or **U.S.E.P.A EPA**. All non-residential users who have records regarding their generation, treatment, storage, or disposal of hazardous waste, or solid waste shall maintain the records for the period and make them available to the city for inspection and copying, subject to the provisions contained in division (K) above regarding confidential information. The terms "hazardous waste" and "solid waste" shall have the same definition as provided in the Michigan Hazardous Waste Management Act, as amended, and rules promulgated thereunder. **Such records shall include the following for all samples:**

- (1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;**
- (2) The dates analyses were performed;**
- (3) Who performed the analyses;**
- (4) The analytical techniques/methods use; and**
- (5) The results of such analyses.**

(Prior Code, § 27-25) (Ord. 94-1, passed 3-7-1994)

Sec. 52.19 Permits to discharge.

(A) *Control through permit to discharge.* The P.O.T.W. **POTW** shall control through the issuance of a ~~permit to discharge (P.T.D.), PTD~~, the contribution to the P.O.T.W. **POTW** by industrial users **IUs** to ensure compliance with applicable pretreatment standards and requirements.

(B) *Permit application.* In accordance with the provisions of section 52.05(C)(3), a determination ~~A decision~~ concerning the need for a permit to discharge (P.T.D.) **PTD** will be made by the P.O.T.W. **POTW** for each non-residential connection to the P.O.T.W. **POTW**. The P.O.T.W. **POTW** shall provide forms and receive application for a P.T.D. **PTD** from all users subject to the provisions of this chapter.

- (1) The P.O.T.W. **POTW** shall identify and locate all possible existing users which may be subject to these rules and regulations.
- (2) Each existing or new nonresidential user shall file a nonresidential user survey form for each connection to the sanitary sewer. If determined applicable users shall, within 60 days following notification by the P.O.T.W. **POTW** file an application for a P.T.D. **PTD**.
- (3) The P.O.T.W. **POTW** shall attempt to notify all existing industrial users **IUs** of the requirements and provisions of this chapter, including permitting requirements, within 60 days following adoption of this chapter.
- (4) The application for a P.T.D. **PTD** shall contain such information as determined necessary by the P.O.T.W. **POTW** and shall include a statement of pollutants expected in wastewater discharged to the P.O.T.W. **POTW**. A new application showing updated information shall be filed for each renewal of a P.T.D. **PTD**.
- (5) The P.O.T.W. **POTW** shall act on all applications within 60 days. If the P.O.T.W. **POTW** issues a request for further information within the stated time, the P.O.T.W. **POTW** shall have 30 days in which to act after receipt of receiving all requested information.

~~(C) Permit conditions.~~

~~(1) P.T.D.s~~ **(C) Permit application contents.** All users required to obtain an individual wastewater discharge permit must submit a permit application. The authorized representative may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying information
 - (a) The name and address of the facility, including the name of the operator and owner;
 - (b) Contact information, description of activities, facilities, and plant processes on the premises.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of operations.
 - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.;

- (b) Types of waste generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges.
- (5) The location for monitoring all waste covered by the permit.
- (6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow of the combined waste stream formula set out in 40 CFR 403.6(e).
- (7) Measurement of pollutants.
- (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources;
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by POTW, of regulated pollutants in the discharge from each regulated process;
 - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 52.18 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the POTW or the applicable Standards to determine compliance with the Standard;
 - (e) Sampling must be performed in accordance with procedures set out in the Regulations section of this ordinance.

(D) *Permit conditions.*

- (1) **PTDs** may be issued with conditions for compliance and stipulated schedules for achieving compliance. ~~P.T.D.s~~ **PTDs** may alternatively require the user to submit (within 30 days of issuance of a conditional ~~P.T.D.~~) **PTD**) a schedule(s) for achieving compliance.

- (2) Permittees shall furnish to the ~~P.O.T.W.~~ **POTW** as required by permit conditions, compliance data reports, compliance progress reports, periodic compliance reports and reports on changes in process that affect the strength or content of wastewater discharges. Reports shall conform to section 52.18(E) or permit conditions, whichever is more stringent.
- (3) The permit to discharge **PTD** issued by the ~~P.O.T.W.~~ **POTW** shall contain, at a minimum, the following conditions:
 - (a) Statement of duration that **shall not be more than five years from date of issuance**;
 - (b) Statement of non-transferability;
 - (c) Effluent limits based on applicable general pretreatment standards **including Best Management Practices**, categorical pretreatment standards, local limits and state and local law;
 - (d) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location and sample type; and
 - (e) Statement of applicable civil and criminal penalties for violations--;=
 - ~~(D)~~(f) **Requirement to control slug discharge, if determined by the POTW to be necessary; and**
 - (g) **Statement of issuance date, expiration date, and effective date; and**
 - (h) **Requirement to control slug discharge, if determined by the POTW to be necessary.**
- (E) *Permit term.* A permit to discharge shall be issued for a term not to exceed five years. The city director may issue the permit for a shorter period. A permittee shall apply for reissuance of a permit by submitting a complete application at least 90 days prior to the expiration of the existing permit. If a permittee complies with the preceding sentence, the existing permit shall continue until final action is taken by the city director on the application for renewal.

~~(E)~~(F) *Permit modification.*

- (1) The city director shall have the right to amend any permit issued hereunder in order to:
 - (a) Assure compliance by the ~~P.O.T.W.~~ **POTW** with applicable laws, regulations, and the ~~P.O.T.W. N.P.D.E.S.~~ **POTW NPDES** permit;
 - (b) Account for substantial changes in discharges by the user;
 - (c) Account for new information concerning the pollutants discharged by the user;
 - (d) Reflect changes in federal or state laws and regulations or in city ordinances;

- (e) Account for any operational changes at the ~~P.O.T.W.~~ **POTW** that, as determined by the city director, require the revision of the permit; or
 - (f) Modify or terminate any special agreement provision contained in a permit.
 - (2) The user shall be informed of any changes in the permit at least 30 days prior to the effective date of change unless a shorter time is necessary to meet applicable law or to protect human health or the environment.
- (FG) *Permit fees.* ~~Significant industrial users~~ **SIUs** shall pay a fee for a permit to discharge **PTD** to the city in amounts to reimburse the city for its costs of processing the application, in administering the permit once it has been issued, and in processing renewal application. These fees shall be established by the city council by resolution.
- (GH) *Permit revocation.*
- (1) The city director may revoke a permit during its term or deny a permit renewal if:
 - (a) The permittee has failed to comply with any condition of the permit;
 - (b) The permittee fails, in the permit application or during the permit issuance process, to disclose fully all relevant facts or the permittee misrepresents any relevant fact at any time;
 - (c) The city director determines that the permitted discharge endangers human health or the environment and the threat can only be abated by revocation of the permit;
 - (d) A change in any condition that requires either a temporary or permanent reduction or elimination of the discharge;
 - (e) The permittee is in default, after having received written notice of the default, in the payment of fees or other amounts owed to the city related to wastewater matters; and
 - (f) Non-compliance by the permittee with any provision of this chapter.
 - (2) Upon revocation of its permit, a user shall immediately terminate its discharge to the ~~P.O.T.W.~~ **POTW**.
- (HI) *Compliance with permit.* A user shall comply with all of the provisions of its permit. A violation of any provision of a permit is a violation of this chapter, subject to the penalty, damage and other enforcement provisions of this chapter.
- (IJ) *Transferability.* ~~P.T.D.s~~ **PTDs** are issued to a specific user for a specific operation at a specific location and are not assignable to another user or transferable to any other location. This provision shall not apply to minor changes in stock ownership, but shall apply to mergers, sales, or other events in which the corporate name or identity is changed. **Transfer of a permit is allowed if the holder notifies the city 30 days prior to transfer and is approved by the Authorized Representative. The notice must include:**

- (1) A statement that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(Prior Code, § 27-26; Ord. 94-1, passed 3-7-1994)

Sec. 52.20 Spill prevention.

- (A) The ~~P.O.T.W.~~ **POTW** must be protected against the uncontrolled discharge of pollutants including any slug discharge. To achieve this goal, the ~~P.O.T.W.~~ **POTW** has adopted a spill prevention program in which the ~~P.O.T.W.~~ **POTW** and industrial or Class III users or users who are storers of hazardous or toxic materials, as defined in 40 ~~C.F.R.~~ **CFR** §§ 261 et seq. or listed in ~~M.D.N.R.'s~~ **the DNR's** Critical Materials Register, shall cooperate to establish adequate spill prevention control measures.
- (B) The ~~P.O.T.W.~~ **POTW** may require the submittal and implementation of a spill and slug discharge prevention plan conforming to applicable state, federal, or local requirements as a stipulation of any permit issued to any industrial user. ~~IU.~~ A pollution incident prevention (~~P.I.P.~~) plan **PIPP**, approved by ~~M.D.N.R.~~ **the DNR**, may be accepted by the ~~P.O.T.W.~~ Industrial users **POTW for IUs** with identified spill prevention needs **requirements and** shall apply for a permit **include spill prevention information relevant to the User's PTD to the POTW. The spill and slug discharge from the P.O.T.W. prevention plan and PIPP may be combined into one plan. The required elements of the spill and slug discharge prevention plan are covered in section 52.20(F).**
- (C) Employees of the ~~P.O.T.W.~~ **POTW** may enter onto the premises of any industrial user during reasonable hours to inspect for potential of uncontrolled discharges or for inspection of spill prevention facilities. Employees of the ~~P.O.T.W.~~ **POTW** may enter such premises at any hour during or following any emergency or suspected spill for purposes of inspection of spill prevention facilities. The inspection may be announced or unannounced.
- (D) Spill prevention facilities shall **always** be maintained in good repair and in operable condition ~~at all times~~ at the expense of the user.
- (E) The ~~P.O.T.W.~~ **POTW** shall prepare a spill response program including a spill response manual.
- (F) The ~~P.O.T.W.~~ **POTW** shall evaluate each significant industrial user **SIU** at least once every two years and other industrial users **IUs** as necessary, to determine whether the user needs a plan to control slug discharges. If the ~~P.O.T.W.~~ **POTW**

decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the ~~P.O.T.W.~~ **POTW** of slug discharges, including any discharge that would violate a prohibition under section 52.15, with procedures to follow-up, including written notification, within five days; **and. Written follow-up report shall include, at a minimum, the location of discharge, type of waste, concentration, and volume, if known, and corrective actions taken;** and
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
- (G) In the case of accidental discharge, it is the responsibility of the user to inform the ~~P.O.T.W.~~ **POTW** immediately, including any slug discharges by the user. Where the information is given orally, a written follow-up report thereof shall be filed by the user with the ~~P.O.T.W. within five days.~~ **POTW within five days. Written follow-up report shall include, at a minimum, the location of discharge, type of waste, concentration, and volume, if known, and corrective actions taken.**

(Prior Code, § 27-27; Ord. 94-1, passed 3-7-1994)

Sec. 52.21 Surcharges.

(A) Imposition of surcharges.

- (1) Any users discharging waters or wastes conforming to the limitations of sections 52.15 and 52.17, and exceeding only the limitations of ~~this section outlined~~ regarding biological oxygen demand (B.O.D.), suspended solids (~~S.S.~~) **BOD, SS, ammonia**, and phosphorous (~~P~~), may be allowed, at the discretion of the ~~P.O.T.W.~~ **POTW** to discharge the waste into a sanitary sewer. The users shall be charged for the treatment of extra-strength wastewater according to the following formula:

Total Charges = (M1)V + (M2)~~B.O.D.~~ **BOD** + (M3)~~S.S.~~ **SS** + (M4)P+ **(M5)NH3** + Meter Charge

(2) Where:

- (a) V = Volume of waste in million gallons.
- (b) ~~B.O.D.~~ **BOD** = Pounds of BOD in excess of the local limit. **surcharge threshold.**

- (c) ~~S.S.~~ **SS** = Pounds of suspended solids in excess of the ~~local limit.~~ **surcharge threshold.**
 - (d) P = Pounds of total phosphorus in excess of the ~~local limit.~~ **surcharge threshold.**
 - (e) **NH3 = Pounds of total ammonia in excess of the surcharge threshold.**
 - (f) Meter charge = As provided for in the rate resolution as adopted by the city.
- (3) The multiplying constants (M1, M2, M3, M4) shall be calculated annually.
 - (4) Billings will be rendered on a monthly or quarterly basis.
 - (5) The volume will be actual as metered. Loadings of ~~B.O.D., S.S.~~ **BOD, SS, ammonia, and Pphosphorus** will be actual as calculated from the analysis taken during the preceding month(s).
- (B) *Monitoring, reporting and billing.* Users shall be required to submit regular reports to the ~~P.O.T.W. relative~~ **POTW related** to the discharge of their waste. The reports shall contain such information as strength of ~~B.O.D., S.S., P~~ **BOD, SS, phosphorus**, pH, volume discharged and other data that might be required by the ~~P.O.T.W. POTW.~~ **POTW.** This data may be used for the basis for billing under the above formula; however, the ~~P.O.T.W. POTW~~ at their discretion, may conduct analysis of representative samples taken by the ~~P.O.T.W. POTW~~ as means of verifying the results as submitted, and the ~~P.O.T.W. POTW~~ may use their own results of analysis for billing purposes. The type of equipment, methods, and frequency used for metering, sampling, and analysis shall be subject to approval of the ~~P.O.T.W. POTW.~~ **POTW.**
- (C) *Pretreatment required.* When plant loadings approach the design capacity of the ~~P.O.T.W. POTW~~ to receive and treat ~~B.O.D., S.S.~~ **BOD, SS, and Pphosphorus**, pretreatment may be required of ~~industrial users IUs~~ unless additional capacity is added to the ~~P.O.T.W. POTW.~~ **POTW.**

ENFORCEMENT

Sec. 52.35 Powers of the city director.

The city director is hereby empowered to either directly or through others:

- (A) Supervise the implementation and enforcement of this chapter;
- (B) **Go upon any land for the purpose of making surveys for sewers, sewer systems, sewage disposal plants or pumping plants, or for rights-of-way or other property rights, or periodic inspections and monitoring to determine compliance required for the sewers, sewer systems, sewage disposal plants and pumping plants.**
- (C) Institute administrative actions against all users violating this chapter and, with the city attorney, institute necessary legal proceedings to prosecute violations

of this chapter and compel the prevention and abatement of violations of this chapter, any regulations promulgated thereunder or nuisances arising therefrom;

- (~~CD~~) Review the plans for pretreatment equipment submitted by users;
- (~~DE~~) Conduct inspections and tests of existing and newly installed, constructed, reconstructed, or altered pretreatment equipment to determine compliance with provisions of this chapter;
- (~~EF~~) Investigate complaints of violations of this chapter, conduct inspections, make observations of discharges and record such investigations, complaints, inspections, and observations;
- (~~FG~~) Issue orders requiring compliance with this chapter;
- (~~GH~~) **Issue civil infractions** ~~Impose civil penalties~~ for violations of this chapter;
- (~~HI~~) Recommend to the city attorney the initiation of proceedings in a court of competent jurisdiction to compel compliance with the provisions of this chapter or any determination or order which may be promulgated or issued pursuant to this chapter; and
- (~~IJ~~) Perform other actions, ~~including emergency suspension of service~~, necessary or advisable for the management and operation of the ~~P.O.T.W.~~ **POTW** and the enforcement of this chapter and other applicable laws and regulations, **including revocation of a permittee's permit and termination of a permittee's service.**

(Prior Code, § 27-29; Ord. 94-1, passed 3-7-1994)

Sec. 52.36 Fees, charges and penalties.

- (A) The city director shall establish fees, charges, and penalties appropriate to provisions of this chapter.
- (B) The city may recover any costs associated with the administration, operation, and/or enforcement of provisions of this chapter from the users of the ~~P.O.T.W.~~ **POTW.**
- (C) Fees for ~~P.T.D.S.s~~ **PTD's** shall be collected from the applicant at the time application is made.
- (D) Fees and charges for services may be collected in advance from the user requesting services.
- (E) All fees and charges payable under the provisions of this chapter shall be immediately due and payable upon receipt of notice of the fees and shall be paid to the City of Marshall. Fees and charges unpaid for a period of 30 days from the date of the invoice or other notice of the charges shall accrue interest as may be established from time to time by the city. Failure to pay may result in a revocation of a ~~P.T.D.~~ **PTD.**

(Prior Code, § 27-30; Ord. 94-1, passed 3-7-1994)

Sec. 52.37 Administrative enforcement actions.

- (A) *Established procedures.* The ~~P.O.T.W.~~ **POTW** shall establish procedures to be followed in the event of non-compliance including notice of violation, establishing compliance schedules, show cause hearings, and proceedings. The procedures shall be in accordance with this chapter, the ~~P.O.T.W.~~ **POTW** 's industrial pretreatment program administrative compliance guidance manual and applicable state and federal regulations.
- (B) *Notice of violation.* Whenever the **POTW** finds any non-residential user has or is violating this chapter, ~~P.T.D.~~, PTD, or any limitation or condition for compliance, the ~~P.O.T.W.~~ **POTW** may serve such person a written notice stating the nature of the violation. Within the time stipulated in the notice, a plan for corrective action shall be submitted to the ~~P.O.T.W.~~ **POTW** by the user in accordance with the ~~P.O.T.W.'s~~ **POTW's** Industrial Pretreatment Program Administrative Compliance Guidance Manual.

(1) Notice may be served by either of the following:

- (a) Delivering the notice to a non-residential user personally; or**
- (b) Mailing the notice by first class mail to a non-residential user and posting the notice in some conspicuous place on the premises.**

(C) Orders to users.

- (1) Whenever the city director has determined that any user has violated this chapter or other applicable laws or regulations which the city is authorized to enforce, the city director may issue an order to take actions deemed appropriate by the city director under the circumstances.
- (2) The following types of orders may be issued by the city director:
- (a) *Compliance order.* An administrative order directing a user to achieve or restore compliance by a date specified in the order.
- (b) *Consent order.* An administrative order embodying a legally enforceable agreement between the ~~P.O.T.W.~~ **POTW** and a user designed to restore the user to compliance status.
- (c) *Cease and desist order.* An administrative order directing a user to halt illegal or unauthorized discharges.
- (d) *Show cause order.* An administrative order directing a user to appear before the city director or a hearing officer ~~in order~~ to explain its non-compliance and show cause why more severe enforcement actions should not be taken.
- (e) Permit revocation. An administrative order under Sec. 52.19, subsection G(3).**
- (3) Any order issued by the city director shall contain the facts and reasons and grounds for its issuance and the remedial action ordered as well as the time within which the action shall be taken. No such order shall be deemed

insufficient, however, for inconsequential errors and omissions in the facts and reasons and ground for the order. If any user deems the content of the order to contain insufficient information, it may ask the city director for additional information. Multiple orders may be issued simultaneously or in combination as a single order by the city director with respect to a single user.

(D) *Civil violations.*

- (1) *Civil citations.* The city director, **or designee**, may issue a civil citation with or without an order against any user deemed to be in violation of this chapter and determine the civil administrative penalty, if any, to be imposed consistent with the provisions of division (H)(4) below.
- (2) *Service.* The citation shall be served upon the user either by personal delivery or by first class mail addressed to such user, except that an immediate cease and desist order may be written or oral, and may be served by telephone. **In the event citations are delivered by oral and/or telephone, documentation of the event must be kept in the User's file in accordance with the ERP.**
- (3) *Content of citation.* The citation shall specify the following:
 - (a) Date and time of issuance;
 - (b) Date(s), time(s) and place(s) of violation, the nature of the violation, the substances discharged, where ~~ascertainable~~ **ascertainable** and the volume of the discharge, where applicable;
 - (c) Reference to the pertinent section of this chapter under which the violation is charged;
 - (d) Reference to the pertinent section of this chapter establishing penalties for the violation;
 - (e) The amount of the penalty, if any; and
 - (f) The right of the alleged violator to present to the city director written explanations, information or other materials in answer to the citation, including any defenses.
- (4) *Notice to municipality.* Any citation issued pursuant to this section upon any riser within the corporate limits of any contract municipality shall be served upon the municipality in the manner provided by division (D)(2) of this section and the municipality shall be given notice, also in the manner provided in division (D)(2) of this section, of all meetings, hearings and proceedings subsequently conducted pursuant to the citation.

- (E) *Informal conference.* An informal conference with the city director may be requested in writing by any user deeming itself aggrieved by any notice of violation, of other administrative enforcement action by the city director within five calendar days after the notice of the violation or notice of other enforcement action has been served upon the user. The purposes of the informal conference are to discuss the matter by which the user deems itself aggrieved and to attempt to reach a settlement of the matter agreeable to the user and the city. The city director is not

required to reach any conclusion or provide a decision ~~as a result~~ **because** of an informal conference. If such a request is received, the city director shall hold the informal conference within ten calendar days of receipt of the request. A user is not required to request or participate in an informal conference as a precondition to requesting and participating in a hearing under division (G) below, nor is a user required to request or participate in a hearing under division (G) below, as precondition to requesting and participating in an informal conference. If a hearing is held under division (G) below, the hearing is not an appeal from an informal conference **or appeal of the issuance of a citation or legal action.**

(F) *Show cause **violation** hearing.*

- (1) The city director may order any user who ~~causes or allows an unauthorized discharge to enter the P.O.T.W.~~ **has violated, or continues to violate, any provision of this ordinance, wastewater discharge permit, or any Order hereunder, or any other pretreatment Standard or Requirement** to show cause why proposed enforcement action shall not be taken. **Appeals of citations issued under subsection G(4) or court proceedings may not be heard under subsections (E) or (F).**
 - (a) This shall be accomplished by issuance of a written order as permitted by division (C)(2)(d) above, specifying the time and place of the hearing, the nature of the violation, reasons for taking the proposed action, the proposed enforcement action and directing the user to appear before the city to show cause why the proposed action should not be taken.
 - (b) Notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the user.
- (2) The city director may designate a hearing officer to:
 - (a) Issue notices regarding attendance and testimony of witness and production of evidence;
 - (b) Take evidence; and
 - (c) Transmit a report and transcript of the hearing together with evidence and recommendations to the city director.
- (3) All testimony must be given under oath and recorded verbatim.
- (4) After reviewing the transcripts and evidence, the city director may issue an order to the user requiring that specific corrective action be taken and specifying a time schedule for any such action. Further orders and directions may be issued by the city director as the city director shall deem appropriate.
- (5) **Appeal of Order to City Manager. The order shall contain proposed findings of fact, a proposed decision on each of the points raised by the user, and an explanation of the reasons for the proposed decision/order. The city manager shall review same and shall issue a final written decision on the matter within 15 days of receipt of the recommendation.**

A copy of the decision of the city manager shall be delivered personally or sent by first-class mail to the user.

- (6) Judicial review. Appeals of the decision of the city manager shall be made to a court of competent jurisdiction as provided by law.**

~~(G) Violation hearing.~~

- ~~(1) *Right to hearing.* A hearing before a hearing officer may be requested in writing by any user deeming itself aggrieved by any notice of violation, or other enforcement action, within 30 calendar days after the notice of violation or other enforcement action has been served upon the user. If an informal conference has not been requested by the user, the request for a hearing shall be made within 15 days of service of the notice or citation. A hearing fee of \$250.00 must accompany any request for a hearing filed under this section. If a hearing is not demanded within the time period provided herein, the action taken by the city director shall be deemed final. In the event the hearing is demanded, the action shall be suspended until the hearing is completed; provided, however, that, cease and desist orders issued pursuant to this chapter shall not be suspended.~~
- ~~(2) *Time.* The hearing shall be promptly scheduled to commence at the earliest practicable date, but not later than 30 days after receipt of the request unless extended by mutual written agreement.~~
- ~~(3) *Content for request for hearing.* Any written request for a hearing shall be signed by the user requesting the hearing or by a duly authorized officer, agent or attorney, shall be directed to the city director and shall contain the following:~~
- ~~(a) The name and address of the user requesting the hearing;~~
 - ~~(b) A copy of the notice of violation, order, or the notice of any surcharge, penalty, or action on a P.T.D.; **PTD**; and~~
 - ~~(c) A statement of the defenses and issues to be raised at the hearing.~~
- ~~(4) *Selection of hearing officer.* The city manager shall appoint the hearing officer who shall be a person who shall not be the city director or any person who shall be a direct subordinate of the city director.~~
- ~~(5) *Procedure for conduct of hearing.* Hearings on any notice of violation, order, notice of surcharge, penalty or action on a permit issued by the city director shall be conducted under the procedure set forth in this section.~~
- ~~(a) *Rules.* Hearings shall be informal and need not be conducted according to the strict technical rules relating to evidence and witnesses.~~
 - ~~(b) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation.~~
 - ~~(c) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence.~~

- ~~(d) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.~~
- ~~(e) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.~~
- ~~(f) *Rights of parties.* At the hearing, each party shall have the following rights:
 - ~~1. To call and examine witnesses on any matter relevant to the issues of the hearing;~~
 - ~~2. To introduce documentary and physical evidence;~~
 - ~~3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~
 - ~~4. To impeach any witness regardless of which party first called him or her to testify;~~
 - ~~5. To rebut adverse evidence; and~~
 - ~~6. To representation of his or her choice at his or her sole expense.~~~~
- ~~(g) *What may be noticed.* In reaching a decision, official notice may be taken either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of the state.~~
- ~~(h) *Inspection of the premises.* The hearing officer may inspect any building or premises involved in the hearing.~~
- ~~(i) *Record.* A record of the proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment by the requesting party of the costs of transcription.~~
- ~~(6) *Form of decision/decision of city manager.* The recommendation shall contain proposed findings of fact, a proposed decision on each of the points raised by the user, and an explanation of the reasons for the proposed decision. The city manager shall review same and shall issue a final written decision on the matter within 15 days of receipt of the recommendation. A copy of the decision of the city manager shall be delivered personally or sent by first class mail to the user.~~
- ~~(7) *Judicial review.* Appeals of the decision of the city manager shall be made to a court of competent jurisdiction as provided by law.~~
- ~~(8) *Costs.* If the city director's action is upheld by the city manager, then the user shall pay to the city all of the costs incurred by the city in holding the hearing, including, but not limited to, the fee or salary of the hearing officer, transcription and recording costs, and all of the city's costs or enforcement, including, but not limited to, the city's sampling and analytical costs. If the city director's action is partially upheld or is reversed, the city manager may apportion those costs between the city and the user in an equitable manner. Under the first two~~

~~sentences of this division, the user who has paid a \$250.00 hearing fee shall receive a credit for that amount but no refund of any part of the \$250.00 hearing fee shall be given. The user's liability of costs under this division, plus fines and penalties imposed on such user shall not exceed the maximum aggregate fines that could be imposed on the user under division (H)(7) of this section.~~

~~(H~~ **G**) *Violations, penalties, and remedies.*

- (1) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the ~~P.O.T.W.~~ **POTW**.
- (2) Falsifying information in applications for ~~P.T.D.s~~ **PTDs** or reports shall be considered grounds for criminal prosecution and shall be subject to the following:
 - (a) The provisions of 18 U.S.C. § 1001 relating to fraud and false statement;
 - (b) The provisions of § 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
 - (c) The provisions of § 309(c)(6) of the Act regarding responsible corporate officers.
- (3) Each and every day, or portion thereof, of any violation of this chapter by any user shall constitute a separate and new violation by the user and shall be punishable by the imposition of administrative, civil and/or criminal penalties as provided in this chapter.
- (4) **Any person or entity failing to comply with a notice of violation or order served in accordance with Chapter 52 shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine as follows: \$250.00 initial (first) violation, \$350.00 second violation, and \$500.00 third (or any subsequent) repeat violation within 12 months. City Council may revise the fine schedule by City Resolution.**

Repeat violations are determined based on the date of the commission of the violation. Municipal civil infraction violations are made payable at the City Municipal ordinance violation bureau. If the notice of violation is not complied with, City officials may institute the appropriate proceedings by issuance of district court civil infractions or other proceedings at law or in equity to restrain, correct or abate such violation. Such legal or court action shall serve as notice. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Jurisdiction shall rest in the State Courts of Calhoun County or federal court, as applicable.

~~Any user violating any provision of this chapter, a permit to discharge or any order as provided for in division (C) above is subject to a civil administrative penalty to be determined and assessed by the city director not to exceed \$500.00 per day per violation. The city director, in calculating the amount of the penalty, shall consider the frequency of the violations by the user, the impact on the P.O.T.W. **POTW** and human health and the environment of the violation, the magnitude of the violation, and other factors deemed appropriate by the city director.~~

- (5) Violations of this chapter, a permit to discharge, or of any order as provided for in division (C) above are hereby declared, to be a public nuisance.
- (6) The city director, is hereby empowered, with the city attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this chapter, a permit to discharge, or any order as provided for in division (C) above. The city director may seek temporary or permanent injunctive relief, damages, penalties, costs and such other relief as a court may order.
- (7) In any action brought by the city against any person or user for violation of this chapter, a permit to discharge or any order as provided for in division (C) above, a court of competent jurisdiction may impose, in addition to the relief permitted under division (H)(6) above, a civil penalty of up to \$500.00 per day per violation.
- (8) Any person or user who violates any provision of this chapter, a ~~permit to discharge~~ **PTD**, or any order as issued under this chapter, shall be guilty of a misdemeanor, **except as designated a civil infraction.** ~~punishable as provided in section 10.99.~~ In addition, as part of any criminal proceeding, the city shall have, the right to seek restitution for the cost of repair or replacement of damage to the P.O.T.W. **POTW** caused by the person or user charged with violating any of the provisions of this chapter, a ~~permit to discharge~~ **PTD**, or any order as issued under this chapter.
- (9) The imposition of a single penalty, fine, order, damage, or surcharge upon a user for a violation of this chapter, a ~~permit to discharge~~ **PTD** or any order issued under this chapter shall not preclude the imposition by the city or a court of competent jurisdiction of a combination of any or all of such sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, judicial, or city administrative proceeding, conference or hearing regarding the user.
- (l) *Publication of significant violators.* The P.O.T.W. **POTW** shall publish, once per year in the largest daily newspaper in the city, a public notice of users which, at any time during the previously 12 months were in significant non-compliance of federal,

state, or city pretreatment standards or requirements, as defined in section 52.02 and in accordance with 40 ~~C.F.R.~~ **CFR** § 403.8(f)(2)(viii).

- (J) *Affirmative defenses.* A user shall have an affirmative defense in: any action brought against it alleging a violation of this chapter where the user can demonstrate that:
- (1) It did not know or have reason to know that its discharge alone or, in conjunction with a discharge or discharges from other sources, would cause pass through or interference;
 - (2) A local limit designed to prevent pass through or interference was developed for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with the limit directly prior to and during the pass through or interference; or
 - (3) If a local limit designed to prevent pass through or interference has not been developed for the pollutants which caused the pass through or interference, the user's discharge prior to and during the pass through or interference did not substantially change in nature or constituents from the user's prior discharge activity when the ~~P.O.T.W.~~ **POTW** was regularly in compliance with the ~~P.O.T.W.'s N.P.D.E.S.~~ **POTW's NPDES** permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(Prior Code, § 27-31; Ord. 94-1, passed 3-7-1994)

Sec. 52.38 Lien for charges and fees; collection of suit; discontinuance of service.

- (A) The fees charged for wastewater service as provided for by this chapter are hereby recognized to constitute a lien on the premises receiving the service. This lien shall become effective immediately upon providing wastewater service to the premises but shall be not enforceable for more than three years after it becomes effective. Whenever any such fine or charge against any property shall be delinquent for three months, the city officials in charge of the collection thereof may certify to the tax assessing officer of the city the fact of the delinquency, whereupon the charge shall be entered upon the next roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against the premises are collected and the lien thereof enforced. Nothing in this section, however, shall be deemed to prevent the city from suing in a court of law to collect the amount due to it for wastewater service charges as provided in division (C) below. In addition to the other remedies provided in this section, the city shall have the right to shut off and discontinue the supply of water service to any premises for the nonpayment of wastewater service fees or charges when due in accordance with the procedure established in division (B) below.
- (B) If a fee or charge for wastewater service prescribed by this chapter is not paid within 30 days after the billing thereof, and after the customer has been given notice and an opportunity to be heard as provided by law, all water service may be shut off and discontinued to the customer owing or liable for the charge. Water service shut off pursuant to this section shall not be restored until all sums due and

owing have been paid in full, including a collection fee of \$10.00 and appropriate security deposits as prescribed by resolution of the city council.

- (C) At its option, the city may, in addition to the remedies above, in its corporate name, bring suit in any court of competent jurisdiction for the collection of any wastewater service fee or charge which, 30 days, after the billing thereof, has not been paid. The production of the meter record or costs record and/or invoice for fees shall be prima facie evidence of the liability to pay the amount therein shown to be due.

(Prior Code, § 27-32; Ord. 94-1, passed 3-7-1994)

RATES AND CHARGES

~~Sec. 52.50 Definitions.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~Administrator means the Administrator of the U.S.E.P.A.~~

~~Industrial cost recovery means recovery by the grantee from the industrial users of a treatment works of the grant amount allowable to the treatment of wastes from such users pursuant to Pub. L. No. 92-500, § 204(b), 40 C.F.R. § 35.905-6.~~

~~C.F.R. § 35.905-17.~~

~~C.F.R. § 35.905-26.~~

~~Sec. 52.51 Sewer rates.~~

~~The sewer rates shall be as presently established or as hereafter adopted by resolution.~~

~~Sec. 52.52 Industrial cost recovery.~~

~~The board of public utilities has established a method of industrial cost recovery to be used to pay a portion of the present federal grant, used to expand the wastewater treatment plant. Industrial discharges classified under Divisions A, B, D, E, and I of the Bureau of Budgets Standard Industrial Classification Manual are subject to industrial cost recovery charges in addition to sewer user charges unless otherwise determined by the Board and confirmed by the Federal Environmental Protection Agency. All charges will be made based upon wastewater flows and characteristics as per the following allocation. The recovered amounts are to be distributed as per rules and regulations published in the Federal Register February 11, 1974.~~

~~Sec. 52.53 Industrial cost recovery charges.~~

~~(A) Industrial cost recovery charges shall be as presently established or as hereafter adopted by resolution.~~

~~(B) Charges will be assessed annually to all industries to whom industrial cost recovery is applicable. Any future industry requiring sanitary sewer connection to the~~

~~wastewater system will be reviewed by the board of public utilities and may be subject to industrial cost recovery charges. These charges will be prorated throughout the useful life of the facility or for a 20-year period beginning January 1976.~~

SECTION 2. Savings Clause. All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that date.

SECTION 3. Conflicting Ordinances Repealed. Except as to prosecution and legal actions pending and saved pursuant to Savings Clause, any City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance are repealed.

SECTION 4. Severability. The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases, or portions of this ordinance.

SECTION 5. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect after it has been adopted by the City Council and upon publication.

SECTION 7. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

Introduced by the Marshall City Council this 15th day of December, 2025.

Motion by

Second by

Ayes:

Nays:

Absent:

Adopted by the Marshall City Council this _____ day of January, 2026.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

_____, Mayor

I, Michelle Eubank, City Clerk, certify this is Ordinance #2025-05, adopted by the Marshall City Council at a meeting held the _____ day of January, 2026, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #2025-05 was published in the _____, a newspaper of general circulation in the City of Marshall, the _____ day of January, 2026, subsequent to its adoption.

Michelle Eubank, City Clerk

Introduced:

Public Hearing:

Adopted:

Published:

Effective:

ITEM: 12.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
Alec Egnatuk, Wastewater Superintendent
DATE: January 5, 2026
SUBJECT: **INDUSTRIAL PRETREATMENT PROGRAM AUTHORIZATION**

Public Services staff presented information to City Council on the Industrial Pretreatment Program (IPP) at the September 2, 2025 regularly scheduled work session. Staff and the City's consultant, Stantec, have been working on the plan requirements since 2024 and many of the documents were final in October. Since then, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) has completed their review of the plan and documents. As such, staff are now finalizing the sewer ordinance, IPP plan, and associated fees.

Although not required for implementation, staff would like City Council approval of the IPP plan and associate documents to demonstrate awareness and acknowledgment of the program implementation.

BUDGET IMPACT:

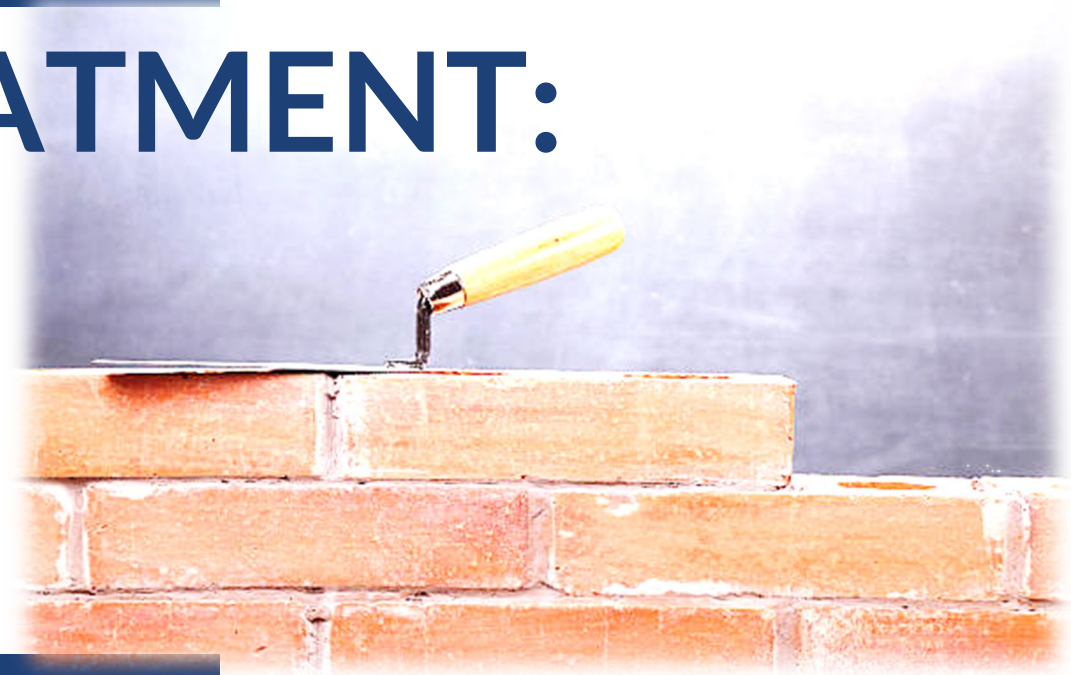
None. The program components will result in specific revenues and expenses pending the results of the user surveys.

RECOMMENDATION:

Approve the Industrial Pretreatment Program plan and documents, in substantial form, and authorize the City Manager to implement and amend the plan and documents as future revisions are necessary and/or required.



INDUSTRIAL PRETREATMENT: A FOUNDATION FOR INFRASTRUCTURE PROTECTION



JANUARY 5, 2026

CITYOFMARSHALL.COM

CONTENTS

01

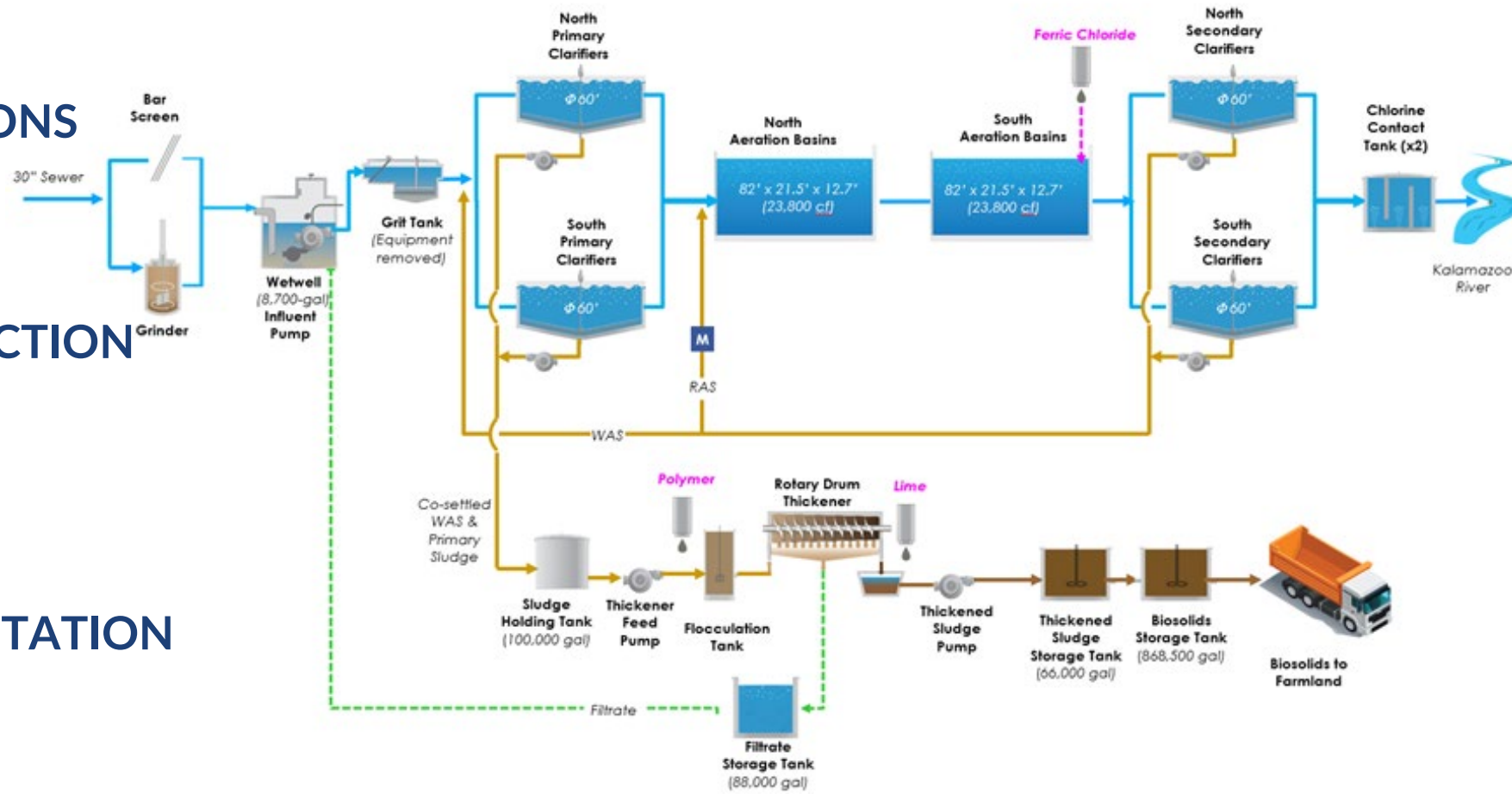
REGULATIONS

02

IPP PROTECTION

03

PROGRAM
IMPLEMENTATION



WASTEWATER REGULATIONS

Federal

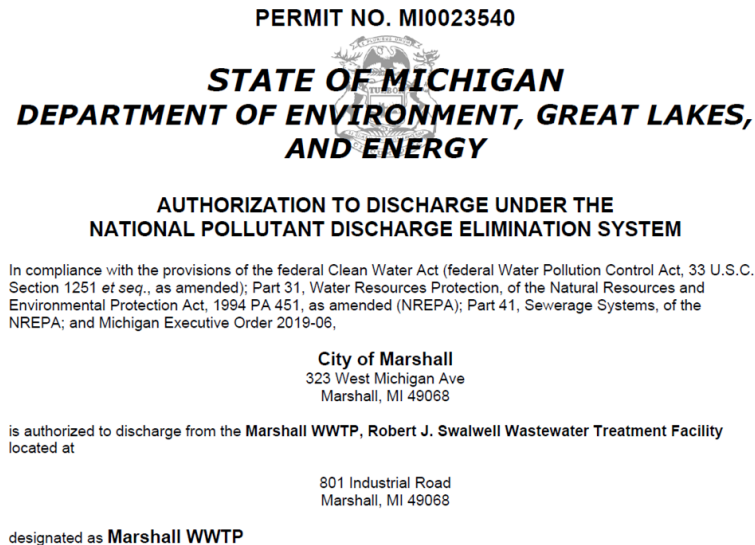
- Clean Water Act
- CFR, Title 40, Chapter I, Subchapter N

State – EGLE

- Michigan Compiled Laws, Chapter 323 Part 23

Local Specifics

- Phosphorus Total Maximum Daily Load (TMDL)
- Industrial Pretreatment (IPP)
- Residuals Management (RMP)
- Mercury (PMP)



Federal - EPA

State - EGLE

Local - POTW

IPP PROTECTION

- Changing Industrial Customer Base
- Purpose
 - To prevent the introduction of pollutants into City's POTW which will:
 - Interfere,
 - Pass through, and/or,
 - Be incompatible
 - To improve opportunities to recycle and reclaim wastewaters and sludges
 - To protect City POTW staff



National Pretreatment Program Prohibits



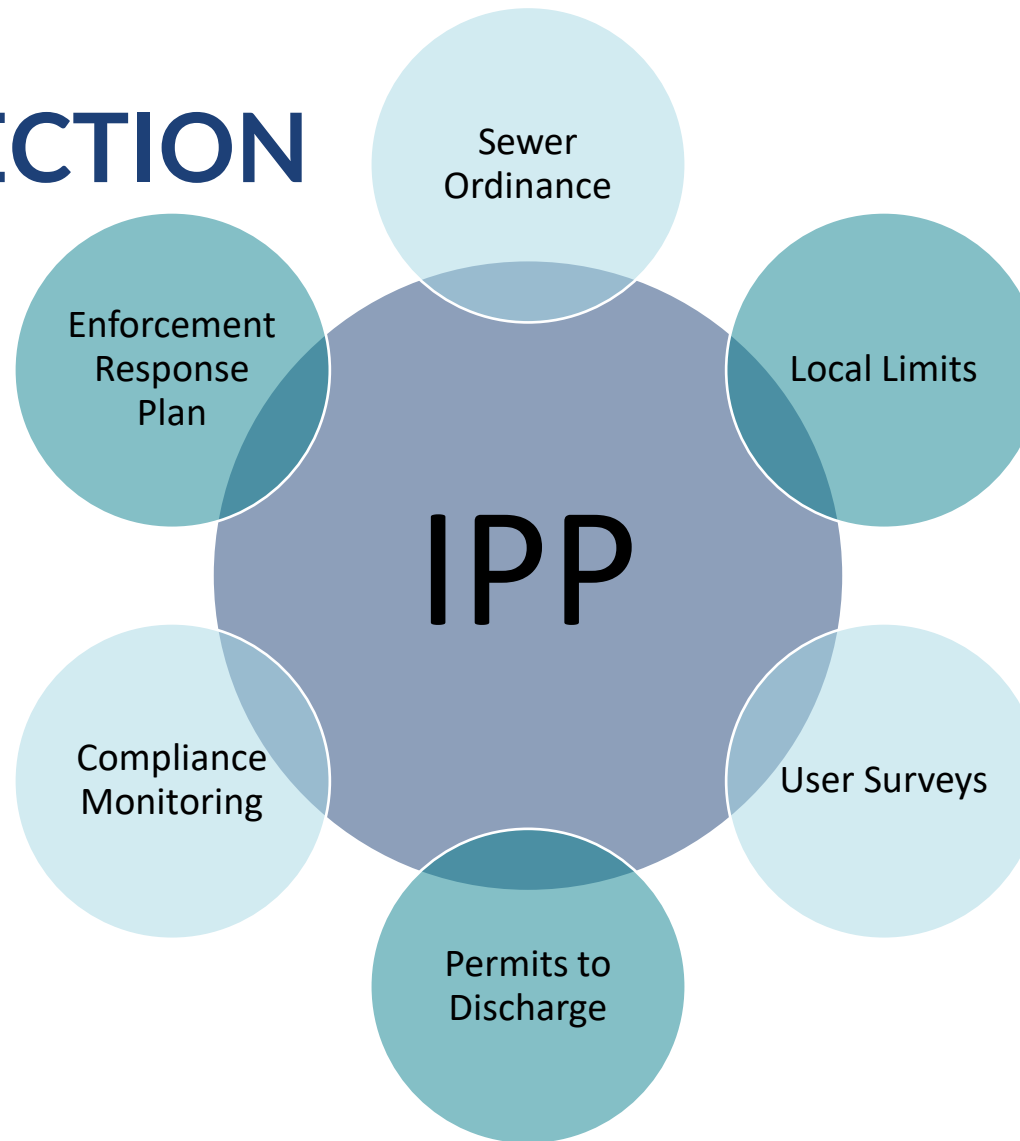
General

- Untreated passthrough
- Interfere operations

Specific

- Fire/explosion hazard
- Corrosive, pH lower than 5
- Solids
- Oxygen Demanding
- Heat
- Toxic gas, fumes, vapors
- Oils
- Transported pollutants

IPP PROTECTION



IMPLEMENTATION



IMPLEMENTATION

User Surveys

- Commercial
- Industrial

Survey Review

- Completeness
- Accuracy
- Identify Industrial Waste Streams

Permit Applications

- Process Diagrams
- Site Visits

Permits to Discharge

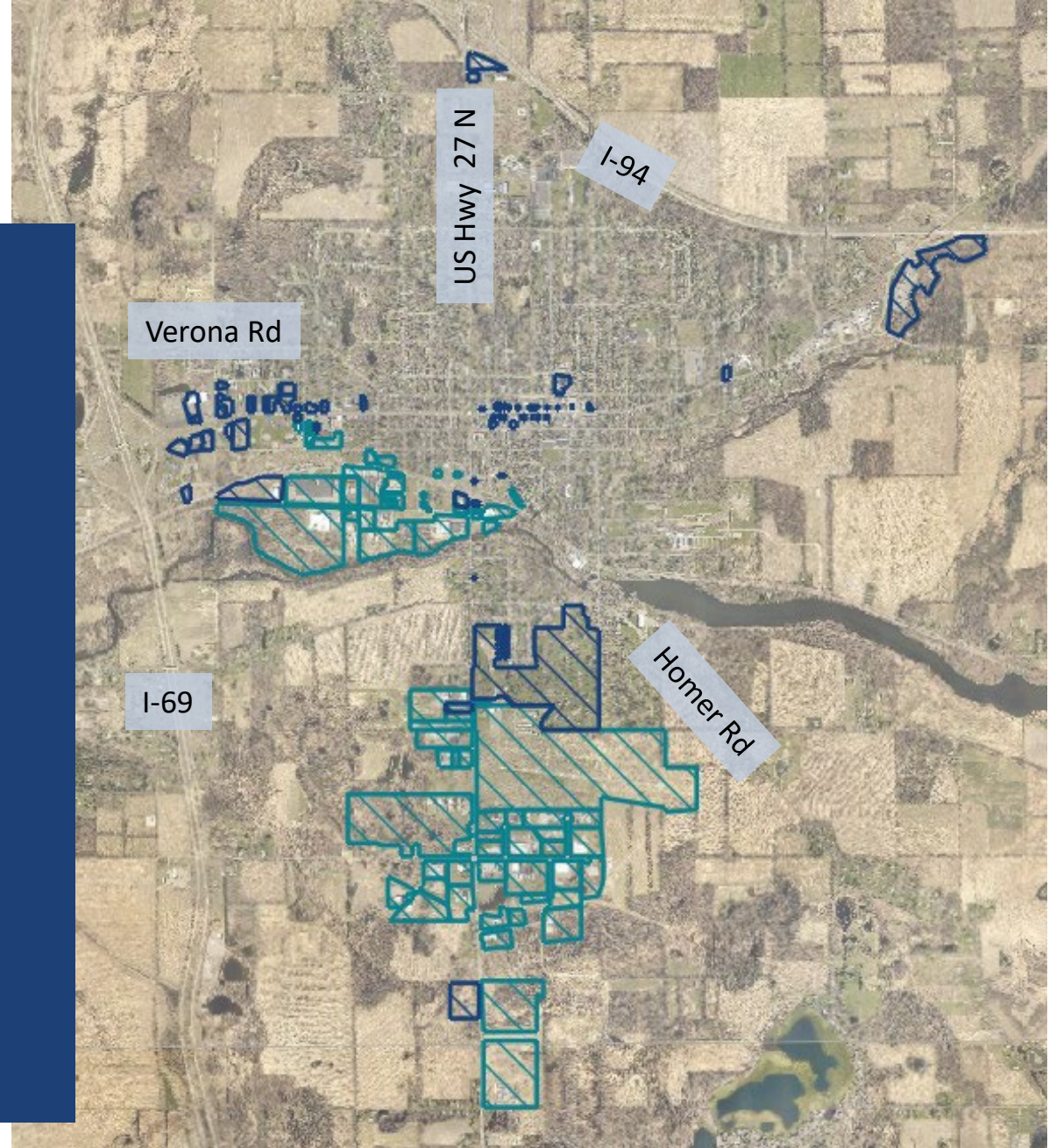
- Site Visits

Compliance

- Inspections
- Sampling
 - User Specific
- General Collection

COUNCIL ACTION

- Approve the IPP program and associated documents in substantial form





INDUSTRIAL PRETREATMENT PROGRAM

December 2025

Table of Contents

GLOSSARY	1
1 OVERVIEW	3
1.1 Introduction	3
1.2 IPP Purpose and Key Elements	4
1.3 City of Marshall Collection System	5
1.4 Description of Wastewater Treatment System	5
1.5 Process and Equipment Review	6
1.6 Process and Equipment Review (Solids)	8
2 AUTHORITY AND ADMINISTRATION	8
2.1 Authority	9
2.2 Staff Organization	9
2.3 Organizational Structure	10
3 INDUSTRIAL WASTE SURVEY	12
3.1 Industrial Waste Survey Methodology	12
3.2 Industrial Users	14
4 TECHNICAL INFORMATION	14
4.1 WWTP Performance and Industrial Data	14
4.2 Sampling and Analysis Methodology	18
4.3 Local Limits Evaluation	18
4.4 Pollutants of Concern	19
4.5 Data Analysis	20
4.6 Summary of MAHL	21
4.7 Summary of MAIL	23
4.8 Local Limits Development	24
4.9 Future Evaluations	27
5 COMPLIANCE MONITORING PROCEDURES	27
5.1 Compliance Data Collection	28
5.2 Sample Collection and Handling	30
5.3 Compilation and Screening of Compliance Data	34
6 PERMIT TO DISCHARGE CONTROL MECHANISM	34
6.1 Permit Requirements	35
6.2 Permit Application	36
6.3 Users Subject to Categorical Pretreatment standards and compliance deadlines	36
7 ENFORCEMENT RESPONSE PLAN	36
7.1 Noncompliance Identification	37
7.2 Types of Enforcement	39
7.3 Notice of Violation	39
7.4 Administrative Orders	40
7.5 Administrative Fines	41
7.6 Civil Litigation	41
7.7 Criminal Prosecution	42
7.8 Termination of Service	42
7.9 Supplemental Enforcement Responses Public Notices	42
7.10 Enforcement Response Guide	43
7.11 Design of Monitoring Enforcement	43
8 PROGRAM RESOURCES	44
8.1 Capital Costs	45
8.2 Operating Cost Estimates	45
8.3 Additional Personnel	45
8.4 Annual Sampling Program	45

8.5	Pretreatment Unit Sampling Program	45
8.6	Individual Industrial User Sampling	45
8.7	Monitoring and Enforcement	45
9	PROGRAM IMPLEMENTATION	46
9.1	Public Participation	46

Glossary

Act	Effective portions of the Federal Water Pollution Control Act, as amended, commonly referred to as the Clean Water Act, United States Code, title 33, sections 1251, et seq.
Administrative Action	An enforcement action authorized by the POTW's legal authority which is taken without the involvement of a court (a fine or order).
Administrative Order	A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause hearing, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
Approval Authority	US EPA or states with an EPA approved Pretreatment Program. The approval authority is responsible for approval and oversight of POTW Pretreatment Programs including an evaluation of the effectiveness of the local enforcement.
Best Management Practices (BMP)	Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
Categorical Pretreatment Standard	Standards that specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories as established under the appropriate subpart of 40 CFR chapter I, subchapter N.
Cease-and-Desist Order	An administrative order directing an Industrial User to halt illegal or unauthorized discharges
CFR	The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.
Chemical Oxygen Demand (COD)	A measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures
Civil Penalty	A punitive monetary award granted by a court to the POTW against a non-compliant discharger
Compliance Order	An administrative order directing a non-compliant industry to achieve or restore compliance by a date specified in the order.
Compliance Schedule	A schedule of required activities (also called milestones) necessary for the Industrial User to achieve compliance with all pretreatment program requirements.
Consent Order	An administrative order embodying a legally enforceable agreement between the POTW and the non-compliant Industrial User designed to restore the User to compliance status.
Domestic Waste	Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.
Enforcement Cost	A monetary charge related to actual expenses incurred for enforcement actions
Fees	A schedule of charges imposed to recover treatment costs (not punitive in nature)
Fine	A punitive monetary charge for a violation of the law. Often used synonymously with "penalty" although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.
Indirect Discharge or Discharge	An introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
Industrial Discharge Permit	A permit issued by the POTW to any industrial or Class III non-residential user
Industrial User	A nonresidential Class III User as identified in divisions A, B, D, E, or I of the Standard Industrial Classification Manual. Class III shall also include any

**City of Marshall IPP
1 Overview**

	User, industrial or otherwise, which discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause interference to the conveyance or treatment processes, or any user designated as a Categorical Industry in accordance with 40 CFR Chapter I, subchapter N.
Industrial Waste	Any solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate, contaminated groundwater or surface water disposed into public sewers, with the exception of inflow and infiltration, is industrial waste
Interference	A discharge to a public sewer that, alone or in conjunction with a discharge or discharges from other sources, both: - causes operational problems in public sewers or inhibits or disrupts The City of Marshall treatment plant, its treatment processes or operations, or its residual solids use or disposal; and - causes a violation of a plant's NPDES/SDS permit, including an increase in the magnitude or duration of a violation, or the prevention of residual solids or incinerator ash use or disposal in compliance with applicable statutory provisions, regulations, or permits issued under federal, state, or local authority.
Leachate	Wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.
Legal Authority	The source of the POTW's jurisdiction and regulatory powers.
Liquid Waste Hauler	An industrial user who transports waste for the purpose of discharge into public sewers
Local Control Authority	the entity directly administering and enforcing pretreatment standards and requirements against Industrial Users (the Marshall Wastewater Treatment Plant)
Maximum Allowable Headworks Load (MAHL)	The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs (see definition) estimated for a pollutant.
Maximum Allowable Industrial Load (MAIL)	The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled waste and growth allowance.
National Categorical Pretreatment Standards	Categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Section 307(b) & (c) of the Federal Clean Water Act.
NPDES/SDS Permit	A discharge permit issued pursuant to the National Pollutant Discharge Elimination System and the State Disposal System under Michigan Rules
New Source	Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act.
Noncontact Cooling Water	Water used for cooling purposes that does not contact raw materials, work pieces or a finished product. Noncontact cooling water discharged to public sewers is industrial waste.
Notice of Violation (NOV)	A POTW document notifying an Industrial User that it has violated categorical pretreatment standards, local limits, spill prevention requirements, pretreatment compliance schedules, Permit to Discharge requirements and/or other provisions of the City of Marshall's Sewer Use Ordinance.
Operating Day	The specific time period(s) when industrial waste is discharged into public sewers during a continuous 24 hour period
pH	A measure of the acidity or basicity of a waste. It is defined as the negative logarithm of the hydrogen ion concentration in moles per liter.

City of Marshall IPP 1 Overview

Pass-through	A discharge of sewerable pollutants that flows from a City of Michigan treatment plant into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant's NPDES/SDS permit, including an increase in the magnitude or duration of a violation.
Permittee	an industrial user authorized to discharge industrial waste into public sewers pursuant to an industrial discharge permit.
Pretreatment	The use of physical, chemical, biological or other methods to equalize, reduce, eliminate and/or alter the nature of pollutant properties and/or quantity of pollutants in wastewater prior to or in lieu of discharge into public sewers.
Publicly Owned Treatment Works (POTW)	A Publicly Owned Treatment Works is a treatment works as defined by Section 212 of the Federal Clean Water Act, as amended, including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works (the Marshall Wastewater Treatment Plant).
Residual Solids	The solids and associated liquids removed from wastewater by a municipal wastewater treatment plant, and ash resulting from the incineration of such solids.
Significant Industrial User (SIU)	Any industrial user: who is subject to federal categorical pretreatment standards; or whose average discharge to public sewers of industrial waste, excluding noncontact cooling water and boiler blowdown wastewater, is greater than 25,000 gallons per day; or whose average discharge makes up 5% or more of the average dry weather flow or loading, for any parameter, of the receiving City of Marshall treatment plant; or whose discharge the Regional Administrator determines has a reasonable potential to adversely affect public sewers; unless exempted by the Regional Administrator from this designation in accordance with conditions established under the Michigan Pretreatment Rules
Significant Noncompliance	A violation which meets one or more of the criteria specified in 40 CFR 403.(f)(2)(vii) and in Section 7.1.1 of this document.
Show Cause Order	An Administrative Order directing a non-compliant User to appear before the POTW, explain its noncompliance and show cause why more severe enforcement actions against the User should not be taken.
Slug	Any waste discharge into public sewers which, in concentration of any given constituent, except pH, or in quantity of flow, exceeds four times the average concentration or flow rate for a normal operating day. The residue material from a wastewater sample after filtration, using EPA approved laboratory procedures

1 Overview

1.1 INTRODUCTION

- (a) In 1972, the United States Congress enacted the Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA). The primary objective of this legislation was to safeguard and enhance the quality of the nation's water bodies¹. The CWA aims to eliminate the discharge of pollutants into the navigable waters of the nation and to attain water quality levels that are conducive to fishing and swimming.

¹ Clean Water Act, 33 U.S.C. § 1251 et seq. (1972)

City of Marshall IPP

1 Overview

- (b) A crucial element of the CWA is the National Pollutant Discharge Elimination System (NPDES) Permit Program. This program mandates that any point-source discharges of pollutants into the Waters of the United States (WOTUS) must secure an NPDES permit. Furthermore, the CWA authorized significant penalties to address instances of noncompliance with NPDES permits.
- (c) The CWA also established the National Pretreatment Program to regulate indirect discharges from industries to Publicly Owned Treatment Works (POTWs). This program requires industrial users (IUs) to obtain permits specifying effluent quality, necessitating pretreatment of wastewater before discharge to a POTW. Certain industrial practices can disrupt POTW operations, leading to the release of untreated or inadequately treated wastewater into water bodies. Some pollutants can pass through the treatment plant untreated, affecting the receiving water and potentially causing harm to aquatic life.²
- (d) The General Pretreatment Regulations of the National Pretreatment Program mandate all large POTWs (facilities that treat flows of greater than five million gallons per day (MGD)) and smaller ones accepting wastewater from IUs to establish local Industrial Pretreatment Programs (IPP). These programs enforce national pretreatment standards and any stricter local requirements to protect site-specific conditions for a given POTW.
- (e) The Wastewater Treatment Plant (WWTP) for the City of Marshall, Michigan (City) holds an NPDES permit (MI0023540), allowing it to discharge an average of 3.0 MGD of treated water into the Kalamazoo River. Historically, the NPDES discharge permits necessitated an IPP, first implemented in 1985 and updated in 1994. However, this requirement was rescinded by the Michigan Department of Environmental Quality (which is presently known as the Department of Environment, Great Lakes, and Energy (EGLE)) in the mid-2000s. Recently, under EGLE's guidance, there has been a resurgence of interest in implementing an IPP in anticipation of new developments that are expected to substantially increase the WWTP's capacity. This document provides the basis of the City's IPP development and implementation.

1.2 IPP PURPOSE AND KEY ELEMENTS

- (a) The goal of the City Wastewater Department is to protect public health and the natural resources of the State of Michigan, which includes providing professional, accountable, and fiscally responsible operation of the WWTP and Collection System in accordance with applicable requirements and permits. The City Wastewater Department is deemed the control authority for this IPP.
- (b) The City owns the Robert J. Swalwell Wastewater Treatment Facility in which the City Wastewater Department operates the publicly owned sewers and treatment facility, for the conveyance, treatment and disposal of domestic waste, industrial waste and other waste from residential, commercial, institutional and IUs in the jurisdictional area. To achieve efficient and effective use of the City's WWTP, the City's Wastewater Department regulates the quantity and quality of waste discharges into public sewers. Further, the City implements applicable provisions of the Code of Federal Regulations (CFR), title 40, chapter I, subchapter N and applicable provisions of Michigan Compiled Laws, Chapter 323, Part 23, and enforces national and State of Michigan pretreatment standards and requirements. The City Wastewater Department therefore maintains a program to regulate the use of public sewers, enforces applicable standards and requirements, and charges for services and activities necessary to carry out its obligations under federal and state law.
- (c) 40 CFR 403 requires applicable POTWs to develop and implement IPPs to regulate IUs in their respective service areas in accordance with the U.S. Environmental Protection Agency's (EPA) National Pretreatment Standards. The main objectives of an IPP are to prevent:

² Title 40 Code of Federal Regulation, Chapter I, Subchapter N, Part 403

City of Marshall IPP

1 Overview

- (1) Interference and/or upset with WWTP treatment operations
 - (2) Pass-through of conventional and toxic pollutants
 - (3) Harm to the WWTP and/or collection system infrastructure
 - (4) Contamination of municipal biosolids
 - (5) Worker exposure to chemical hazards.
- (d) In addition to the 40 CFR Part 403 federal regulations, EGLE's IPP program staff strongly encourage POTWs to adhere to the draft Part 23 Pretreatment Rules when developing an IPP. The scope of services necessary for establishing an IPP which meets EGLE and Federal requirements follows.

1.3 CITY OF MARSHALL COLLECTION SYSTEM

- (a) The City's wastewater collection system was established 1899. This system includes 14 lift stations, approximately 3,200 wastewater collection lines (ranging from eight to 36 inches in diameter), and approximately four miles of force main. The City's existing sanitary collection system serves most areas within the City's municipal boundaries and smaller portions of the surrounding Townships. The service area is approximately bound by I-94 from the north, Lyon Lake from the south, I-69 from the west and Partello Road from the east. It currently serves approximately 3,100 family residential units (population of approximately 7,100) and has approximately 3,200 connections.
- (b) The City's wastewater collection system is a gravity flow system and generally follows the major drainage features of the service area. All of the collectors and force mains flow to the City's WWTP which ultimately discharges to the Kalamazoo River after treatment. The lift stations pump wastewater into nearby gravity sewers.
- (c) Approximately 2,300 acres situated west of the downtown area of the City are expected to be added to the service area as part of the Marshall Area Jobs, Opportunity, and Recreation (MAJOR) Campus development. It is anticipated that one sanitary pump station (capacity of 7.8 MGD), approximately 11,700 feet of 18-inch force main and approximately 1,600 feet of 15-inch gravity sewer will be added to the wastewater collection system. An additional 1,900 acres situated west of the downtown area of the City are expected to be added to the service area as part of the MAJOR Campus development. It is anticipated that one sanitary pump station (capacity of 2 MGD), approximately 5,000 feet of 18-inch and 4,600 feet of 30-in open cut sewer, and approximately 1,600 feet of 15-inch gravity sewer lines will be added to the wastewater collection system.

1.4 DESCRIPTION OF WASTEWATER TREATMENT SYSTEM

- (a) The existing City's WWTP is located at 801 Industrial Rd, on land between the road and the Kalamazoo river. The 15.6-acre parcel (number 53-002-535-02) is owned by the City and comprises the WWTP facility on the eastern side, and an electrical substation on the western side of the parcel. The original Marshall WWTP began operation in 1954 with influent pumping, primary treatment, and a sludge digester. It went through a major upgrade in 1976 when grit collection, comminutor, activated sludge processes, and secondary clarification were added. Since 1976, additional enhancements such as fine bubble diffusers, dichlorination, sludge thickening, stabilization, and storage, as well as instrumentation and controls, electrical upgrades, and replacement of influent pumps have been implemented. Currently, the City is in the process of replacing mechanisms, weirs, and the baffles of the primary and secondary clarifiers. The layout and flow diagram of the existing WWTP facility is shown in Figure 1.1.

City of Marshall IPP 1 Overview

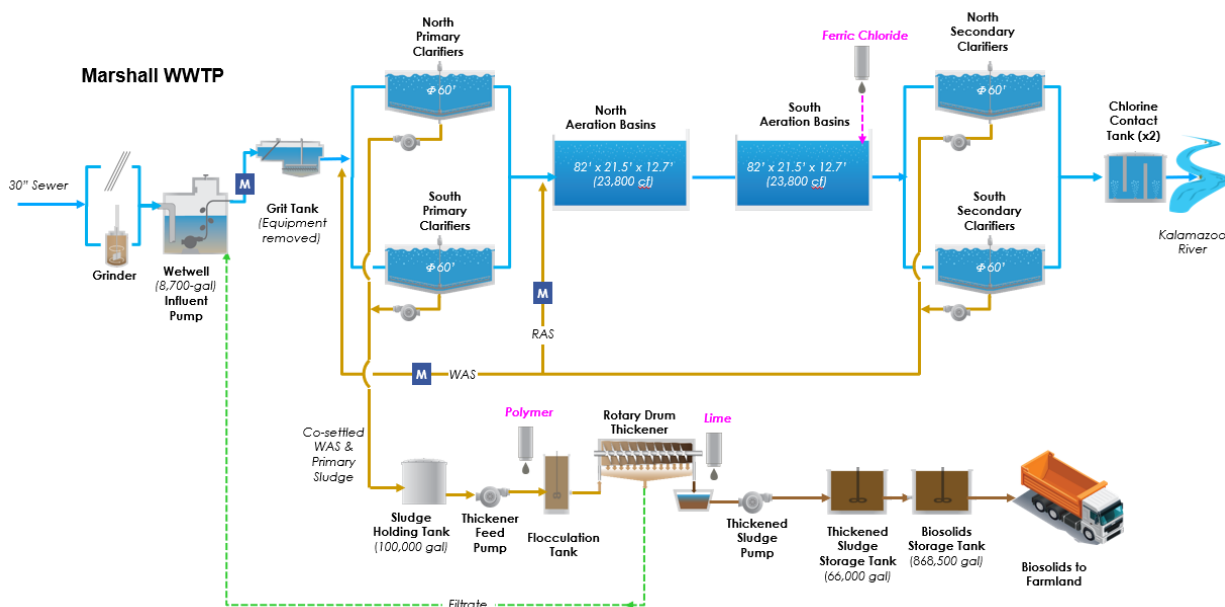


Figure 1.1. Process Flow Diagram of Existing WWTP Facility.

1.5 PROCESS AND EQUIPMENT REVIEW

1.5.1 Liquid Stream

- (a) The City's WWTP is designed as a conventional activated sludge WWTP. The liquid stream process units are preliminary treatment, primary treatment, aeration, secondary clarification, and disinfection. The liquid stream processes are described in the following paragraphs.

1.5.2 Influent Pumps/Headworks

- (a) Wastewater enters the facility via a 36-inch gravity sewer which discharges into an influent channel with an open channel sewage grinder, and a bypass channel with a manual bar rack. Raw wastewater is then pumped to the grit chamber by three submersible dry pit pumps. An electromagnetic flow meter is used to measure influent flow. An Isco composite flow proportioned sampler is used to sample influent characteristic before the plant drains including filtrate are introduced into the influent.
- (b) The wet well was originally built in 1955 and has storage capacity of 8,700 gallons. Sewage flows through a grinder to cut up large debris such as sticks and rags prior to being pumped by the raw sewage pumps to the grit tank.
- (c) An aerated grit chamber was added during the 1976 improvements but experienced operational issues and has not been in service for past several years. Grit removal equipment has since been removed from the building.
- (d) The influent facility consists of a wet well and a drywell with three variable speed dry pit submersible pumps. These pumps were installed in 2007 and the design capacity of the pump station is 4.0 MGD, well below the required pumping rate for long term requirement of the service area.

1.5.3 Screening System

- (a) There is no automatic screening in this facility. The manual bar racks are located approximately 25 feet below grade in the wet well. Screened debris is periodically hand raked to be hauled to the land fill. The entire operation is a manual process requiring personnel to enter the wet well.
- (b) The sewage grinder cuts up any large debris and synthetic wipes that would otherwise allow plugging of pumps. However, these residuals reaggregate in the primary clarifiers and are manually removed during the annual inspection.

1.5.4 Primary Clarification

- (a) The two 60-foot diameter, primary clarifiers were constructed in the 1976 expansion. Gear-driven collectors, one at the water surface and the other on the tank bottom, circle the tank continuously collecting surface scum and sludge, respectively.
- (b) The south primary clarifier mechanism was completely replaced in 2021 and the clarifier is in a very good condition. The north primary clarifier mechanism replacement began in the spring 2024.
- (c) With this rehabilitation project, which is expected to be completed by the summer 2024, both clarifiers are expected to provide reliable service for at least the next 20 years.

1.5.5 Aeration Process

- (a) There are two aeration basins, each measuring 82 feet long by 21.5 feet wide by 12.7 feet deep and having an approximate volume of 22,400 cubic feet. The total volume of the aeration basins is approximately 335,000 gallons. Aeration is provided by fine bubble diffusers installed in the year 2000. There are four low-pressure centrifugal blowers - two were installed in 1999, and other units were installed in 1973.
- (b) The aeration system may be able to handle some additional biological loading, however, detailed calculations followed by optimization and stress testing will be required to ascertain this additional capacity. The low-pressure blowers are nearing the end of their useful service lives and will require replacement in near future.

1.5.6 Secondary Clarifier

- (a) The two 60-foot diameter, secondary clarifiers were originally constructed as primary clarifiers when the plant was built. They were converted to secondary clarifiers during the 1976 expansion. Gear driven collectors, one at the water surface and the other on the tank bottom, circle the tank continuously collecting surface scum and sludge, respectively.
- (b) The south secondary clarifier mechanism was completely replaced in 2021 and the clarifier is in good condition. The north secondary clarifier mechanism is expected to be completed in the Summer of 2024.
- (c) With this rehabilitation project, both clarifiers are expected to provide reliable service for at least next 20 years.

1.5.7 Disinfection System

- (a) Chlorine is used to disinfect the final effluent. Gas chlorine in 150-lb cylinders is stored in the chlorine feed room. The cylinders are placed on a scale and connected to a Regal gas chlorinator pressure/vacuum chlorinator. Feed water for the chlorinators and carrier water for chlorine is supplied by the secondary water system.

City of Marshall IPP
2 Authority and Administration

- (b) There are two chlorine contact chambers, each approximately 38,000 gallons in volume. Assuming an average baffling factor of 0.5 and contact time of 15 minutes, maximum flow is about 4.5 MGD.

1.6 PROCESS AND EQUIPMENT REVIEW (SOLIDS)

1.6.1 Sludge Pumping

- (a) Return Activated Sludge (RAS) is pumped from the bottom of the secondary clarifiers to the distribution box prior to the primary clarifier's influent for co-settling within the primary clarifiers, by using the Activated Sludge centrifugal pumps located in the basement of the Sludge Pumping & Blower Building. The Waste Activated Sludge (WAS) pump system was rehabilitated in 2012 and is in good condition.

1.6.2 Sludge Blending

- (a) The co-settled WAS and primary sludge is pumped from the primary clarifiers to the Raw Sludge Blending Tank by the Primary Sludge positive displacement piston pumps located in the Sludge Pumping & Blower Building. Sludge is held and mixed in this tank. Current capacity of the tank is 100,000 gallons and the average age of sludge pumped from the clarifiers is just over 9 days. The mixers were replaced in 2012.

1.6.3 Sludge Thickening

- (a) Sludge is processed through a Rotary Drum Thickener (RDT) and the percent solids are increased from 3.2% to 9%. The filtrate is stored in the Filtrate Storage Tank that has a capacity of 88,000 gallons. Lime slurry is added to the thickened sludge to elevate the pH above 12.0 and held in the thickened Sludge Storage Tank that has a capacity of 66,000 gallons.

1.6.4 Sludge Disposal

- (a) Thickened and dewatered sludge (biosolids) is stored in concrete storage tanks with an approximate volume of 868,500 gallons. Biosolids are applied to approved farmland by an outside contractor at agronomic rates in accordance with EGLE guidelines. Between 2021 and 2023, an average of 272 dry tons of biosolids per year were generated and land applied.

2 Authority and Administration

- (a) Legal authority for the City is established to ensure the POTW is able to:
- (1) Deny or condition new or increased contributions of pollutants, or changes in the nature of the pollutants discharged to the POTW
 - (2) Require compliance with applicable pretreatment standards and requirements by IUs
 - (3) Control, through permit, contract, or other means, the contribution to the POTW by each IU
 - (4) Require the development of a compliance schedule by each IU, and the submission of all notices and self-monitoring reports as necessary to assure compliance
 - (5) Carry out all inspection, surveillance, and monitoring procedures to determine compliance Independent of Information supplied by the IU
 - (6) Obtain remedies for noncompliance, including the ability to seek injunctive relief, civil or criminal penalties, and/or collect liquidated damages
 - (7) Obtain effective summary relief from industrial waste discharges that endanger public health, the environment, or POTW operations
 - (8) Comply with the confidentiality requirements

City of Marshall IPP
2 Authority and Administration

- (b) Legal authority to develop, implement and enforce these aspects of the City's IPP are validated through a statement from the City Attorney and detailed in the City's Sewer Use Ordinances. Statements made in both of these documents provide legal backing for the procedures, control mechanisms, and implementation plans described in all sections of this submittal.

2.1 AUTHORITY

- (a) A statement from the City Attorney, who is responsible for bringing an enforcement action in court, is provided as **Attachment A**, as required by 403.9(b)(1). This statement endorses the authority granted to the City's POTW to carry out the Pretreatment Program and provides details regarding the provision of legal authority for each requirement under 403.8(f)(2), the manner in which 403.8 program requirements will be implemented, and how the POTW intends to ensure compliance.
- (b) The POTW's ability to take effective enforcement action is largely determined by its legal authority. The City has detailed the basic implementation and enforcement provisions of its IPP in its Sewer Use Ordinance. These regulations set forth the general legal authority and remedies available to the City for enforcing federal, state, and local pretreatment standards and requirements.

2.2 STAFF ORGANIZATION

- (a) This portion of the document is to provide the organization structure and staffing requirements employed by the City to successfully facilitate the execution of program responsibilities. The following subsections describe the personnel, and their respective responsibilities, to properly implement the pretreatment program. The key elements of the structure are a workable organization to integrate aspects of the program and sufficient staffing to carry out program requirements.
- (b) The City Council of Marshall authorizes the City Manager to administer the IPP. The City Manager directly supervises the Public Services Director with advice and counsel from the City Attorney. The Public Services Director directly supervises the Wastewater Superintendent who, in turn, supervises the Pretreatment Coordinator and Field/Laboratory Staff. **Figure 2.1** presents the IPP organization chart and depicts the relative positions and responsibilities of individuals. These key responsibilities of personnel are described in the following section. Necessary equipment and supplies to fulfill monitoring and other program needs are discussed in Section 7. A discussion of adequate funds to support the organization and program is discussed in Section 8.

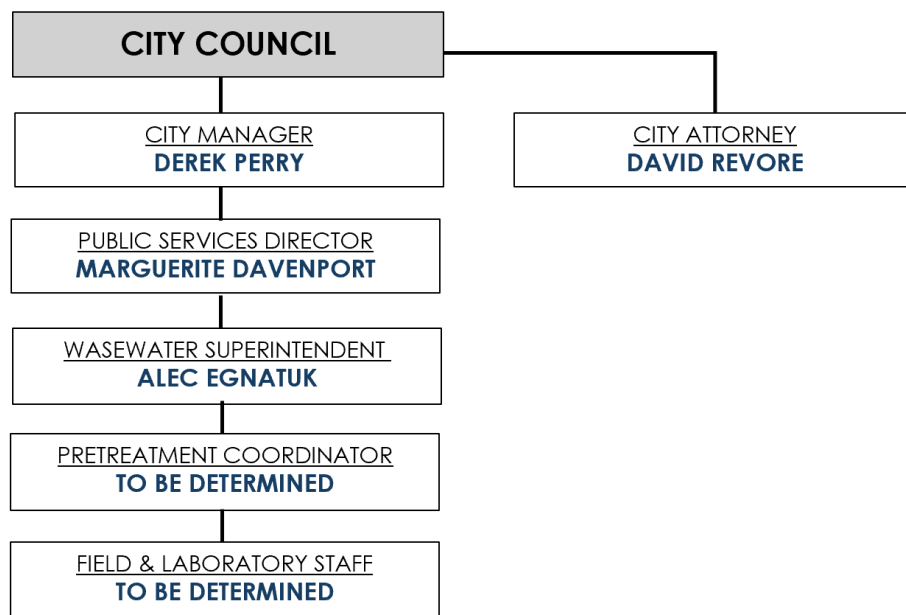


Figure 2.1. City of Marshall Organizational Chart.

2.3 ORGANIZATIONAL STRUCTURE

- (a) The delegation of specific enforcement responsibilities permits the implementation of compliance procedures in a manner which is both consistent and timely. As enforcement authority is delegated, the time required for enforcement action decreases when matching personnel with responsibilities.
- (b) The City Council comprises six council members and the Mayor and exercises broad legal authority over municipal affairs. It has formally adopted a Sewer Use Ordinance and holds control and jurisdiction over the WWTP facility and the entire collection system. Additionally, the City Council is responsible for establishing all policy matters.
- (c) The City Manager bears the responsibility to City Council members for the effective and efficient management of all municipal departments within the City. The City Manager oversees and exercises authority over all administrative departments, including the Wastewater Department. Additionally, the City Manager delegates pretreatment responsibilities to the Public Services Director.
- (d) The City Attorney serves as legal counsel for the City and offers expert advice and guidance to the staff within the Wastewater Department. Additionally, the City Attorney provides consultation on all matters necessitating the interpretation of the Sewer Use Ordinance and pretreatment regulations. Furthermore, the City Attorney assumes the responsibility of orchestrating judicial actions pertaining to enforcement responses to IUs.
- (e) The Public Services Director assumes a pivotal role in the Public Service Departments, encompassing responsibilities that span supervision, administration, and professional oversight. This includes strategic planning, organizational management, and direction for critical areas such as environmental services, water management, and sewer operations. Operating under the guidance of the City Manager, the Public Services Director exercises direct supervision over the Wastewater Superintendent. In essence, the Public Services Director holds comprehensive authority over all staff within the department and advocates for necessary funding and managing cost recovery aspects.

City of Marshall IPP
2 Authority and Administration

- (f) The Wastewater Superintendent has general supervisory responsibility over the WWTP and its employees. One of the primary responsibilities involves overseeing the IPP to ensure compliance with program requirements. Additionally, the Superintendent can draw upon a wealth of knowledgeable and experienced personnel to fulfill the IPP requirements, including technical experts who address enforcement matters. Ultimately, the Superintendent is responsible for issuing Industrial Pretreatment permits and administrative orders.
- (g) The role of the Pretreatment Coordinator encompasses a range of skilled, technical, and administrative duties related to the implementation of the City's IPP. This includes conducting rigorous compliance monitoring and inspections. The Pretreatment Coordinator meticulously inspects and evaluates industrial and commercial facilities to ensure strict adherence to regulatory standards. Specifically, the Pretreatment Coordinator is tasked with assessing and resolving wastewater discharge violations, including instances of illegal discharges and exceeding local limits stipulated by ordinances or permits. Their expertise spans various domains, including familiarity with regulations, local ordinances, industrial processes that generate wastewater, treatment technologies employed by dischargers, sampling techniques, and preservation protocols. Furthermore, the Pretreatment Coordinator serves as a representative of the City, engaging in seminars with industrial and commercial dischargers to provide essential information on applicable regulations for their facilities and assess compliance with permit requirements.
- (h) Field and laboratory personnel, under the guidance of the Pretreatment Coordinator, are tasked with the collection and analysis of wastewater samples from IU discharges. Additionally, these personnel are responsible for the operation, maintenance, and calibration of field and laboratory equipment to ensure precise measurements and accurate data collection within the IPP.
- (i) A general delegation of responsibilities within the scope of the POTW's compliance procedures is as follows:
 - (1) City Council
 - (i) Establish policy matters as it pertains to the City's IPP
 - (2) City Manager
 - (i) Delegates pretreatment responsibilities
 - (3) City Attorney Responsibility
 - (i) Advise the City on enforcement actions and orchestrates judicial actions
 - (4) Public Services Director
 - (i) Provides strategic planning, organizational management, and direction for the IPP
 - (ii) Advocates for necessary IPP funding
 - (5) Superintendent Responsibilities
 - (i) Issue local discharge permits
 - (ii) Issue administrative orders
 - (iii) Initiate judicial proceedings
 - (iv) Initiate action to terminate service
 - (v) Assess fines, fees, and/or damages
 - (6) Pretreatment Coordinator Responsibilities
 - (i) Update IU survey reviews discharge permit applications
 - (ii) Conduct scheduled/unscheduled facility compliance inspections
 - (iii) Notify IUs of applicable pretreatment standards and requirements, as well as Significant Industrial User (SIU) status if applicable
 - (iv) Screen compliance monitoring data

City of Marshall IPP
3 Industrial Waste Survey

- (v) Detect and confirm instances of noncompliance
 - (vi) Determine severity of noncompliance
 - (vii) Respond to noncompliance with informal warnings
 - (viii) Develop local Permits to Discharge (PTD's)
 - (ix) Develop compliance schedules
 - (x) Issue Notices of Violation (NOV's)
 - (xi) Publish annual list of significant violators
 - (xii) Assist the Superintendent in issuance of Permits to Discharge and Administrative Orders
- (7) Field and Laboratory Personnel Responsibilities
- (i) Collection of samples
 - (ii) Analysis of samples
 - (iii) Notify the pretreatment coordinator of violations observed in the field or detected in sample analysis

3 Industrial Waste Survey

- (a) The Industrial Waste Survey is dedicated to the identification and evaluation of nondomestic discharges to the WWTP as required by Section 403.8(f)(2) of the General Pretreatment Regulations. Further, the IUs identified in this section are described by the quantity and quality of their discharge to the WWTP. The information summarized here, in addition to the technical information described in later sections, is used to identify suspected treatment plant issues, develop local limits, determine sampling and analysis needs, and determine plant resource needs.
- (b) New, and existing, sources subject to categorical pretreatment standards shall meet applicable pretreatment standards in a manner compliant with section 6.3.
- (c) **Reference new sources (CIUs) and categorical pretreatment standards, reference to section 6.3.

3.1 INDUSTRIAL WASTE SURVEY METHODOLOGY

- (a) The WWTP, in conjunction with the City, will conduct an Industrial Waste Survey to determine the number of users, quantity, and quality of constituents discharged to its sewer system. This information will be compiled into a comprehensive master list and updated periodically. The General Pretreatment Regulations require POTWs to provide the Approving Authority (in this case, EGLE) with a list of SIUs, including a statement indicating whether these industries are regulated by categorical standards, local limits or both, and to update this list annually. Within 30 days of the approval of the list of SIUs, each IU will be notified of its status as such and of the requirements applicable to it as a result of such status.
- (b) The WWTP may utilize the following procedures and sources of information to develop and update its IU inventory:
 - (1) Periodic review of area phone books, manufacturers listings, commercial indices, property tax records, and quarterly water and sewer billing records.
 - (2) Inspections of commercial areas performed periodically to identify new tenants and/or businesses.
 - (3) Industrial waste survey questionnaires distributed periodically (approximately every five years to ensure that industries previously identified as having dry processes (no process wastewater discharge) have remained dry and to identify any new process lines added by an IU.
- (c) Survey responses will be reviewed for completeness, accuracy, and to determine if follow-up is necessary. The WWTP may request site visits to gather further information (e.g. collect samples) to

City of Marshall IPP
3 Industrial Waste Survey

characterize the process wastewater and further evaluate the possible impact of an IU's discharge on the WWTP. Should an IU fail to respond to emails or phone calls within a reasonable amount of time, the WWTP reserves the right to make an unscheduled, unannounced, and in-person visit to the IU. Should an IU fail to respond after multiple attempts, or the IU refuse to cooperate, the City may take enforcement actions as described in Section 52.37 of the Sewer Use Ordinance.

(d) Further, Section 52.05 (A)(3) of the Sewer Use Ordinance for the City provides for the following provision:

(1) Prior to obtaining a permit to connect to the public sewer system, all non-residential users are required to file an IU Survey Form with the WWTP. Upon receipt of the IU Survey Form a review and determination will be made concerning the need for the non-residential user to apply for and obtain a Permit to Discharge.

(e) The above informational sources may be reviewed on a continuing basis. This information is used to categorize the IUs in the following groups:

(1) Significant Industrial Users -

- (i) Subject to categorical standards.
- (ii) Discharges a nondomestic waste stream of 25,000 gallons per day (0.025 MGD) or more.
- (iii) Contributes a nondomestic waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant.
- (iv) Have a reasonable potential, in the opinion of the WWTP Superintendent, to adversely affect the WWTP treatment plant (inhibition, passthrough of pollutants, sludge contamination, or endangerment of WWTP workers).
- (v) These industries would be regulated individually and have specific effluent limitations (including conventional pollutants, where necessary) placed on their discharges. They should also be monitored and inspected periodically to ensure compliance with their limitations.

(2) Minor Industrial Users -

- (i) Defined as small Industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality or contaminate sludge. Industries that have the potential to discharge a nondomestic or process waste stream, but at the present time discharge only sanitary waste, may also be included in this group.
- (ii) This group does not contain any categorical industries. Industries in this classification may be included in a general permit system and occasionally monitored and inspected to determine if their status has changed. If waste streams from any of these users or a group of these IUs becomes a problem, the WWTP may require a general permit for all IUs in that group or may wish to change their classification to a significant or major IU.

(3) Insignificant Industrial Users -

- (i) Defined as those that have been eliminated from further consideration. These include industries that do not discharge to the WWTP, or do not have any reasonable chance of discharging a nondomestic waste stream to the WWTP.

(f) Information received regarding new IUs or existing IUs with new, changed and/or added processes, will be reviewed by the WWTP pretreatment coordinator to determine if such a facility should be classified as a SIU subject to the WWTP's reporting and permitting requirements. New user information will be added to a computer database which can be used to maintain the IU inventory.

(g) New sources and sources that become SIUs subsequent to the promulgation of Categorical Pretreatment Standards will be required to submit a Baseline Monitoring Report (BMR) to the WWTP at least 90 days prior to the commencement of any discharge. For BMRs, the User must provide the

City of Marshall IPP
4 Technical Information

following information listed in items 1 through 7 pertaining to its activities and process discharge. For 90-day compliance reports, the User must provide the following information listed in items 1 through 5.

(1) Identification Information

- (i) The name and address of the facility including the name of the operator and owners.

(2) Permits

- (i) A list of any environmental permits held by the facility.

(3) Description

- (i) A brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) of the operations. This description shall include a schematic process diagram which indicates points of discharge to the WWTP from the regulated process.

(4) Flow measurement

- (i) Information showing the measured average and maximum daily flow in gallons per day, to the WWTP from regulated process streams and other streams as necessary to allow the use of the combined waste stream formula. The WWTP may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of pollutants

- (i) The results of sampling and analysis identifying the nature and concentration of regulated pollutants from each regulated process. Both daily average and maximum concentrations shall be reported. The sample shall be representative of daily operations.

(6) Certification

- (i) A statement, reviewed by an authorized representative of the User (as defined in Section 52.18 (F) of the Sewer Use Ordinance) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or pretreatment is required to meet applicable pretreatment standards and requirements.

(7) Compliance schedule

- (i) If additional operation and maintenance and/or pretreatment will be required; the shortest feasible schedule by which the User will provide such pretreatment shall be developed and submitted to the WWTP. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- (h) Users identified as categorical users will be subject to the permitting requirements of the WWTP. The reporting and permitting requirements of categorical users extends to all Industrial and non-residential Users meeting the WWTP's permitting requirements.

3.2 INDUSTRIAL USERS

- (a) A list of IUs located in the WWTP service area is included in Appendix A; this list includes information about commercial, industrial, and other non-residential users of the sewer system, and details sources of hauled waste (other than domestic septage), and excludes users discharging only domestic wastewater, such as residential homes and users discharging wastewater from bathrooms and kitchens only.

4 Technical Information

4.1 WWTP PERFORMANCE AND INDUSTRIAL DATA

City of Marshall IPP
4 Technical Information

- (a) The City's WWTP NPDES permit (No. MI0023540) is currently in effect since August 1, 2021 and expires at midnight on October 1, 2025. The permit authorizes the WWTP to discharge treated municipal wastewater from Monitoring Point 001A through Outfall 001. Outfall 001 discharges to the Kalamazoo River at Latitude 42.2641, Longitude -84.969. Such discharge shall be limited and monitored by the permittee as specified below.
- (b) The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use. Discharge restrictions are subject to change with each five (5) year permit cycle.

Parameter	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration				Monitoring Frequency	Sample Type
	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units		
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand (CBOD5)										
May – September	250	380	(report)	lbs/day	10	---	15	mg/l	Daily	24-Hr Composite
October – April	630	1000	(report)	lbs/day	25	40	(report)	mg/l	Daily	24-Hr Composite
Total Suspended Solids (TSS)										
	750	1100	(report)	lbs/day	30	45	(report)	mg/l	Daily	24-Hr Composite
Ammonia Nitrogen (as N)										
May – June	260	---	(report)	lbs/day	(report)	---	(report)	mg/l	Daily	24-Hr Composite
July – August	(report)	300	(report)	lbs/day	(report)	---	12	mg/l	Daily	24-Hr Composite
September	260	---	(report)	lbs/day	(report)	---	(report)	mg/l	Daily	24-Hr Composite
October – April	(report)	---	(report)	lbs/day	(report)	---	(report)	mg/l	Weekly	24-Hr Composite
Total Selenium	0.75	---	(report)	lbs/day	30	---	(report)	ug/l	Quarterly	24-Hr Composite
Total Phosphorus (as P)	25	---	(report)	lbs/day	1.0	---	(report)	mg/l	Daily	24-Hr Composite
Chloride	---	---	---	---	(report)	---	(report)	mg/l	Monthly	24-Hr Composite
Sulfate	---	---	---	---	(report)	---	(report)	mg/l	Monthly	24-Hr Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	(report)	cts/100 ml	Daily	Grab
Total Residual Chlorine	---	---	---	---	---	---	38	ug/l	Daily	Grab
Acute Toxicity	---	---	---	---	---	---	1.0	TU _A	Quarterly	24-Hr Composite
							Individual Chronic Value			
Chronic Toxicity	---	---	---	---	6.0	---	(report)	TU _C	Quarterly	24-Hr Composite

City of Marshall IPP
4 Technical Information

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration				Monitoring Frequency	Sample Type
Parameter	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units		
Total Mercury										
Corrected	0.00003	---	(report)	lbs/day	1.3	---	(report)	ng/l	Quarterly	Calculation
Uncorrected	---	---	---	---	---	---	(report)	ng/l	Quarterly	Grab
Field Duplicate	---	---	---	---	---	---	(report)	ng/l	Quarterly	Grab
Field Blank	---	---	---	---	---	---	(report)	ng/l	Quarterly	Preparation
Laboratory Method Blank	---	---	---	---	---	---	(report)	ng/l	Quarterly	Preparation
					Minimum % Monthly		Minimum % Daily			
CBOD5 Minimum % Removal										
October – April	---	---	---	---	85	---	(report)	%	Monthly	Calculation
TSS Minimum % Removal	---	---	---	---	85	---	(report)	%	Monthly	Calculation
					Minimum Daily		Maximum Daily			
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	---	3.0	---	---	mg/l	Daily	Grab

City of Marshall WWTP NPDES Permit - Additional Monitoring Requirements

- (c) As a condition of this permit, the permittee shall monitor the discharge from monitoring point 001A for the constituents identified below. This monitoring is an application requirement of 40 CFR 122.21(j), effective December 2, 1999. Testing shall be conducted in October 2021, May 2022, March 2023, and August 2024. Grab samples shall be collected for available cyanide, total phenols, the Perfluoroalkyl and Polyfluoroalkyl Substances, and Volatile Organic Compounds identified below. For all other parameters, 24-hour composite samples shall be collected.

City of Marshall IPP

4 Technical Information

Hardness

calcium carbonate

Perfluoroalkyl and Polyfluoroalkyl Substances

Perfluorooctane Sulfonate (PFOS)

Perfluorooctanoic Acid (PFOA)

Metals (Total Recoverable), Cyanide and Total Phenols

antimony	arsenic	available cyanide	nickel
beryllium	cadmium	chromium	zinc
copper	lead	silver	thallium
total phenolic compounds			

Volatile Organic Compounds

acrolein	acrylonitrile	benzene	bromoform
carbon tetrachloride	chlorobenzene	chlorodibromomethane	chloroethane
2-chloroethylvinyl ether	chloroform	dichlorobromomethane	1,1-dichloroethane
1,2-dichloroethane	trans-1,2-dichloroethylene	1,1-dichloroethylene	1,2-dichloropropane
1,3-dichloropropylene	ethylbenzene	methyl bromide	methyl chloride
methylene chloride	1,1,2,2-tetrachloroethane	tetrachloroethylene	toluene
1,1,1-trichloroethane	1,1,2-trichloroethane	trichloroethylene	vinyl chloride

Acid-Extractable Compounds

4-chloro-3-methylphenol	2-chlorophenol	2,4-dichlorophenol	2,4-dimethylphenol
4,6-dinitro-o-cresol	2,4-dinitrophenol	2-nitrophenol	4-nitrophenol
Pentachlorophenol	phenol	2,4,6-trichlorophenol	

Base/Neutral Compounds

acenaphthene	acenaphthylene	anthracene	benzidine
benzo(a)anthracene	benzo(a)pyrene	3,4-benzofluoranthene	benzo(ghi)perylene
benzo(k)fluoranthene	bis(2-chloroethoxy)methane	bis(2-chloroethyl)ether	bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate	4-bromophenyl phenyl ether	butyl benzyl phthalate	2-chloronaphthalene
4-chlorophenyl phenyl ether	chrysene	di-n-butyl phthalate	di-n-octyl phthalate
dibenzo(a,h)anthracene	1,2-dichlorobenzene	1,3-dichlorobenzene	1,4-dichlorobenzene
3,3'-dichlorobenzidine	diethyl phthalate	dimethyl phthalate	2,4-dinitrotoluene
2,6-dinitrotoluene	1,2-diphenylhydrazine	fluoranthene	fluorene
Hexachlorobenzene	hexachlorobutadiene	hexachlorocyclo-pentadiene	hexachloroethane
indeno(1,2,3-cd)pyrene	isophorone	naphthalene	nitrobenzene
n-nitrosodi-n-propylamine	n-nitrosodimethylamine	n-nitrosodiphenylamine	phenanthrene
pyrene	1,2,4-trichlorobenzene		

City of Marshall WWTP NPDES Permit – Industrial Waste Pretreatment Program

- (d) The permittee is required to comply with Section 307 of the Federal Water Pollution Control Act upon accepting any such discharge for treatment. The permittee is required to notify the Department within 30 days if any user discharges or proposes to discharge such wastes to the permittee for treatment.
- (e) Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
- (1) pollutants which cause pass-through or interference;
 - (2) pollutants which create a fire hazard or explosion hazard in the sewerage system, including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 - (3) pollutants which will cause corrosive structural damage to the sewerage system; but in no case, discharges with pH less than 5.0, unless the works is specifically designed to accommodate such discharges;
 - (4) solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewerage system resulting in interference;
 - (5) any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment plant;

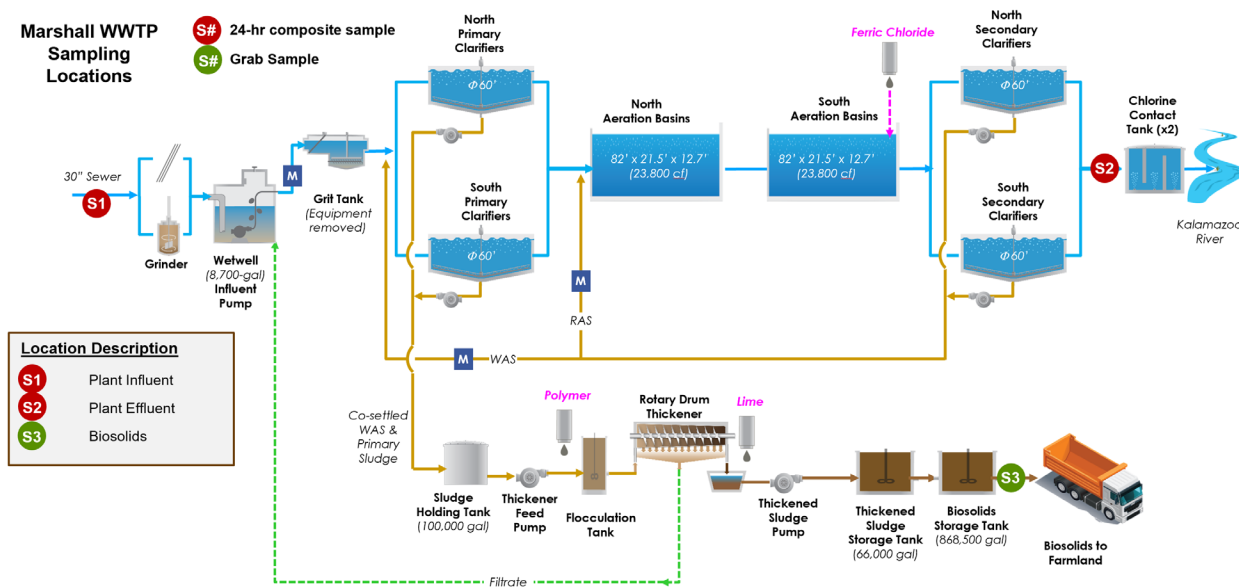
City of Marshall IPP

4 Technical Information

- (6) heat in amounts which will inhibit biological activity in the treatment plant resulting in interference; but in no case, heat in such quantities that the temperature at the treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Department, upon request of the permittee, approves alternate temperature limits;
 - (7) pollutants which result in the presence of toxic gases, vapors, or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems; and
 - (8) any trucked or hauled pollutants, except at discharge points designated by the permittee.
- (f) If information is gained by the Department that the permittee receives or is about to receive industrial wastes, then this permit may be modified in accordance with applicable laws and rules to incorporate the requirements of Section 307 of the Federal Water Pollution Control Act.

4.2 SAMPLING AND ANALYSIS METHODOLOGY

- (a) Additional to the routine monitoring performed by the City's WWTP per their NPDES permit (as described at the beginning of Section 4), a 4-week sampling plan was proposed to collect samples from the City's WWTP liquid and solids process trains to complement available historical data and perform MAHL analysis. Sampling was conducted in a relatively dry weather period (with precipitation below 0.1 inch).
- (b) Both grab samples and 24-hour composite samples were applicable depending on sampling locations. Composite samples were planned for two locations: the raw influent and the plant effluent. A grab sample was collected from the finished biosolids. Sampling was performed during normal plant operation that represents typical operation. Six (6) samples were collected over a 4-week period with at least one sampling event per week for two weeks, and 2 samples over the same week for the remainder 2 weeks (Monday through Friday), for a total of six samples over 4 weeks.
- (c) The City POTW recently evaluated the influent wastewater and wastewater discharge of the WWTP to the Kalamazoo River. Sampling points for this evaluation are provided in the figure below:



4.3 LOCAL LIMITS EVALUATION

- (a) The General Pretreatment Regulations mandate that POTWs developing IPPs must establish and enforce specific limits. These limits serve to implement prohibitions aimed at safeguarding against pass-through and interference at the City's WWTP. Categorical pretreatment standards are strategically designed to guide IUs in implementing technology-based controls, thereby restricting the

City of Marshall IPP
4 Technical Information

introduction of pollutants into the WWTP. Additionally, local limits are tailored for pollutants that may cause interference, pass-through, sludge contamination, or pose risks to worker health and safety. Importantly, these local limits apply not only to Categorical Industrial Users (CIUs) but also to all SIUs.

- (b) A local limits evaluation was conducted by the City as part of the IPP. This evaluation was completed by conducting the following:
 - (1) Identification of Pollutants of Concern (POCs)
 - (2) Data analysis of wastewater quantity and quality
 - (3) Maximum Allowable Headworks Loading (MAHL)
 - (4) Maximum Allowable Industrial Loading (MAIL)
 - (5) Local Limits development
- (c) A summary of each evaluation is provided in the following subsections.

4.4 POLLUTANTS OF CONCERN

- (a) To ascertain the POCs, a comprehensive examination of pollutant data was conducted. This analysis encompassed historical data related to priority pollutants in WWTP effluent and the receiving water (Kalamazoo River). Additionally, monthly concentration data for WWTP influent and effluent, as well as sludge monitoring data, were heavily reviewed.
- (b) The screening process identified 24 pollutants as potential POCs. These selected pollutants met one or more of the following screening criteria:
 - (1) 15 National POCs
 - (i) Pollutants recognized at the national level as significant environmental concerns.
 - (2) NPDES Permit and Environmental Criteria
 - (i) Pollutants subject to limitations specified in the NPDES permit and relevant environmental standards.
 - (3) Operational Issues
 - (i) Pollutants that have historically caused operational challenges within the WWTP.
 - (4) Emerging Pollutants
 - (i) Pollutants that are becoming an increasing concern in wastewater discharge
 - (5) Health and Safety Implications
 - (i) Pollutants with critical implications for safeguarding the treatment works, collection system, and the well-being of WWTP personnel.
- (c) The following were identified as pollutants of concern:
 - (1) Arsenic ⁽¹⁾
 - (2) Cadmium ⁽¹⁾
 - (3) Chromium, Total ⁽¹⁾
 - (4) Copper ⁽¹⁾
 - (5) Cyanides, amenable ⁽¹⁾
 - (6) Cyanides, Total
 - (7) Lead ⁽¹⁾
 - (8) Molybdenum ⁽⁵⁾
 - (9) Mercury ⁽¹⁾
 - (10) Nickel ⁽¹⁾
 - (11) Silver ⁽¹⁾
 - (12) Zinc ⁽¹⁾
 - (13) Lithium ⁽³⁾
 - (14) Corrosivity ⁽³⁾
 - (15) Oil and Grease ⁽³⁾

City of Marshall IPP
4 Technical Information

- (16)PFOA ⁽²⁾
- (17)PFOS ⁽²⁾
- (18)Selenium Total ⁽²⁾
- (19)Chloride ⁽²⁾
- (20)Sulfate ⁽²⁾
- (21)COD ⁽⁴⁾
- (22)BOD₅ ⁽⁵⁾
- (23)TSS ⁽⁵⁾
- (24)Ammonia ⁽⁵⁾

- (1) Required by Michigan's IPP Rule 323.2303(4)(b).
- (2) Required by the City of Marshall WWTP NPDES permit.
- (3) Selected based on land application of sludge regulations.
- (4) Selected based on EPA's Industrial User Inspection and Sampling Manual for POTWs.
- (5) Selected based on EPA's 15 National POCs

4.5 DATA ANALYSIS

4.5.1 Wastewater Quantity

- (a) Table 4.1 summarizes the historical influent wastewater which is inclusive of all wastewater generated from residential, commercial, institutional and industrial dischargers.

Table 4.1. Summary of Historical Influent Wastewater Flows

Flow	2020	2021	2022	2023	2020-2023
Avg (MGD)	1.65	1.36	1.48	1.32	1.43
Min (MGD)	1.09	1.04	1.12	1.03	1.03
Max (MGD)	2.33	2.04	2.01	2.13	2.33

- (b) The permitted design capacity of the City's WWTP is 3.0 MGD, which means the WWTP is running at an average 47% of the WWTP capacity. A breakdown of contributions to the influent wastewater is provided in Table 4.2 below:

4.5.2 Wastewater Quality

- (a) Historical pollutant loading (lb/day) and pollutant concentration (mg/L) per constituent for which information was available from the routine monitoring performed by the City's WWTP are presented in the following tables. Removal efficiencies for each constituent are included on the tables.

Table 4.4. Summary of Historical Biochemical Oxygen Demand Concentrations and Loadings

Year	BOD ₅ Influent [mg/L]	BOD ₅ Influent [lbs]	BOD ₅ Effluent [mg/L]	BOD ₅ Effluent [lbs]	% Removal
2020	96.66	1,314	3.2	46	96.5
2021	117.45	1,308	3.3	38	97.0
2022	103.85	1,252	3.5	44	96.3
2023	134.45	1,458	3.9	43	96.9

Table 4.5. Summary of Historical Suspended Solids Concentrations and Loadings

Year	SS Influent [mg/L]	SS Influent [lbs]	SS Effluent [mg/L]	SS Effluent [lbs]	% Removal
2020	150.0	2,048	8.5	121	93.8

City of Marshall IPP
4 Technical Information

2021	153.7	1,716	7.5	87	94.5
2022	133.3	1,628	9.6	125	92.2
2023	154.7	1,681	7.1	80	95.1

Table 4.6. Summary of Historical Total Phosphorus Concentrations and Loadings

Year	TP Influent [mg/L]	TP Influent [lbs]	TP Effluent [mg/L]	TP Effluent [lbs]	% Removal
2020	2.60	36	0.29	4.30	88.4
2021	3.94	46	0.33	3.70	90.7
2022	3.48	43	0.33	4.26	89.8
2023	3.60	39	0.23	2.56	93.4

Table 4.7. Summary of Historical Ammonia Concentrations and Loadings

Year	NH₃ Influent [mg/L]	NH₃ Influent [lbs]	NH₃ Effluent [mg/L]	NH₃ Effluent [lbs]	% Removal
2020	8.4	117	0.08	1.30	99.0
2021	12.0	130	0.19	2.53	98.4
2022	10.1	125	0.79	11.54	92.2
2023	14.6	159	0.18	2.17	98.7

4.6 SUMMARY OF MAHL

- (a) The MAHL evaluation provides information on the maximum pollutant loading the WWTP can receive without violating the regulatory standards or causing operational upset or pass through. A full detailed report of the MAHL analysis is provided as Attachment B. Table 4.8 below provides a summary of the MAHLs that were determined from the evaluation.
- (b) The major objectives of the IPP are:
- Protect the City from violating its plant operating permits.
 - Prevent the introduction of pollutants into the City's Wastewater Treatment Plant (WWTP) which will interfere with the operation of the Activated Sludge Process.
 - Prevent the introduction of pollutants into the City's WWTP which may pass through the treatment plant into receiving waters.
 - Prevent the introduction of pollutants into the City's WWTP which may affect the City's ability to dispose of its biosolids.
- (c) Supporting data, methodologies, and calculation results are detailed in the appendices. Included are Maximum Allowable Headworks Loadings (MAHLs), Maximum Allowable Industrial Loadings (MAILs), local limits, and background concentrations. The local limits and summary of sampling results are summarized in **Table E-1 of MAHL Analysis report**.
- (d) The calculation of limits was based on consideration of the following elements:
1. Pass through for Acute Water Quality criteria – Evaluates the pass through of toxics that could cause the water quality of the receiving stream to exceed EPA standards.
 2. Pass through for Chronic Water Quality criteria – Evaluates the pass through of toxics that could cause the water quality of the receiving stream to exceed EPA standards.
 3. Compliance with the NPDES Permit – Evaluates the removal of the POCs through plant processes and calculates a headworks loading so limits are met.

City of Marshall IPP
4 Technical Information

4. Protection of the Land Application Program under the U.S. EPA 503 sludge regulations – Evaluates the headwork concentration requirements to protect the land application of biosolids.
5. Protection of the WWTP for activated sludge inhibition – Evaluates the headwork concentrations requirements to protect the treatment plant process.

(e) The minimum value derived for each POC was then used as the local limit.

4.8. Summary of Sampling Results and Local Limits

Pollutant of Concern (POC)	Influent Concentration (mg/L)	Current Local Limit (mg/L)	Proposed Local Limit (mg/L)
COD	254		4336
BOD5	135.71		1778
TSS	176.57		978
NH3-N	16.94		85.8
Total P	3.99		31.5
FOG	40.5		100
Arsenic	0.002	0.09	0.05
Cadmium	<0.001	0.07	0.17
Chromium, Total	<0.0012	1.98	1.09
Copper	0.11	.42	0.04
Cyanides, Total	<0.005	0.25	0.44
Lead	<0.0002	0.5	0.11
Mercury	<0.0002	< 0.0002	< 0.0002
Molybdenum	<0.	<0.30	0.35
Nickel	<0.02	2.25	1.00
Selenium	<0.001	0.1	0.15
Silver	<0.0002	0.28	0.2
Zinc	0.08	2.60	0.04

MAXIMUM ALLOWABLE HEADWORKS LOADINGS (MAHLS) CALCULATION

- (f) Determination of the MAHLS was based on using two sets of calculations. The first calculation was performed by using the NPDES limits, whereas the second calculation was performed by using the WWTP basis of design information. The lower calculated values were identified as the MAHLS. A description of each calculation type is presented below.

NPDES Limit Pass – Through

- (g) NPDES permit limits used in the calculation are presented in Table 4.9, shown below. The City's current permit includes seasonal monthly averages and daily maximum limits for BOD5, TSS, and Total-Phosphorus. Where there were no daily maximum limits for BOD5 or TSS, the corresponding 7-day maximum limits were used instead.

Table 4.9. NPDES Permit Limits

Parameter	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration			
	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units
Flow	(report)		(report)	MGD				

City of Marshall IPP
4 Technical Information

Carbonaceous Biochemical Oxygen Demand (CBOD5)								
May -September	250	380	(report)	lbs/day	10		15	mg/L
October-April	630	1000	(report)	lbs/day	25	40	(report)	mg/L
Total Suspended Solids (TSS)								
	750	1100	(report)	lbs/day	30	45	(report)	mg/L
Ammonia Nitrogen (as N)								
May – June	260		(report)	lbs/day	(report)		(report)	mg/L
July – August	(report)	300	(report)	lbs/day	(report)		12	mg/L
September	260		(report)	lbs/day	(report)		(report)	mg/L
October – April	(report)		(report)	lbs/day	(report)		(report)	mg/L
Total Phosphorus (as P)								
	25		(report)	lbs/day	1.0		(report)	mg/L
Fecal Coliform Bacteria					200	400	(report)	Cts/100 ml
Total Residual Chlorine							0.038	mg/L

- (h) POC-specific loadings that protect the plant from exceeding the NPDES's daily and monthly average seasonal limits were determined using the plant flow (QWWTP). Each season's daily minimum and monthly average limits were evaluated. The average WWTP removals calculated from data obtained during the sample collection period in 2023, 2024 taken into account. The controlling daily maximum and monthly average loadings for each POC were then determined by the lower of corresponding seasonal values. Refer to the Table in **Appendix B of MAHL Analysis report** for the detailed calculations for MAHLs based on NPDES Limits.

WWTP Basis of Design

- (i) POC-specific loadings for protection against exceeding the design criteria for the WWTP were established using the specified or equivalent mass, the design flow and specified concentrations in the Biological Capacity Document prepared by Stantec (L_{DESIGN}) for this plant.
- (j) The MAHL calculations based on the WWTP basis of design are presented in the Table included in **Appendix B of MAHL Analysis report**. The MAHL values based on the WWTP basis of design are presented in the Table as L_{dom} .

Controlling MAHLs

- (k) The lowest individual loading identified from comparing the NPDES limit and WWTP basis of design values was then selected as the controlling MAHL for each POC to prevent the plant from exceeding its NPDES limit for pass-through and WWTP basis of design criteria.

4.7 SUMMARY OF MAIL

MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS (MAILs) CALCULATIONS

- (a) As indicated in Section 2.3 of MAHL Analysis report, the MAIL values are calculated based on the MAHLs. The compatible POC MAIL values are listed in the Table included in Appendix B of MAHL Analysis report. The MAIL is referred to as L_{ind} in the Table.

Special Considerations

Collection System Limitations

- (b) Collection System Limitations (C_{csl}) refer to maximum discharge concentrations established for protection of the receiving sewer. While compatible pollutants typically do not have hazards that warrant such protection, Fat, Oil, and Grease (FOG) represents a special case due to its potential accumulation

City of Marshall IPP
4 Technical Information

in the sewer line which could cause plugging. Therefore, the C_{csl} for FOG was set to a concentration that is based on the City's operational experience (C_{maxfog}):

$$C_{csl} = C_{maxfog} = 75 \text{ mg/L}$$

- (c) The average value of FOG was 192 mg/L in the plant influent from the Headworks Loading Evaluation (December 2007). The FOG concentration of 192 mg/L did not cause any operation problems at the plant and the effluent value for FOG during the Headworks Loading Evaluation was not detectable. Therefore, it is recommended to raise the proposed local limit to 200mg/L.

pH

- (d) The current pH limit is 6.5-9.0 units. The lower pH limit is generally necessary to minimize sulfide generation and associated corrosion. The higher pH limit is required to minimize hazardous issues within the sewers, since pH levels of 12.5 or above are considered hazardous.

4.8 LOCAL LIMITS DEVELOPMENT

- (a) The MAIL for each POC was converted from mass loading (lbs/day) into concentration limits, C_{ind} (mg/L), using the uniform allocation method during 2008 MAHL analysis. This involved distributing the available mass loading uniformly over the industrial flow (Q_{ind}).
- (b) The POC C_{mail} value and the lower of C_{mail} and C_{csl} for FOG and pH, was then selected as the local limit (C_{std}) for each POC.
- (c) A safety factor (SF) was considered in the local limits calculation. The main purpose of a safety factor is to protect the plant from any uncertainties that might affect the accurate calculation of local limits. The safety factor is dependent upon the variability of the collected data. Values for SF were selected at the minimum value of 10%. This is justified, as the City has performed a stress test at the plant and firmly established the capacity of the plant.
- (d) The proposed compatible POC local limits, as well as the average influent concentrations, current and adjusted background concentrations, and current local limits are summarized in **Table 4.10**.

Table 4.10. Summary of Compatible POCs

Pollutant	Average Inf. Conc. (mg/L)*	Adjusted Background (mg/L)	Proposed Local Limit (mg/L)
COD	254	603	4336
BOD	135.71	313	1778
TSS	176.57	222	978
NH ₃ -N	16.94	22.45	85.8
Total P	3.99	6.85	31.5
FOG**	40.5	37	100

pH not in mg/L

** FOG proposed local limits is based on operational experience and is site specific.

- (e) The toxic POC local limits were established using the same approach that was used for the compatible POCs as described in **Section 2.7**. The local limits using each of the four calculations are shown in the Tables included in **Appendix C**.
- (f) A summary of the proposed toxic POC limits as well as the MAHL and MAIL loadings is presented in **Table 4.11**.

Table 4.11. Summary Headworks Loading Evaluation – Toxics

City of Marshall IPP
4 Technical Information

Pollutant of Concern	MAHL (lb/day)	MAIL (lb/day)	Proposed Local Limit (mg/L)
Arsenic *	0.35	0.01	0.05
Cadmium *	0.51	0.40	0.17
Chromium, Total *	4.26	2.8	1.15
Copper *	0.76	0.09	0.04
Cyanides, amenable*	1.63	0.37	0.15
Cyanides, Total	1.63	0.37	0.15
Lead *	2.18	0.26	0.11
Mercury*	0.16	0.14	< 0.0002
Molybdenum**	0.97	0.85	0.35
Nickel *	4.22	3.11	1.00
Selenium **	0.72	0.37	0.15
Silver*	0.56	0.49	0.2
Zinc *	1.31	0.09	0.04

* Required by Michigan's IPP Rule 323.2303(4)(b)

**Selected based on land application of sludge regulations.

It should be noted that the limits established in 1994, 2008 and as published in a City of Marshall report are different from the limits calculated in this study. The reasons for these differences are listed below:

- Different flow rates were used for Industrial and WWTP flows between the two reports.
- Different Inhibition Levels for the Activated Sludge protection
- Rule 57 Water Quality Based Limits have changed over the years
- Sludge Regulations have changed
- Different background levels were used

A brief discussion indicating how the local limit recommendation for each toxic POC was reached is presented below:

Arsenic

Current Limit: 0.09 mg/L.

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicate that 0.05 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.05 mg/L.

Cadmium

Current Limit: 0.07 mg/L.

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.11 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.17 mg/L.

City of Marshall IPP
4 Technical Information

Chromium (Total)

Current Limit: 1.98 mg/L.

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge nitrification inhibition limits indicates that 1.09 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 1.09 mg/L.

Copper

Current Limit: 0.42 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge nitrification inhibition indicates that 0.04 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.04 mg/L

Cyanide

Current Limit: 0.25 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on activated sludge inhibition thresholds indicates that 0.15 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.15 mg/L

Lead

Current Limit: 0.5 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.8 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Lower the limit to 0.11 mg/L

Mercury

Mercury is currently prohibited from discharge in the Marshall service area.

Current Limit: Current NPDES permit has a monthly total mercury limit of 0.00003 lbs/day loading, and 1.3 ng/L concentration.

Analysis: Mercury has been receiving much attention and scrutiny by EPA and environmental groups due to its toxicity and bioaccumulative characteristics. Dental offices are the largest known source of mercury loadings, and Mercury is rarely detected in WWTP influent and sludge.

Recommendation: Maintain the current prohibition on mercury dischargers with an enforcement limit of Non Detect.

Molybdenum

Current Limit: <0.3 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.35 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Raise the limit to 0.35 mg/L

Nickel

Current Limit: 2.25 mg/L

City of Marshall IPP

5 Compliance Monitoring Procedures

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on a sludge nitrification inhibition based value that indicates that 1.00 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 1.0 mg/L

Selenium

Current Limit: 0.1 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL is based on a Chronic WQS basis.

Recommendation: Raise the limit to 0.15 mg/L.

Silver

Current Limit: 0.28 mg/L

Analysis: Calculation indicates a limit of 0.037 mg/L. MAHL analysis indicates that influent loadings are far below MAHL, which includes a 10% safety factor. MAHL is based on a Chronic WQS basis.

Recommendation: Change the limit to 0.20 mg/L

Zinc

Current Limit: 2.6 mg/L.

Analysis: MAHL based on sludge nitrification inhibition limits indicates that 0.04 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Lower the limit to 0.04 mg/L.

4.9 FUTURE EVALUATIONS

- (a) Per the EPA's Local Limits Development Guidance, the Minimum Recommended Sampling Frequencies for Ongoing Local Limits Analysis and Evaluation are as follows:

Parameter	Location	Frequency
Pollutants for which local limits were adopted	Influent, Effluent, Sludge	Once every 3 months
Pollutants for which MAHLs were calculated, but for which no local limits were adopted	Influent, Effluent, Sludge	Once every 12 months

5 Compliance Monitoring Procedures

- (a) The purpose of the Compliance Monitoring Program (CMP) is to enable WWTP personnel to determine IU compliance with applicable federal, state, and local pretreatment standards and requirements. The regulatory basis for the WWTP to establish a pretreatment CMP is set forth in Section 403.8(f)(1)(v) of the Federal General Pretreatment Regulations, which requires a POTW to

City of Marshall IPP
5 Compliance Monitoring Procedures

possess the legal authority to carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance independent of information provided by the IUs.

- (b) Compliance monitoring activities may include: sampling of discharge, receipt and review of self-monitoring reports, and field inspections. The objectives of compliance activities are to:
 - (1) Independently ensure that applicable pretreatment standards are being met by affected IUs.
 - (2) Independently verify that self-monitoring results reported by IUs fairly represent the quantity and quality of wastewater discharges.
 - (3) Ensure the City's Sewer Use Ordinance and Permit to Discharge provisions are being met.
 - (4) Ensure self-monitoring and reporting requirements are being met.
 - (5) Maintain accurate records relative to local industrial processes including characteristics of the industrial discharges to the WWTP.
 - (6) Identify the need for enforcement action(s) or remedies for noncompliance.
 - (7) Maintain accurate information pertaining to the adequacy of IU pretreatment processes and equipment including the adequacy of operation and maintenance, and the need for additional equipment, etc.
- (c) These monitoring activities are discussed in the following subsections, as well as enforcement actions being defined in Section 7 of this document.

5.1 COMPLIANCE DATA COLLECTION

5.1.1 Types of Inspections and Sampling Activities

- (a) Inspection and sampling activities performed by the WWTP's field personnel can be:
 - (1) Scheduled in advance with the IU;
 - (2) Unscheduled, with little or no prior notice to the IU;
 - (3) On demand, usually in response to a suspected discharge or emergency, such as a spill at the industrial facility or an upset at the WWTP.
- (b) The WWTP will establish a neutral monitoring schedule for inspection and monitoring activities, which provides a priority-based means for assessing potential impacts to the WWTP. In accordance with the procedures outlined in 403.8 (f)(2)(v) of the Federal General Pretreatment Regulations, all SIUs will be inspected and sampled at least once per year and the need for a slug control plan will be evaluated at least every two years.

5.1.2 Scheduled Inspection and Sampling Activities

- (a) The WWTP may schedule inspection and/or sampling visits with or without prior notice to the IU. In general, by notifying the IU in advance of the date of an inspection or sampling visit, a meeting can be arranged with the facility's management and/or a knowledgeable employee(s) to:
 - (1) Conduct an on-site inspection to review processes that generate wastewater and inspect pretreatment facilities that may be employed.
 - (2) Collect compliance information and/or obtain samples to evaluate compliance by IUs with federal, state, and local pretreatment standards.
 - (3) Identify changes in industrial processes or operations that may affect the quantity and quality of industrial discharges and impact local Permit to Discharge provisions and requirements.
 - (4) Maintain a cooperative as well as regulatory presence with the industrial community.
 - (5) Discuss problems and/or concerns of either the WWTP or the IU as they pertain to the pretreatment program.

City of Marshall IPP
5 Compliance Monitoring Procedures

- (6) Update the WWTP's information on regulated IUs.
- (7) Verify self-monitoring reports submitted by the IU.

5.1.3 Unscheduled Inspection and Sampling Activities

- (a) The term *unscheduled monitoring* refers to industrial inspection or sampling visits that are not scheduled in advance with the IU. Such unannounced monitoring of regulated IUs is a useful means of determining compliance; instances of noncompliance can often be identified during unscheduled monitoring visits.
- (b) Unscheduled monitoring visits by the WWTP typically involve:
 - (1) A confidential schedule known only by the WWTP and the Approval Authority (EGLE). If access to the property of the IU facility is needed, some minimum notification may be required.
 - (2) A brief review and inspection of facility operations and pretreatment activities as necessary (a more thorough inspection may be conducted if problems are noted).
 - (3) Sampling of the IUs wastewater effluent performed on an unannounced basis.

5.1.4 Demand Inspection and Sampling Activities

- (a) Demand monitoring may be initiated in response to a known or suspected violation or as a result of a self-monitoring report, routine sampling or inspection, a public complaint, a suspected discharge of prohibited materials, violation of the WWTP's NPDES permit requirements, unusual influent conditions observed at the WWTP, or emergency situations (e.g., plant upsets, sewer line blockages, fires, explosions, etc.).
- (b) Demand monitoring is initiated to accomplish one or more of the following:
 - (1) Identify or verify the source of the discharge causing problems with the WWTP operations or within the tributary sewer system.
 - (2) Determine the nature, duration, and degree of hazard resulting from the discharge.
 - (3) Identify corrective actions necessary to limit or halt the discharge.
 - (4) Order corrective actions, if necessary.
 - (5) Gather information needed for follow-up compliance or enforcement actions.
- (c) In emergency situations, once the source, nature, and extent of the discharge has been identified, WWTP field personnel will (1) notify other appropriate agencies as applicable and necessary (e.g., fire department, state/local hazardous response teams, EGLE, Michigan Department of Natural Resources, U.S. EPA, etc.), and (2) maintain direct contact with WWTP management in case any of the following are deemed necessary: special equipment (e.g., sampling apparatus, safety equipment), additional personnel, whether service should be terminated, and the extent of the WWTP response, up to and including warrants, injunctions, and other legal actions.

5.1.5 Self-Monitoring Activities

- (a) The General Pretreatment Regulations for existing and new sources of pollution require IUs subject to categorical and local limits to periodically report on the nature of their wastewater discharge. Monitoring can be performed by the WWTP or by the IU or a combination of both.

City of Marshall IPP
5 Compliance Monitoring Procedures

- (b) The City's WWTP will require all regulated, permitted IUs (including CIUs and SIUs) to conduct self-monitoring. Each local Permit to Discharge issued to an IU will contain self-monitoring requirements including sampling frequency. These requirements are based on the following criteria:
 - (1) Volume of the industrial discharge.
 - (2) Type and concentration of pollutants in the discharge.
 - (3) Past compliance history of the IU production variations, both daily and/or seasonal.
 - (4) The ability to verify compliance of the IU monitoring expense to both the IU and the WWTP.
- (c) To verify information reported by the IU self-monitoring reports, the WWTP will independently monitor each permitted IU. The criteria listed above will also be considered in establishing monitoring frequencies used by the WWTP. Monitoring schedules will be modified as necessary to meet changing compliance demands and to make the best use of available resources. Once a compliance history has been established for a regulated IU, the WWTP may reallocate its monitoring resources to focus on IUs having difficulty achieving compliance, or those that are susceptible to variations in their processes or production cycles. Further, reasons for requiring increased self-monitoring may include but are not limited to:
 - (1) Little to no historical discharge data available to characterize the industry's discharge.
 - (2) Seasonal variations in discharge characterization.
 - (3) IU's history of upsets or accidental spills or lack of spill prevention plans for raw materials process wastewaters, or chemicals stored onsite.
 - (4) Reliability of IU's treatment facilities.
 - (5) History of noncompliance.
- (d) Self-monitoring data will be required of all permitted IUs. The forms used are provided by the City and must be used for reporting purposes. If a facility prefers to use its own form, it must be submitted for approval to the WWTP Superintendent prior to use; no alternative form may be used without prior written approval of the WWTP Superintendent. Each report shall be signed by the authorized industrial representative. The data included may be used as evidence if violations are identified.

5.1.6 Follow-Up Responses to Inspection and Monitoring Activities

- (a) There are a wide range of possible outcomes from inspections and monitoring activities involving industrial facilities. Among the possible findings of industrial inspections and monitoring visits are:
 - (1) Compliance with applicable pretreatment effluent standards, reporting requirements, monitoring requirements, analytical procedures, permit conditions, etc.
 - (2) Minor to major violations of pretreatment effluent standards, reporting and monitoring requirements, analytical procedures, permit conditions, etc., or any combination of these violations.
 - (3) Evidence of negligence or willful intent associated with any of these violations.
 - (4) Identification of significant changes in processes, pollutants discharged, discharge volumes, etc.
- (b) The findings of the inspection visits will generally be forwarded to the IU. Where violations are identified, corrective action within a specified period of time will be required. In some cases, the identified violation may indicate the need for formal enforcement action by the WWTP.

5.2 SAMPLE COLLECTION AND HANDLING

- (a) If City or WWTP personnel collect samples during IU on-site activities (e.g., during an inspection or routine compliance evaluation), it is important to measure flow and collect samples in a manner that ensures valid results and representative characteristics of the discharged wastewater. Sample collection and analysis activities are designed to do the following:

City of Marshall IPP
5 Compliance Monitoring Procedures

- (1) Verify that the IU's sampling program adheres to permit sampling requirements or other control mechanisms.
 - (2) Validate the accuracy and quality of self-monitoring data and reporting.
 - (3) Confirm that the chosen sampling location(s) accurately represent the conditions.
 - (4) Verify compliance with instantaneous, daily maximum, and monthly average effluent limits (local limits or categorical standards).
 - (5) Support enforcement actions.
 - (6) Provide support for the development of local limits and the issuance or revision of permits or other control mechanism.
- (b) The following main components are necessary for comprehensive sampling and analysis in monitoring IUs:
- (1) Sampling point location.
 - (2) Sample type and technique.
 - (3) Laboratory considerations (sample preservation and analytical test procedures).
 - (4) Chain-of-custody.

5.2.1 Sampling point

- (a) Sampling points should be where there is no discharge other than from the IU process effluent being monitored; the sampling location must be representative of the actual discharge from the facility. Convenience, accessibility, safety, and representativeness of the sample are all important considerations of the sampling point. Representative samples can be drawn from a wastewater depth where flow is turbulent and well mixed, minimizing solids settling. The depth of sample collection should be 40 to 60 percent of the waste stream's depth. To avoid contamination, samples should be collected from the center of the flow with the opening of the sampling device or container facing upstream. Wide channels may require dye testing to find the most representative sampling site, and if inconclusive, multiple samples may be needed through cross-sectional sampling.
- (b) If the designated location is not suitable for obtaining a representative sample, the inspector must identify an alternative site. This decision should be informed by the inspector's understanding of the plant, production processes, and outfalls. In cases of conflicting sample locations between the permit and the inspector's judgment, samples should be collected from both sites. Detailed documentation of the conflict is essential for resolution by the WWTP. In the event of an irreconcilable dispute, the WWTP Superintendent's decision shall prevail. If needed, the permit or other control mechanisms should be amended to reflect the more representative sampling location(s).
- (c) Under the CWA, federal categorical standards apply either at the end-of-process or end of treatment, which may necessitate a pretreatment system at the IU's facility prior to discharge [to the WWTP]. However, exceptions exist when specific standards dictate an alternative sampling location. When process effluent mixes with unregulated waste streams or dilution water, the CWF25 must be used (40 CFR 403.6). The WWTP has the authority to designate the sampling point(s) in an IU's permit or control mechanism, whether it is end-of-pipe, end-of-process, or both. Crucially, any change in sampling points must not allow IUs to substitute dilution for proper treatment to meet compliance standards. Additionally, if a treated, regulated process waste stream combines with other wastewaters, the IU can monitor either the segregated process waste stream or the combined waste stream to assess compliance with pretreatment standards.

City of Marshall IPP
5 Compliance Monitoring Procedures

5.2.2 Sample Type and Technique

- (a) Flow measurements and sampling can be conducted either manually or through the use of automatic devices by the inspector. Two types of sampling techniques may be utilized, these are:
- (1) Grab sample, whereby a single volume of wastewater is obtained and analyzed. This type of sample will not always provide an accurate measure of wastewater characteristics, especially when the flow or pollutants are heterogeneous or vary with time. Grab samples are permissible when measuring for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds [40 CFR 403.12(g)(3)].
 - (2) Composite samples, of which there are two types:
 - (i) Time proportional composite sample, which consists of a timed sequential collection of equal volume grab samples combined in a single reservoir. This type of sample can give a partial evaluation of the variability of wastewater composition with time. It does not provide any measure of the total pounds of pollutant discharged, since pollutant loading is a flow related value.
 - (ii) Flow proportional composite sample, which is obtained by collecting incremental samples with volumes proportional to flow. This type of sample, when analyzed and compared to total flow, provides the most accurate measure of wastewater quality and pollutant loading. Special sampling equipment and/or significant manpower resources are required.
- (b) Once the representative sampling location has been determined, the sample can be collected. The following guidelines are to be followed when collecting a sample (either manually or automatically):
- (1) Take sample at the site specified in the IU permit or control mechanism. If that location is not suitable, approval must be obtained from the WWTP Superintendent to sample from a more representative location, and the permit must be modified to reflect the new sampling location.
 - (2) Use the sampling method required by the IU permit. If the permit sampling method is inappropriate, approval must be obtained from the WWTP Superintendent must be obtained for a variance. If active field work is in progress when such approval may not be immediately possible, discrepancies should be noted, and two samples should be collected: one using the permit-specified method and another using the method under 40 CFR 403.12(g)(3). The permit must be modified to reflect any changes in the sampling method.
 - (3) Manual grab samples are to be collected for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds [40 CFR 403.12(g)(3)], if applicable.
 - (4) Temperature and pH are to be analyzed within 15 minutes of sample collection (40 CFR part 136).
 - (5) Avoid gathering large, non-uniform particles and objects.
 - (6) Avoid contamination by collecting the sample facing upstream.
 - (7) When collecting oil and grease and microbiological samples, do not rinse the sample container with the effluent. Instead, fill the container directly, leaving a space of 2.5 to 5 cm from the top.
 - (8) For samples analyzed for purgeable organics, dissolved oxygen, ammonia, hydrogen sulfide, free chlorine, pH, hardness, sulfite, ammonium, ferrous iron, acidity, or alkalinity, fill the container completely.
- (c) The sample volume collected depends on the specific analyses required, parameters to be measured, and the receiving laboratory's requirements. The sample volume must suffice for all analyses, including any repeats for verification (e.g., duplicates, blanks, and spikes). For accurate estimation of the required sampling volume, laboratory personnel should be consulted.
- (d) Preservation techniques ensure that the sample remains representative of the waste stream at the time of collection. Since most pollutants in the samples collected are, at least to some extent,

City of Marshall IPP

5 Compliance Monitoring Procedures

unstable, this instability requires that samples be analyzed immediately or be preserved or fixed to minimize changes in the pollutant concentration or characteristics between the time of collection and analysis. This means that preservation must take place in the field (see 40 CFR 136.3).

- (e) Since immediate analysis is often impractical, most samples undergo preservation regardless of the analysis timing. Preservation should occur promptly after sample collection. Common preservation methods include:
 - (1) Cooling the sample using ice to slow down chemical reactions.
 - (2) Storing the sample at low temperatures to maintain stability (refrigeration).
 - (3) Adjusting the sample's pH to prevent chemical transformations.
 - (4) Adding specific chemicals to halt biological or chemical processes (chemical fixation).
- (f) In addition to preservation techniques, inspectors must be aware of maximum holding times outlined in 40 CFR part 136 for specific analytes. Times listed are the maximum times between sample collection and analysis that are allowed for the sample to be considered valid.
- (g) Sample documentation ensures the validity of collected samples and data, both from field measurements (e.g., pH and flow) and laboratory analyses. All documented information must be accurate and complete. Failure to follow proper record-keeping procedures could render these documents inadmissible as evidence in court. Inspectors must sign all field records containing data at the time of collection, including any chain-of-custody (COC) forms.

5.2.3 Laboratory Considerations

- (a) The General Pretreatment Program requirements at 40 CFR part 136 and 40 CFR 403.12(g)(5) require that samples be analyzed using the approved methods listed in 40 CFR part 136 *Guidelines Establishing Test Procedures for the Analysis of Pollutants*. Inspectors should exercise diligence to ensure labs use the correct solid waste analytical methods (e.g., SW846). The approved analytical methods for analyzing wastewater samples can be found at 40 CFR part 136 and the EPA Office of Water analytical methods website. The inspector and laboratory analyst should consult the current regulations at 40 CFR part 136 as analytical methods may be updated and/or deleted.
- (b) In the context of self-monitoring by IUs, it is imperative that IUs provide comprehensive details pertaining to sample handling and analytical procedures to the City Superintendent. Subsequently, the City will review all submitted information to ensure compliance with regulatory requirements.
- (c) The City employs a State-certified testing laboratory (Merit Laboratories, Inc), which adheres to testing methods specified in 40 CFR Part 136 or those approved by the USEPA. The laboratory diligently maintains quality assurance and control protocols to ensure the accuracy of test results. As part of quality assurance, personnel are to collect split samples for duplicate test runs to verify analyte results, excluding volatile organic compounds (VOCs). Additionally, field blank samples are taken specifically for VOCs.

5.2.4 Chain-Of-Custody and Handling Procedures

- (a) The COC procedure outlines a process for documenting possessional changes of samples. These procedures are critical for monitoring IUs. Properly signed COC forms must accompany each sample through the entire process, from collection to analysis. Ensuring data integrity is crucial, to preserve the ability of such data to be kept admissible in court.
- (b) The information that should be addressed in a COC form includes:
 - (1) Name of the person collecting the sample.

City of Marshall IPP
6 Permit to Discharge Control Mechanism

- (2) Sample identification number(s).
 - (3) Sample location.
 - (4) Date and time of sample collection.
 - (5) Parameters to be analyzed.
 - (6) Container type(s) used.
 - (7) Preservation method(s).
 - (8) Type of sample collected (i.e., grab, composite) for each pollutant to be analyzed.
 - (9) Results of any analysis performed in the field (e.g., pH and temperature).
 - (10) Name(s), signature(s), dates and times of all persons handling the samples in the field and in the laboratory (laboratories often have separate COC procedures, so the COC form used in the field may end once the sample reaches the laboratory).
- (c) All personnel involved in sample handling should receive a copy of the COC form. Sample shipments must be accompanied by the COC, and associated receipts should be retained. Since carriers typically do not sign for samples, seals are used to verify no tampering during shipment. When transferring possession of samples, the transferee must sign and record the date and time on the COC record. Custody transfers should be made for each sample, although group transfers are possible. Accurate and complete COC records are crucial for using analytical data in enforcement proceedings, allowing evidence introduction without requiring testimony from those who made the record.

5.3 COMPILATION AND SCREENING OF COMPLIANCE DATA

- (a) Good recordkeeping is an important part of laboratory administration. To ensure proper recording and handling of data, the following protocols will be implemented:
- (1) A standard form for collecting data in the field.
 - (2) Recording of data chronologically.
 - (3) Filing of completed forms with separate copies compiled into computer database.
- (b) The compliance screening process involves reviewing all available information to sort out noncomplying dischargers. This process is intended to identify violations, including non-discharge violations, and other types of noncompliance (e.g., failure to submit reports, failure to comply with compliance schedules, or failure to implement spill and slug prevention requirements).
- (c) Screening processes help the WWTP to ensure reports are submitted on time, that they cover the proper time period, that they include all required information, and are properly signed. The parameters reported, the number of measurements for each parameter, the sampling procedures, the discharge concentrations, and any other information supplied by the IU with the requirements in the IU's Permit to Discharge are important factors that will be scrutinized by the WWTP. The screening process also incorporates reviews of compliance schedules and spill and slug prevention programs.
- (d) The WWTP's staff will review information on an ongoing and as-received basis. In order to initiate enforcement actions in a timely manner, data will be screened as soon as possible after its receipt. Potential violations are identified and recorded in a violation summary specific to each IU. This summary will serve as a log for the compliance history of the IU and the enforcement responses of the WWTP.

6 Permit to Discharge Control Mechanism

- (a) Wastewater from IUs is initially characterized via industrial waste surveys and questionnaires. If it is decided that a Permit to Discharge is required, a Permit application will be provided to the User. The

City of Marshall IPP
6 Permit to Discharge Control Mechanism

following subsections detail the necessary components of the permit application and Permit to Discharge.

6.1 PERMIT REQUIREMENTS

- (a) Local Permits to Discharge are the primary administrative means to protect the WWTP by requiring IUs to comply with pretreatment requirements. The permitting process functions to formalize expectations and commitments between an IU and the WWTP. Further, the discharge permit establishes the standard against which the WWTP and the IU can assess and monitor compliance with pretreatment program requirements and objectives.
- (b) In accordance with the City's Sewer Use Ordinance Section 52.05(A)(3) and 52.19, a determination concerning the need for a Permit to Discharge will be made for each non-residential connection to the public sewer system. IUs meeting one or more of the following criteria may be issued a Permit to Discharge:
 - (1) IU meeting the criteria of a Significant Industrial User
 - (2) IU subject to local discharge limitations
 - (3) IU discharging high-strength wastewater
 - (4) IU with spill and/or slug prevention needs
 - (5) IU operating pretreatment equipment and facilities
 - (6) IU that may discharge toxic or poisonous substances
 - (7) IU that may discharge substances with the potential for causing passthrough or interference to the WWTP's treatment facilities or processes.
- (c) The permit format used by the WWTP contains the following major sections:
 - (1) Title Page
 - (2) Purpose and Authority Statement
 - (3) Discharge Limitations and Monitoring Requirements
 - (4) Reporting Requirements
 - (5) Spill Prevention Requirements
 - (6) Pretreatment Facility Requirements
 - (7) High-strength Waste Discharges
 - (8) Statement of Duration
 - (9) Statement of Non-Transferability
 - (10) Special Conditions
 - (11) General Conditions
 - (12) Federal Pretreatment Standards
- (d) Local Permits to Discharge are issued for a term not to exceed five years. The WWTP may issue a permit for a shorter period and may modify permit requirements and conditions to comport with applicable federal and state program requirements and local needs. A Permit to Discharge may be transferred with a change in facility ownership (including mergers, sales, or other events in which the corporate name or identity is changed) with prior notification to the POTW and provision of a copy of the existing control mechanism to the new operator or owner. Modifications enable the inclusion of categorical standards and local effluent limits, addressing operational issues at the WWTP and aiding in compliance. A Permit to Discharge can be revoked if a permittee violates the legal requirements of the permit.

6.2 PERMIT APPLICATION

- (a) Local Permits to Discharge may be issued by the WWTP upon the recommendation of the Industrial Pretreatment Coordinator. The permitting process requires the submittal of a permit application by the IU. The application must contain information sufficiently detailing the nature of the IU's operations, SIC code, flow and characteristics of each wastewater discharge, quantity and character of stored materials, applicability of Federal Categorical Standards and/or local limits, proposed pretreatment methods and other pertinent information. Following receipt of the permit application, onsite inspections of the IU's facility may be conducted by the WWTP Superintendent or designee. During these inspections, information reported on the permit application concerning processes, stored materials and waste characteristics can be verified.
- (b) Permit applications will be acted on by the WWTP within sixty days after receipt of an administratively complete application. At the discretion of the WWTP Superintendent, a draft of the permit may be reviewed with the applying IU to provide an opportunity for the IU to comment on permit conditions, including discharge limits, monitoring and reporting requirements, compliance schedules, and pretreatment requirements, etc. Through this process, a more collaborative approach can be implemented that will help foster mutually acceptable monitoring and reporting schedules for compliance with federal and state pretreatment program mandates.

6.3 USERS SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS AND COMPLIANCE DEADLINES

- (a) Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in § 403.3(m). New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

7 Enforcement Response Plan

- (a) Federal and State pretreatment program requirements have mandated the development and enforcement of local pretreatment regulations and standards. These local pretreatment requirements are contained in the City's Sewer Use Ordinance chapter 52 of the Code of Ordinances. Specific National Pretreatment Standards and Requirements, as stipulated in 40 CFR 403.8 (f) (5), and Michigan Administrative Code Section R 323.2306 (g), mandate that all POTWs must formulate and execute an Enforcement Response Plan (ERP) with the objective of regulating nondomestic users. The ERP serves to pinpoint instances of noncompliance and delineate a range of enforcement responses; it encapsulates the appropriate enforcement response to a variety of noncompliance incidents. The ERP included in this section focuses on the following:
 - (1) Methods and importance of identifying instances of noncompliance.
 - (2) Types of escalating enforcement responses the WWTP may take in response to various types of IU violations.
 - (3) Identifying personnel responsible for each type of response.
- (b) The ERP serves as a guide to aid the City in the evaluation and determination of suitable minimum investigative and enforcement actions, including the escalation thereof, in response to instances of noncompliance with the Sewer Use and Pretreatment Ordinance of the City (Chapter 52 Title V of the Sewer Use Ordinances). The ERP is formulated and executed under the authority granted by the

City of Marshall IPP
7 Enforcement Response Plan

Sewer Use Ordinance, in conjunction with other relevant local, state, and federal laws and regulations.

7.1 NONCOMPLIANCE IDENTIFICATION

7.1.1 Definition of Significant Noncompliance

- (a) Instances of significant noncompliance are IU violations which meet one or more of the following criteria:

(1) Violations Of Wastewater Discharge Permits

- (i) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (I);
- (ii) *Technical review criteria (TRC)* violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant taken during a six-month period equal or exceed the product of the Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3 (I), multiplied by the applicable TRC (TRC = 1.4 for BOD, T.S.S., fats, oil and grease, and 1.2 for all other pollutants, except pH);
- (iii) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (I) (daily maximum, long-term average, instantaneous limit, or narrative Standard) which the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the publicly owned treatment works' exercise of its emergency authority under R 323.2306(a)(vi) to halt or prevent the discharge.

- (2) Violations Of Compliance Milestones - as contained in a Permit to Discharge for initiating and completing compliance actions within ninety (90) days after the scheduled date.

- (3) Failure To Provide Reports - for compliance schedules, self-monitoring reports and other required reports within thirty (30) days from the due date.

- (4) Failure To Accurately Report Noncompliance.

- (5) Any other violation or group of violations which the WWTP determines will adversely affect the operation or implementation of the local pretreatment program.

- (b) Significant noncompliance is a serious matter as it generally reflects a pattern of noncompliance which has resulted from an IU's inability, or unwillingness, to correct the basis of its noncompliance. In such cases, the WWTP may identify the IU in the local newspaper as being in significant noncompliance of pretreatment requirements during the past twelve months.

7.1.2 Criteria Used in Determining Severity of Noncompliance

- (a) To evaluate appropriate enforcement responses, the type and severity of noncompliance must first be determined. The selected enforcement response must then be appropriate for the violation. The WWTP will consider the following criteria in determining the severity of the noncompliance:

- (1) Magnitude of the violation (variation from pretreatment standards or requirements)
- (2) Duration of the violation
- (3) Potential impact of the violation on receiving stream
- (4) Impact of the violation on the WWTP and/or its treatment process
- (5) Compliance history of the IU's and any previous enforcement actions
- (6) Good faith effort of the IU in correcting situations of noncompliance

City of Marshall IPP
7 Enforcement Response Plan

- (b) The determination of the severity of noncompliance is intended to promote fairness, equity, consistency, and the integrity of the IPP.

7.1.3 Magnitude of the Violation

- (a) Generally, an isolated violation can be met with an informal response. However, since even an isolated violation could potentially threaten public health, the environment, damage public property, jeopardize the integrity of the WWTP's program (e.g., falsifying a self-monitoring report), the WWTP may respond to any violation with an enforceable order that requires a return to compliance by a specific deadline.

7.1.4 Duration Of The Violation

- (a) The WWTP's response to violations will be to prevent extended periods of noncompliance from occurring. Administrative orders may be issued by the WWTP to correct chronic violations. If an IU fails to comply with the administrative order, the WWTP may proceed with administrative penalties/fines as provided in the Sewer Use Ordinance and/or initiate judicial actions. If a prolonged violation results in damage to the environment, the WWTP and/or sewer systems, or places these systems at significant risk, the WWTP may consider terminating service or obtaining a court order to halt further violations. Actions to recover monetary damages from the noncomplying IU may also be sought by the WWTP as deemed appropriate.

7.1.5 Effect of the Violation on Receiving Waters

- (a) One of the primary objectives of the National Pretreatment Program is to prevent pollutants from "passing through" the WWTP and entering the receiving stream. Consequently, any violation which results in environmental harm must be met with immediate response. Environmental harm should be presumed whenever an industry discharges a pollutant into the sewage system which:
 - (1) Passes through the WWTP
 - (2) Causes a violation of the WWTP's NPDES permit
 - (3) Has a toxic effect on the receiving water (e.g., fish kill)

7.1.6 Effect of the Violation on the WWTP

- (a) Some violations may have a negative impact on the WWTP itself. For example, they may result in significant increase in treatment costs, interfere with or harm WWTP personnel, equipment, processes, operations, or cause sludge contamination resulting in increased disposal costs. These violations may be met with administrative penalties/fines and/or orders to correct the violation in addition to recovery of cost and expenses to completely restore the WWTP and its processes. For example, if an IU's discharge upsets the treatment plant, damages the collection system, causes an obstruction or explosion, or causes additional investigative and monitoring expenses, the WWTP's response may include cost recovery, administrative penalties, including fines, and the requirement to correct the condition causing the violation.

7.1.7 Compliance History of The Industrial User

- (a) A pattern of recurring or multiple program violations may indicate that the IU's pretreatment system is inadequate or that the IU has taken a casual approach to operating its pretreatment system and to pretreatment program objectives. These indications can alert the WWTP to the likelihood of future significant violations. Accordingly, IUs exhibiting recurring compliance problems may require additional oversight to ensure consistent compliance is achieved. Compliance history is an important factor in deciding which compliance remedy is appropriate.

7.1.8 Good Faith Effort of The Industrial User

- (a) An IU's "good faith" in correcting its noncompliance is also a factor in determining which enforcement action to follow. "Good faith" may be defined as the IU's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, an IU's demonstrated willingness to comply will predispose the WWTP to select a less stringent enforcement response. However, good faith alone may not eliminate the necessity of an enforcement action. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner. However, compliance with previous enforcement orders is not necessarily good faith if a pattern of recurring violations is apparent.

7.2 TYPES OF ENFORCEMENT

- (a) Following is an overview of the seven types of enforcement responses utilized by the City's WWTP:
- (1) Notice of Violation
 - (2) Administrative Orders
 - (3) Administrative Fines
 - (4) Civil Litigation
 - (5) Criminal Prosecution
 - (6) Termination of Service
 - (7) Supplemental Enforcement Responses

7.3 NOTICE OF VIOLATION

- (a) A Notice of Violation (NOV) may be issued for relatively minor or infrequent violations of pretreatment standards or requirements. NOVs can be an effective response for a few reasons. They provide an IU with an opportunity to correct noncompliance on its own initiative rather than according to a schedule of actions determined by the WWTP, and they also serve to document the initial attempts of the WWTP to resolve the noncompliance.
- (b) Violations which may be addressed by an NOV:
- (1) Unpermitted Discharges
 - (i) Failure to file Permit renewal application but continuing to comply with expired Permit.
 - (ii) Reported spill with no known adverse effects.
 - (2) Effluent Limit Violations
 - (i) Isolated, insignificant exceedances.
 - (3) Monitoring and Reporting Violations
 - (i) Inadvertently using incorrect sample collection procedures.
 - (ii) Failing to properly sign or certify monitoring reports.
 - (iii) Failing to notify of slug loading, which has no known adverse effects.
 - (iv) Filing late report, including compliance schedule reports (less than 30 days).
 - (4) Missed Compliance Schedule Deadlines
 - (i) Missing interim or final deadline by 30 days or less.
- (c) Compliance information received from the industrial user will be reviewed and compared with permit requirements within 30 days from the identification of the violation. Initiation of enforcement actions shall not exceed 90 days from the identification of the violation.
- (d) If an IU does not return to compliance, the WWTP will escalate to more stringent enforcement responses.
- (e) Violations will be documented in the industrial user's file. The violations will be entered into a computer log to document the duration, severity, and response to the violation.
- (f) All communications (phone calls, meetings, emails, etc.) will be documented in the communications log specific to the industrial user.

7.4 ADMINISTRATIVE ORDERS

- (a) Administrative Orders (AO) are enforcement documents which direct IUs to undertake or to cease specified activities. AOs are generally the first formal response to significant noncompliance and may incorporate compliance schedules, administrative penalties, and termination of service orders. The five types of administrative orders that may be used by the City's WWTP are:

- (1) Telephone Calls
- (2) Consent Orders
- (3) Compliance Orders
- (4) Show Cause Orders
- (5) Cease and Desist Orders

7.4.1 Telephone Calls

- (a) This action serves as a response to minor violations directed at the industry contact person. It is specifically designed for situations where the infraction is negligible, such as a report received one or two days late. No formal follow-up or disciplinary measures are anticipated; instead, the focus is on providing informal guidance to rectify the issue.

7.4.2 Consent Orders

- (a) A Consent Order combines the force of an AO with the flexibility of a negotiated settlement. A Consent Order is an agreement between the WWTP and the IU normally containing three elements:
- (1) Compliance schedules
 - (2) Stipulated fines or remedial action
 - (3) Signatures of the WWTP and the Industry

7.4.3 Compliance Orders

- (a) A Compliance Order directs the IU to achieve or restore compliance by a specified date. It is issued unilaterally, and its terms need not be discussed with the industry in advance. The Compliance Order is usually issued when noncompliance cannot be resolved without construction, repair, or process changes. Compliance Orders are also frequently used to require IUs to develop management practices, spill prevention programs and related WWTP program requirements.

7.4.4 Show Cause Order

- (a) An Order to Show Cause directs the IU to appear before the WWTP Superintendent, explain its noncompliance, and show cause why more severe enforcement actions against the IU should not go forward. The Order to Show Cause is typically issued after informal contacts or NOV's have failed to resolve the noncompliance. However, the Show Cause Order and subsequent hearing can also be used to investigate violations of previous orders.

7.4.5 Cease-and-Desist Orders

- (a) A Cease-and-Desist Order directs a noncompliant IU to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. This type of order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease-and-Desist Order may be given by telephone. However, a subsequent written order will be served to the offending IU, either in person or by registered mail. If necessary, the WWTP may order immediate cessation of any discharge to its collection system, regardless of an IU's compliance status. In nonemergency situations, the Cease-and-Desist Order may be used to suspend or permanently revoke Permits to Discharge. If an IU fails to comply with the order, the WWTP may take independent action to halt the discharge, such as terminating water service or blocking the IU's connection point.

7.5 ADMINISTRATIVE FINES

- (a) An Administrative Fine is a monetary penalty assessed by the WWTP for violations of pretreatment standards or requirements. Administrative Fines may be assessed at the WWTP's discretion, and the amount of the fines may be determined on an individual basis. Administrative Fines differ from Civil Penalties (penalties imposed through court proceedings), since fines are assessed by the WWTP directly and do not require court intervention unless the IU contests the action or refuses to pay the fine. Administrative Fines are punitive in nature and are not related to a specific cost born by the WWTP. Instead, fines are to recapture the full or partial economic benefit of noncompliance, and to deter future violations.
- (b) Administrative Fines are an escalated enforcement response, particularly when NOV's or AOs have not prompted a return to compliance. Whether Administrative Fines are appropriate responses to noncompliance depends greatly on the circumstances surrounding the violation. When using this enforcement response, either singly or in conjunction with another response, the WWTP may consider the following factors:
 - (1) The type and severity of the violation.
 - (2) The number of violations cited.
 - (3) The duration of the noncompliance.
 - (4) The impact of the violation on the WWTP and the environment.
 - (5) Whether the violation threatened human health.
 - (6) Whether the IU derived any economic benefit or savings from the noncompliance.
 - (7) The compliance history of the IU.
 - (8) Whether the IU is making a good faith effort to restore compliance.
 - (9) Other policy considerations normally involved in an enforcement decision.
- (c) Common instances where fines are particularly appropriate include:
 - (1) When the IU remains in noncompliance after receiving repeated NOV's.
 - (2) When the IU violates the terms of an Administrative Order.

7.6 CIVIL LITIGATION

- (a) Civil Litigation is the formal process of filing lawsuits against IUs to secure court ordered action to correct violations and to secure penalties for violations including, but not limited to, the recovery of costs to the WWTP caused by the noncompliance. It is normally pursued when the corrective action required is costly and complex, and the penalty to be assessed exceeds that which the WWTP can assess administratively or when an IU is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements.
- (b) Civil litigation is an appropriate enforcement response in three general situations:
 - (1) Emergency situations where injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment or interfere with the WWTP.
 - (2) When efforts to restore compliance through cooperation with the IU have failed and a court supervised settlement (consent decree) is necessary to enforce program requirements.
 - (3) To impose civil penalties and recover losses incurred due to the noncompliance.

7.6.1 Consent Decrees

- (a) Consent decrees are agreements between the WWTP and the IU after a lawsuit has been filed. Consent decrees are used when the IU is willing to acknowledge and correct the noncompliance and the WWTP and the IU agree on the penalty.

7.6.2 Injunctions

- (a) Injunctions are court orders which direct parties to do something or refrain from doing something. The WWTP will seek injunctive relief if the delays involved in filing a lawsuit would result in irreparable

City of Marshall IPP
7 Enforcement Response Plan

harm. The WWTP has established the authority to immediately and effectively halt or prevent any discharge which reasonably appears to present an imminent danger to the health or welfare of persons without the need for injunctive relief. However, if the IU refuses to comply with Administrative Orders, the WWTP may be forced to seek injunctive relief.

7.6.3 Violation Hearings

- (a) For information regarding violation hearings, see Sec. 52.37(G) of the Sewer Use Ordinance (SUO).

7.7 CRIMINAL PROSECUTION

- (a) Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings and to deter future noncompliance. Criminal offenses are traditionally defined as either felonies or misdemeanors. The offenses punishable under the City's Sewer Use Ordinance such as:
- (1) Diluting IU wastewater,
 - (2) Diluting self-monitoring sample,
 - (3) Tampering with monitoring equipment,
 - (4) Falsifying self-monitoring reports, permit application information, compliance reports; or
 - (5) Failing to report illegal discharges are misdemeanors.
- (b) Other scenarios when criminal prosecution may be appropriate include:
- (1) Violations of sewer connection permits or industrial wastewater discharge permits
 - (i) Bypass of wastewater that requires pretreatment
 - (ii) Construction of unauthorized sewer connections
 - (iii) Unauthorized discharge (i.e. toxic chemical to sanitary sewer)
 - (iv) Discharge of prohibited material to the sanitary sewer when the WWTP has evidence of noncompliance which shows criminal intent,
 - (2) In cases involving repeated violations,
 - (3) Aggravated violations
 - (4) When less formal efforts to restore compliance have failed

7.8 TERMINATION OF SERVICE

- (a) Termination of service is the revocation of an IU's privilege to discharge industrial wastewater into the WWTP sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of an AO which compels the IU to terminate its discharge, or by a court ruling.
- (b) Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. When the WWTP must act immediately to halt or prevent a discharge, cease and desist orders and termination of service are the only appropriate responses. Unlike civil or criminal proceedings, termination of service is an administrative response which can be implemented directly by the WWTP.

7.9 SUPPLEMENTAL ENFORCEMENT RESPONSES PUBLIC NOTICES

- (a) According to EPA regulations, all POTW's must comply with the public participation requirements of 40 CFR part 25. Among these requirements is the annual publication of a list of IUs which were in significant violation of applicable pretreatment standards or requirements. Publication of this list is intended to deter IUs from committing pretreatment violations and to satisfy the public's right to know of violations affecting its immediate environment and causing additional expenditures of public funds to operate and maintain the WWTP. EPA regulations only require that a list of the names of CIUs in significant violation be published and that an accompanying statement regarding the violations during

City of Marshall IPP
7 Enforcement Response Plan

the previous twelve months be included. However, the notice may also explain mitigating circumstances surrounding the violation, such as:

- (1) Current Compliance Status
- (2) Methods being used to attain compliance
- (3) Type and severity of the violation
- (4) Duration of the violation

7.10 ENFORCEMENT RESPONSE GUIDE

- (a) The Enforcement Response Guide (provided in **Attachment C**) details many common discharge and non-discharge violations, identifies enforcement responses appropriate for each, and identifies the official responsible for each. This guide is a matrix which describes violations and indicates a range of appropriate enforcement options described in the previous section. Once the violation has been identified, the WWTP can proceed to the second step: identifying enforcement responses appropriate for each violation.

7.11 DESIGN OF MONITORING ENFORCEMENT

7.11.1 Mechanisms Required to Accomplish Monitoring and Enforcement of Federal, State and City Discharge Limitations

- (a) The Sewer Use Ordinance allows the City to establish discharge limits in addition to the published limits if a discharged substance is causing problems at the City's WWTP. The Director of Public Services for the City of Marshall will notify IUs by letter if there are modifications of discharge limits.
- (b) IUs will submit initial reports, compliance reports, and semi-annual informational reports as required in 40 CFR 403.12 to the WWTP Superintendent.
- (c) WWTP operators will sample the WWTP's influent flow and sludge, sewage flow at key manholes, and individual industrial discharge flows to ensure compliance with the Sewer Use Ordinance. The sampling program is intended to:
 - (1) Monitor industrial discharge points on a daily basis. IUs will be monitored daily if random sampling indicate an IU has discharged pollutants above the limits established in the Sewer Use Ordinance.
 - (2) Monitor industrial discharges at random once a year at key manholes located in the wastewater collection system.
 - (3) Monitor compliance of the Sewer Use Ordinance on a general basis by analyzing normal WWTP sampling and testing results, observing WWTP operations, and by annual heavy metal testing of WWTP sludge. If the plant operator determines that there may be a pollutant in the wastewater stream which is interfering with the treatment plant operations or may be causing a public health of the key manholes and hazard, they will initiate random sampling of the industrial discharge points. The sampling will help determine if a particular IU is the source of the issue.
 - (4) Test industries with pretreatment units once a year at the industrial discharge point to ensure the pretreatment units are being used effectively.
- (d) The investigative and enforcement procedure in the event of noncompliance governs the following:
 - (1) Outreach to the IU by telephone to determine the reason for noncompliance.
 - (2) Establishing a schedule to achieve compliance.
 - (3) If a noncompliance is not successfully resolved via telephone, the Director of Public Services for the City of Marshall will notify the offending IU in writing with required corrective actions.
 - (4) If an IU cannot achieve compliance by the specified deadline, the Director of Public Services for the City of Marshall will notify the Board of Utilities, the Marshall City Manager, and the Marshall City Council.

City of Marshall IPP

8 Program Resources

City Commission of the issue. The City will then initiate legal action to require the IU to meet the discharge requirements.

- (e) The City of Marshall will notify the Board of Utilities will prepare an annual report on discharge violations. The report will be submitted to the Marshall City Commission for review.

7.11.2 Monitoring Equipment and Facilities Required for Monitoring Analyses of Industrial Waste

- (a) The City's WWTP laboratory facilities and contract laboratory facilities will be utilized for the analysis of industrial waste. Required analyses will include all constituents defined by the local limits. The WWTP laboratory has the equipment and the personnel to perform these analyses with the exception of heavy metals.
- (b) Monitoring may be conducted by obtaining flow-proportional, 24-hour composite samples. The WWTP will be required to obtain a portable composite sampler, a portable flowmeter, and weirs suitable for installation in sanitary sewer manholes. Sampling may be performed at the WWTP influent sampling station, at existing key manholes downstream of industry, and at existing manholes downstream of pretreatment units. Individual IUs may be required to establish sampling stations at their discharge point if random sampling indicates that an individual IU may be discharging in violation of the Sewer Use Ordinance.

7.11.3 Sampling and Monitoring Equipment

- (a) Sampling and monitoring equipment is described in the Monitoring and Enforcement Program.
- (b) Automatic sampling equipment and flow metering equipment will be borrowed the first several years and may be purchased later. Other required equipment is already owned by the WWTP.
- (c) Until and unless the WWTP onsite laboratory is capable of testing for heavy metals, sample testing for heavy metals and organics will be performed by contract labs. Other testing beyond the WWTP laboratory's capabilities will be contracted out.

8 Program Resources

- (a) This segment is dedicated to elaborating on the adequate resources at disposal for the execution and operation of the City's IPP. The principal resources encompass financial assets, equipment, and personnel. The organizational structure and the existing equipment managed by the City's Wastewater Department have been outlined in preceding sections. Consequently, this section is committed to an evaluation of the financial resources allocated to administration, equipment, and other facets of the IPP to ensure they are ample enough for the successful initiation and progression of the program.

**City of Marshall IPP
8 Program Resources**

8.1 CAPITAL COSTS

- (a) WWTP Equipment Upgrades
- (b) Portable Sampler
- (c) Flow Meter

8.2 OPERATING COST ESTIMATES

- (a) Operating costs are summarized in the table below.

Operation	Cost
Analyzing normal WWTP sampling and testing results and observing treatment plant operations	\$1,800/ event ¹ , 2x/ month = \$43,200/ year
Heavy metal testing of WWTP sludge	\$1,025/ event ³ , 4x/year minimum = \$4,100/ year
Testing of industries with pretreatment units	\$2,200/ unit
Random testing once a year at key manholes	\$2,100/ event
Quarterly testing for significant industrial users (SIUs) ²	\$41,600/year
If the WWTP operator has to sample individual industries, the industry sampled will be billed 1.5 times operator hourly pay rate, the cost of laboratory supplies, and the cost of a contract laboratory if requires.	Cost = \$1,800 + 1.5 x \$70/hour x hours billed

- 1. Sampling event includes influent and effluent sampling
- 2. Assuming 5 SIUs, only includes routine sampling
- 3. Sampling event includes PFAS and heavy metals testing

8.3 ADDITIONAL PERSONNEL

- (a) The personnel anticipated to be required to administer the IPP are presented in Section 2.

8.4 ANNUAL SAMPLING PROGRAM

- (a) The sampling program is detailed in Section 5.

8.5 PRETREATMENT UNIT SAMPLING PROGRAM

- (a) The pretreatment unit sampling program is detailed in Section 5.

8.6 INDIVIDUAL INDUSTRIAL USER SAMPLING

- (a) The individual IU sampling program is detailed in Section 5.

8.7 MONITORING AND ENFORCEMENT

- (a) Monitoring and enforcement is detailed in Section 7.

9 Program Implementation

9.1 PUBLIC PARTICIPATION

(a) Public participation is an important part of the IPP that consists of the following:

- (1) Informing the public on compliance status of IUs
- (2) Individual notice and comment on proposed local limits
- (3) Public access to non-confidential data and records

(b) The public is informed and involved in these matters by way of public meeting, newspaper publications, and public access to information. Each of these public involvements are used as follows:

(1) Public Meetings

- (i) Revisions to the Sewer Use Ordinances, development of the Local Limits, and general updates to the City of Marshall IPP will be reviewed with the City Council, which will be followed by a published public notice prior to the adoption of aforementioned IPP components. During following the public notice, a period of 30 days will be allowed for public comment, in which a public hearing may be held for IUs and the general public to voice their concerns. EGLE also may extend the public comment period but no later than 90-days from initial PN issuance. All comments in the meeting or public hearings will be considered when deciding to approve or deny the IPP.

(2) Newspaper Publications

- (ii) IPP approval requests will be published in a local newspaper.
- (iii) Once the IPP has been approved, the City will ensure an annual public notification in a newspaper of general circulation within the jurisdiction it serves. This notification will provide meaningful notice to the public. Specifically, it will include a comprehensive list of IUs that were in significant noncompliance at any point during the preceding 12-month period, as outlined in Section 7.1. The public notification will be displayed in the Marshall Ad-visor & Chronicle. Additionally, the information provided will not only list names of IUs; but it will also include details about the frequency and types of violations committed by these facilities.

(3) Public Access to Information

- (iv) All comments made during the aforementioned city council meetings, public meetings, and public hearings will be available to the public via the Marshall Ad-visor & Chronicle.
- (v) The City will facilitate public access to non-confidential information contained in the documents and records generated during the course of the IPP development. The designated office or location where individuals can review or obtain copies of these documents, permits, and monitoring records is located at 801 Industrial Road, Marshall, MI 49068. The operating hours of these facilities will be convenient for the public. Access to confidential information related to IUs will be restricted.

City of Marshall Industrial Users	Street Address	City/Township (TWP)	Type of Industry	Types of Discharge (Industrial/Commercial; Domestic; Both)	SIU/CIU/IU?	New/Existing	Total Water Purchased (GPD)	Total Discharge Flow (GPD)	Total Process Related Discharge Flow (GPD)	Batch or Continuous?	Status (Current; declassified; disconnected; closed)	Notes
13 Roses Tattoo	507 S Kalamazoo Ave, Marshall, MI 49068	City	Tattoo Parlor	Both	IU	Existing	-	-	-	Continuous	Current	Included with Dark Horse
Affinity Salon	138 W Michigan Ave, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	229	183	0	Continuous	Current	
All Dry Services	244 Lyon Lake Rd, Marshall, MI 49068	City	Cleaning	Both	IU	Existing	-	-	0	Continuous	Current	
Applebe's	1205 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,806	1,445	1,238	Continuous	Current	5 months of reads
Arby's	1310 W Michigan Ave, Marshall, MI 49068	City	Fast Food	Both	IU	Existing	575	460	253	Continuous	Current	
Autocam Corporation	1511 George Brown Dr, Marshall, MI 49068	City	Metals/Machining	Both	IU	Existing	5,738	4,591	4,384	Continuous	Current	
B & B Services	500 South Kalamazoo Avenue, PO Box 207, Marshall, MI 49068	City	Automotive	Both	IU	Existing	30	24	0	Continuous	Current	
Beach Fit Fuel	205 W Michigan Ave, Marshall, MI 49068	City	Beverage	Both	IU	Existing	73	59	0	Continuous	Current	
Bennetts Auto Tech	829 South Kalamazoo, Marshall, MI 49068	City	Automotive	Both	IU	Existing	-	-	-	Continuous	Current	
Bigby Coffee	1110 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	425	340	134	Continuous	Current	
Blackline Tattooing	110.5 E Michigan Ave, Marshall, MI 49068	City	Tattoo Parlor	Both	IU	Existing	-	-	-	Continuous	Current	
Broadway Grille	107 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	428	342	136	Continuous	Current	
Buckeye Terminals	12451 Old US 27 N, Marshall, MI 49068	TWP	Energy	Both	IU	Existing	50	40	0	Continuous	Current	
Bud's Towing and Auto Repair	302 West Michigan Avenue, Marshall, MI 49068	City	Automotive	Both	IU	Existing	14	11	0	Continuous	Current	
C & S Carton	310 Oliver Dr, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	299	239	33	Continuous	Current	
Camp Barber	106 West Michigan Avenue, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	-	-	-	Continuous	Current	Multi-unit building on one account
Clover Nails	15877 W Michigan Ave, Marshall, MI 49068	City	Nail Salon	Both	IU	Existing	90	72	0	Continuous	Current	
Comcast Urethane Corporation	425 Leggett Rd, Marshall, MI 49068	City	Manufacturing (Urethane Molding)	Both	IU	Existing	299	239	33	Continuous	Current	
Common Citizen	11300 17 Mile Rd, Marshall, MI 49068	City	Agriculture (Cannabis Growhouse)	Both	IU	Existing	27,758	22,206	22,000	Continuous	Current	
Common Citizen	1507 S Kalamazoo Ave, Marshall, MI 49068	City	Agriculture (Cannable Growhouse)	Domestic	IU	Existing	1,398	1,118	912	Continuous	Current	
Copper Athletic Club	133 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,893	1,514	1,308	Continuous	Current	
Cresco Labs	210 Oliver Dr, Marshall, MI 49068	City	Agriculture (Cannabis Processing)	Both	IU	Existing	14,110	11,288	11,082	Continuous	Current	
D. Knight Designs	305 East Michigan Avenue, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	177	141	0	Continuous	Current	
Dairy Queen	15998 W Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	593	474	268	Continuous	Current	
Dark Horse Brewing	511 S Kalamazoo Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	3,563	2,850	2,644	Continuous	Current	
Delta One Consulting	420 W Spruce St, Marshall, MI 49068	City	Agriculture (Cannabis Growhouse)	Both	IU	Existing	4,310	3,448	3,242	Continuous	Current	
Delta One, LLC	1120 Industrial Rd, Marshall, MI 49068	City	Agriculture (Cannabis Growhouse)	Both	IU	Existing	3,752	3,002	2,795	Continuous	Current	
Denny's Classic Diner	804 US Highway 27 North, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	2,626	2,100	1,894	Continuous	Current	
DeNooyer Chevrolet	1201 W Michigan Ave, Marshall, MI 49068	City	Automotive	Both	IU	Existing	235	188	0	Continuous	Current	
Design Studio East	156 West Michigan Ave, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	390	312	106	Continuous	Current	
Domino's Pizza	912 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	225	180	0	Continuous	Current	
Drakes Batter Mix	1631 Pratt Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	189	152	0	Continuous	Current	
El Tajin Mexican Restaurant	104 W Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	394	315	109	Continuous	Current	
Emerald Hills Golf Course and Tavern	1225 S Kalamazoo Ave, Marshall, MI 49068	City	Golf / Food and Beverage	Both	IU	Existing	823	658	452	Continuous	Current	
Fountain Automotive Center	220 West Michigan Avenue, Marshall, MI 49068	City	Automotive	Both	IU	Existing	56	44	0	Continuous	Current	
Grand River Brewery	101 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	2,299	1,839	1,633	Continuous	Current	
Great Lakes Candy and Cones	127 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	53	43	0	Continuous	Current	
Heritage Cleaners	227 West Michigan Avenue, Marshall, MI 49068	City	Dry Cleaning	Both	IU	Existing	191	153	0	Continuous	Current	
Home Slice Pizzeria	115 S Grand St, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	-	-	-	Continuous	Current	Multi-unit building on one account
Hooker Car Wash	128 West Dr N, Marshall, MI 49068	City	Carwash	Both	IU	Existing	2,203	1,762	1,556	Continuous	Current	
Hue Color & Design	1110 W Michigan Ave, Marshall, MI 49068	City	Commercial	Both	IU	Existing	405	324	118	Continuous	Current	
Hungry Howie's Pizzeria	15252 Highway US 27 North, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	236	189	0	Continuous	Current	
J & L Manufacturing	1507 George Brown Dr, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	625	500	294	Continuous	Current	
Big Cox Salon	110 W Michigan Ave, Marshall, MI 49068	City	Salon	Both	IU	Existing	98	78	0	Continuous	Current	4 months of reads
Jade Garden	206 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	56	45	0	Continuous	Current	Take out only
Laserdyne	1308 S Kalamazoo Ave, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	-	-	-	Continuous	Current	Electric only customer
Les Nails	211 W Michigan Ave, Marshall, MI 49068	City	Nail salon	Both	IU	Existing	93	74	0	Continuous	Current	
Little Caesar's Hot N Ready Pizza	1101 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	293	235	28	Continuous	Current	
Louie's Bakery	144 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	189	151	0	Continuous	Current	

City of Marshall Industrial Users	Street Address	City/Township (TWP)	Type of Industry	Types of Discharge (Industrial/Commercial; Domestic; Both)	SIU/CIU/IU?	New/Existing	Total Water Purchased (GPD)	Total Discharge Flow (GPD)	Total Process Related Discharge Flow (GPD)	Batch or Continuous?	Status (Current, declassified, disconnected, closed)	Notes
Loves Travel Stop	18720 Partello Rd, Marshall, MI 49068	City	Truck Stop w/service	Both	IU	Existing	9,541	7,633	7,427	Continuous	Current	
Lyon Lake Grill and Event Center	151 Lyon Lake Road, Marshall, MI 49068	TWP	Food and Beverage	Both	IU	Existing	-	-	-	Continuous	Current	Included in Marshall Country Club
Mancino's of Marshall	113 E Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	73	59	0	Continuous	Current	
Maria's Uncorked	116 E Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	55	44	0	Continuous	Current	
Marshall Country Club	151 Lyon Lake Road, Marshall, MI 49068	TWP	Golf, Recreation	Both	IU	Existing	229	183	0	Continuous	Current	
Marshall Excelcor	1506 George Brown Dr, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	966	773	567	Continuous	Current	
Marshall Lanes	1152 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	350	280	74	Continuous	Current	
Marshall Tire	1111 Arms, Marshall, MI 49068	City	Automotive	Both	IU	Existing	70	56	0	Continuous	Current	9 months usage
Maverick Machine	101 Oliver Dr, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	76	61	0	Continuous	Current	
McDonald's	1260 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,743	1,394	1,188	Continuous	Current	
McEroy Metal Manufacturing Center	311 W Oliver Dr, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	593	466	260	Continuous	Current	
Mike's Place	116 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	379	303	97	Continuous	Current	
Mission Car Wash	1120 W Michigan Ave, Marshall, MI 49068	City	Carwash	Both	IU	Existing	3,679	2,943	2,737	Continuous	Current	
Moose Lodge	1238 S Kalamazoo Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	370	296	90	Continuous	Current	
MKD - Top Shop	106 E Oliver Dr, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	255	204	0	Continuous	Current	
Oaklawn Hospital	200 N Madison, Marshall, MI 49068	City	Healthcare	Both	IU	Existing	26,447	21,158	20,952	Continuous	Current	
O'Leary Water Conditioning, LLC	417 East Michigan Avenue, Marshall, MI 49068	City	Water Treatment	Both	IU	Existing	1,039	831	625	Continuous	Current	
Pastrami Joe's Deli	105 North Jefferson Street, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	473	378	172	Continuous	Current	
Progressive Dynamics	507 Industrial Rd, Marshall, MI 49068	City	Electronics	Both	IU	Existing	4,903	3,922	3,716	Continuous	Current	
PS Food Mart Carwash	1002 W Michigan Ave, Marshall, MI 49068	City	Carwash	Both	IU	Existing	1,459	1,167	961	Continuous	Current	
Puppy Love Grooming	204 W Spruce St, Marshall, MI 49068	City	Dog groomer	Both	IU	Existing	45	36	0	Continuous	Current	
Pure Eden Salon & Spa	213 W Michigan Ave # 1523, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	257	205	0	Continuous	Current	
Pure Lube Center	1122 W Michigan Ave, Marshall, MI 49068	City	Automotive	Both	IU	Existing	39	31	0	Continuous	Current	
Sandhill	11401 17 Mile Road, Marshall, MI 49068	TWP	Food and Beverage	Both	IU	Existing	-	-	-	Continuous	Disconnected	likely not connected
Schuler's Restaurant and Winston's Pub	115 South Eagle Street, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	4,897	3,918	3,711	Continuous	Current	
Scotter's Barbershop	123 Redfield Plaza, Marshall, MI 49068	City	Barbershop	Both	IU	Existing	11	9	0	Continuous	Current	
Serendipity	108 W Michigan Ave, Marshall, MI 49068	City	Coffee Shop	Both	IU	Existing	340	272	65	Continuous	Current	
Shear Delight Hair Design	104 N Eagle St, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	28	23	0	Continuous	Current	
Shell Gas Station - Winston Park	104 Winston Dr, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,037	830	623	Continuous	Current	Includes a Subway Restaurant
Shell Gas Station Car Wash	104 Winston Dr, Marshall, MI 49068	City	Carwash	Both	IU	Existing	6,376	5,101	4,894	Continuous	Current	
Shortstop Barber Shop	120 West Dr N #1, Marshall, MI 49068	City	Barber Shop	Both	IU	Existing	-	-	-	Continuous	Current	Multi-unit building on one account
Solar Mounts	300 Wooley Dr, Marshall, MI 49068	City	Fabricator	Both	IU	Existing	110	88	0	Continuous	Current	
Stagecoach Inn	201 West Michigan Avenue, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	207	166	0	Continuous	Current	
StellaMorr Wellness & Esthetics	427 E Michigan Ave, Marshall, MI 49068	City	Salon	Both	IU	Existing	-	-	-	Continuous	Current	
Steini America	1601 Brooks Dr, Marshall, MI 49068	City	Metal Plating	Both	IU	Existing	3,451	2,761	2,554	Continuous	Current	
Taco Bell	15955 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,284	1,028	821	Continuous	Current	
Tallent LLC	507 S Kalamazoo Ave, Marshall, MI 49068	City	Auto Detailing	Both	IU	Existing	39	31	0	Continuous	Current	5 months of reads
Tenneco Inc	904 Industrial Rd, Marshall, MI 49068	City	Automotive	Both	IU	Existing	10,418	8,334	8,128	Continuous	Current	
The Beauty Bar	212 W Michigan Ave, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	195	156	0	Continuous	Current	
Tribal Manufacturing	450 Leggett Rd, Marshall, MI 49068	City	Manufacturing	Both	IU	Existing	11,494	9,195	8,989	Continuous	Current	one industrial and one commercial acct
True North Ice Cream	403 S Kalamazoo Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	363	291	85	Continuous	Current	
Tuffy Auto Service	824 W Michigan Ave, Marshall, MI 49068	City	Automotive	Both	IU	Existing	83	67	0	Continuous	Current	
Unwind Salon and Spa	109 E Michigan Ave, Marshall, MI 49068	City	Salon	Both	IU	Existing	30	24	0	Continuous	Current	
Venison	1601 Pratt, Marshall, MI 49068	City	Commercial	Both	IU	Existing	66	53	0	Continuous	Current	
VIP Nutrition	122 Redfield Plaza, Marshall, MI 49068	City	Commercial	Both	IU	Existing	110	88	0	Continuous	Current	
Vixen's Ink & Beauty	209 E Michigan Ave, Marshall, MI 49068	City	Hair Salon	Both	IU	Existing	17	14	0	Continuous	Current	
Washboard Laundry	869 E Michigan Ave, Marshall, MI 49068	City	Laundromat	Both	IU	Existing	4,451	3,561	3,354	Continuous	Current	
Wendy's	15960 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	1,302	1,041	835	Continuous	Current	
WL Hamilton	112 S Fountain St, Marshall, MI 49068	City	Commercial	Both	IU	Existing	29	23	0	Continuous	Current	
Yin Hai	1102 W Michigan Ave, Marshall, MI 49068	City	Food and Beverage	Both	IU	Existing	235	188	0	Continuous	Current	

Notes

1. Total discharge flow is estimated to be 80% of the total water purchased
2. Total domestic discharges are estimated to be 206 GPD per IU. Calculated based on 27.5 GPD per Employee and 7.5 Employees, on average, per IU. (<https://www.epa.gov/sustainability/lean-water-toolkit-appendix-c>)
3. Dental office have been excluded due to their compliance under USEPA Rule 40 CFR Part 441



**STUDY
MAXIMUM ALLOWABLE
HEADWORKS LOADING
FOR THE
CITY OF MARSHALL WWTP
JANUARY 2024**

Prepared By:
Stantec Consulting Michigan Inc.
1168 Oak Valley Dr Suite 100, Ann Arbor, MI 48108

CITY OF MARSHALL WWTP MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS



EXECUTIVE SUMMARY

The City of Marshall conducted a headworks loading evaluation for selected compatible and non-compatible pollutants of concern (POCs) at its Wastewater Treatment Plant (WWTP). The purpose was to establish appropriate values for parameters used with the City's Maximum Allowable Industrial Loading (MAIL) allocation/accounting system. Stantec Consulting, Michigan Inc. (Stantec) was retained to assist the City in performing this evaluation.

The WWTP discharges into the Kalamazoo River under authority of a National Pollutant Discharge Elimination System (NPDES), MI0023540 which was issued by the Michigan Department of Environmental Quality (MDEQ). The permit required an Industrial Pretreatment Program (IPP) which was implemented in 1985 and updated in March of 1994. The city has elected to update the program. Federal and State Laws mandate that all cities, counties and municipal bodies processing more than 5 million gallons of wastewater daily or have significant industrial waste are required to have an IPP. The program is required under the "Clean Water Act" and administered in Michigan by the MDEQ.

The major objectives of the IPP are:

- Protect the City from violating its plant operating permits.
- Prevent the introduction of pollutants into the City's Wastewater Treatment Plant (WWTP) which will interfere with the operation of the Activated Sludge Process.
- Prevent the introduction of pollutants into the City's WWTP which may pass through the treatment plant into receiving waters.
- Prevent the introduction of pollutants into the City's WWTP which may affect the City's ability to dispose of its biosolids.

Supporting data, methodologies, and calculation results are detailed in the appendices. Included are Maximum Allowable Headworks Loadings (MAHLs), Maximum Allowable Industrial Loadings (MAILs), local limits, and background concentrations. The local limits and summary of sampling results are summarized in **Table E-1**.

The calculation of limits was based on consideration of the following elements:

1. Pass through for Acute Water Quality criteria – Evaluates pass through of toxics that could cause the water quality in the receiving stream to exceed EPA standards.
2. Pass through for Chronic Water Quality criteria – Evaluates pass through of toxics that could cause the water quality in the receiving stream to exceed EPA standards.
3. Compliance with the NPDES Permit – Evaluates the removal of the POCs through plant processes and calculates a headworks loading so limits are met.
4. Protection of the Land Application Program under the U.S. EPA 503 sludge regulations – Evaluates headwork concentration requirements to protect the land application of biosolids.
5. Protection of the WWTP for activated sludge inhibition – Evaluates headwork concentrations requirements to protect the treatment plant process.

**CITY OF MARSHALL WWTP
MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS**

The minimum value derived for each POC was then used as the local limit.

**Table E-1
Summary of Sampling Results and Local Limits**

Pollutant of Concern (POC)	Influent Concentration (mg/L)	Current Local Limit (mg/L)	Proposed Local Limit (mg/L)
COD	254	500	500
BOD5	135.71	200	250
TSS	176.57	250	250
NH3-N	16.94	20	20
Total P	3.99	10	10
FOG	40.5	75	100
Arsenic	0.002	0.09	0.06
Cadmium	ND	0.07	0.11
Chromium, Total	ND	1.98	1.76
Copper	0.11	0.42	2.89
Cyanides, Total	ND	0.25	0.57
Lead	ND	0.50	0.66
Mercury	ND	< 0.0002	< 0.0002
Molybdenum	ND	0.3	0.07
Nickel	ND	2.25	0.41
Selenium	ND	0.10	0.13
Silver	ND	0.28	0.037
Zinc	0.08	2.6	2.26

Table of Contents

EXECUTIVE SUMMARY	E1
1.0 INTRODUCTION	1.1
2.0 SITE SPECIFIC MONITORING – COMPATIBLES	2.1
2.1 INTRODUCTION	2.1
2.2 OVERALL REMOVAL RATES	2.1
2.3 CALCULATION METHODOLOGY	2.2
2.4 BACKGROUND CONCENTRATIONS	2.3
2.5 MAXIMUM ALLOWABLE HEADWORKS LOADINGS (MAHLS) CALCULATION	2.5
2.6 MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS (MAILS) CALCULATIONS	2.7
2.6.1 Special Considerations	2.7
2.7 LOCAL LIMITS	2.8
3.0 SITE SPECIFIC MONITORING – TOXICS	3.1
3.1 INTRODUCTION	3.1
3.2 OVERALL REMOVAL RATES	3.1
3.3 CALCULATION METHODOLOGY	3.1
3.4 BACKGROUND CONCENTRATIONS	3.2
3.5 MAXIMUM ALLOWABLE HEADWORKS LOADINGS (MAHLS) CALCULATIONS	3.2
3.6 MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS (MAILS) CALCULATIONS	3.3
3.7 LOCAL LIMITS	3.3
LIST OF TABLES	
Table E-1 – Summary of Sampling Results and Local Limits	
Table 2-1 – Site Specific Removal Rates Summary-Headworks Loading Evaluation-Compatibles	
Table 2-2 – Mass Balance Calculations	
Table 2-3 – Adjusted Concentrations for Background Levels - Compatibles	
Table 2-4 – NPDES Permit Limits	
Table 2-5 – Summary of Compatible POCs	
Table 3-1 – Summary Headworks Loading Evaluation – Toxics	
APPENDICES	
Appendix A Laboratory Reports by Merit Laboratories	
Appendix B Calculations for Compatible POCs	
Appendix C Calculations for Toxic POCs	

1.0 INTRODUCTION

The procedures used in determining the allowable local limits for the POCs along with the results and recommendations are presented in **Section 2.0** and **Section 3.0** of this document. **Section 2.0** addresses issues related to compatible pollutants known as “compatibles,” which are those typically found in domestic wastewater and can be treated with engineered processes at the WWTP. **Section 3.0** presents the criteria used to establish local limits for toxic pollutants. If discharged in high concentrations, these toxic pollutants could cause the City to violate its NPDES permit, exceed water quality based limits, or affect land application of biosolids. Below is a list of terms and abbreviations used throughout the report.

BOD ₅	5 day Biochemical Oxygen Demand
Background	The concentration of any POC that is found in the wastewater from domestic source
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CSL	Collection System Limit
EPA	United States Environmental Protection Agency
FOG	Fats, Oil and Grease
IPP	Industrial Pretreatment Program
MAHL	Maximum Allowable Headworks Loading
MAIL	Maximum Allowable Industrial Loading
MDEQ	Michigan Department of Environmental Quality
MGD	Million Gallons per Day
mg/L	Milligrams per liter (parts per million)
NPDES	National Pollutant Discharge Elimination System
POC	Pollutant of Concern
pH	The intensity of the basic or acidic strength of water, pH= -Log [H+]
TSS	Total Suspended Solids
ug/L	micro grams per liter (parts per billion)
USEPA	United States Environmental Protection Agency
WWTP	Wastewater Treatment Plant

2.0 SITE SPECIFIC MONITORING – COMPATIBLES

2.1 INTRODUCTION

The compatible POCs that were studied included the ones that are typically present in domestic wastewater and compatible with the WWTP operations and are not considered toxic.

The compatible POCs consist of:

- Chemical Oxygen Demand (COD)
- Five-day Biochemical Oxygen Demand (BOD₅)
- Total Suspended Solids (TSS)
- Total Phosphorus (Total-P)
- Ammonia Nitrogen (Ammonia-N)
- Fats, Oil and Grease (FOG)
- pH

CITY OF MARSHALL WWTP MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

The Sampling data as analyzed by Merit Laboratories is presented in Appendix A. Samples were collected from each of the WWTP influent and effluent. The samples were taken over a period of four weeks in May 2024. The influent samples were collected prior to inflow of plant recycle streams. The collection samples served as the background because no commercial users are discharging to the system. An experience-based methodology was used to determine removal efficiency values. This involved calculation of individual pollutant removals. The WWTP removal rates were then calculated as presented in Sub-Sections 2.2.

2.2 OVERALL REMOVAL RATES

The specific removal rates are detailed in the Tables included in **Appendix B** and summarized in **Table 2-1**. The following procedure was used to determine the compatible POCs overall removal rates:

- When there were at least three data points, the removal rate was set at the average value.
- If there were fewer than three data points, or when the database was considered unacceptable, removals were assumed to be the effluent levels at one-half the detection limit.
- When the data points and database were both unusable, the range of removal rates were evaluated using the EPA Local Limits Guidelines.
- In the case of a detectable influent concentration and a non-detectable effluent concentration, the effluent concentration was assumed to be one-half of the detection limit.

The POC removal rates are used in the MAHL and MAIL calculations as presented in Sub-Section 2.3.

Table 2-1
Site Specific Removal Rates Summary
Headworks Loading Evaluation
Compatibles

Pollutant of Concern	Average Influent	Average Effluent	Overall Removals	Overall Removals
	mg/L	mg/L	R _{AVG} %	R _{MIN} %
COD	254	37.50	85.24	-
BOD₅	135.71	2.97	97.81	97
TSS	176.57	5.00	97.17	97
Total-Phosphorus	3.99	0.24	94.02	94
Ammonia-Nitrogen	16.94	0.03	99.81	99
Oil and Grease	40.5	ND	100	96.4

* ND = Not Detectable

2.3 CALCULATION METHODOLOGY

The generally accepted methodology for evaluating MAHLs and MAILs in the State of Michigan is based on two documents:

1. Local Limits Development Guidance (U. S. Environmental Protection Agency [EPA], July 2004)
2. IPP Procedure No. 6/Local Limits (MDEQ, March 2009)

The equations that were used in this analysis are as follows:

Equation 1:

CITY OF MARSHALL WWTP MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

$$R_{wwtp} = \frac{\sum (I_n - E_{wwtp}) / I_n}{N}$$

Equation 2:

$$L_{hw} = \frac{(8.34)(C_{wwtp})(Q_{wwtp})}{(1 - R_{wwtp})} = \text{MAHL}$$

Equation 3:

$$L_{ind} = \text{MAIL} = \text{MAHL} (1 - \text{SF}) - (L_{dom})$$

Equation 4:

$$L_{dom} = Q_{dom} \times C_{dom} \times 8.34$$

Where:

R _{wwtp} =	Removal efficiency across WWTP as percent.
I _n =	Influent Concentration
E _{wwtp} =	Effluent Concentration
N =	Number of Samples
Q _{wwtp} =	WWTP's average influent flow in MGD.
C _{wwtp} =	Concentration in the influent to the WWTP
Q _{dom} =	Influent Flow – Infiltration – Industrial Flow=1.43-0.288-0.087=1.055 MGD
C _{dom} =	Domestic/commercial background concentration for a particular pollutant in mg/L.
L _{hw} =	Maximum allowable headworks pollutant loading to the WWTP in pounds per day (lbs/day).
L _{dom} =	Domestic/commercial background loading to the WWTP for a particular pollutant in pounds per day (lbs/day).
L _{ind} =	Maximum allowable industrial loading to the WWTP in pounds per day.
MAHL =	Maximum allowable headworks pollutant loading to the WWTP in pounds per day (lbs/day).
MAIL =	Maximum allowable industrial loading to the WWTP in pounds per day.
SF =	Safety factor as a percent.
8.34 =	Unit conversion factor

2.4 BACKGROUND CONCENTRATIONS

The background concentrations measured in the collection system during preparation of 2009 MAHL analysis as summarized in **Table 2-2** were found to be higher than the actual values measured in the WWTP influent. Therefore, it was decided during preparation of current and 2009 MAHL analysis that the collection system measured concentrations could not be used as background concentrations. Mass balance calculation summarized in **Table 2-2** indicated that if the background concentration had been used, the existing loading to the treatment plant would have been 50% more than the actual loading for 2007 (3,367 lbs calculated versus 2,255 lbs measured). Therefore, the background concentrations as measured in the collection system were deemed not to represent the typical concentrations and were reduced by a conservative percentage of 25%. **Table 2-2** also indicates the assumed wastewater usage of the industries and was not directly measured. The assumed value was 80% of each of the measured metered water flows from the City's billing records, the BOD5 concentrations, and the overall loadings as measured at the WWTP for 2007.

Table 2-2
Mass Balance Calculations

**CITY OF MARSHALL WWTP
MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS**

Source	2008 Flow Rate (MGD)	BOD5 (in 2008) (mg/L)	BOD5 (in 2008) Pounds / Day
Industrial Flows (Background)			
Joseph Campbells - Adams	0.05	452	188
Joseph Campbells - Oliver	0.129	385	414
Marshall Brass	0.015 ³	180 ¹	23
Autocam	0.007 ³	180 ¹	10
Stelmi	0.004 ³	180 ¹	5
Tenneco	0.002 ³	180 ¹	3
Borg Warner	0.002 ³	180 ¹	3
Progressive Dynamics	0.002 ³	180 ¹	3
Bostik Inc.	0.002 ³	180 ¹	3
Other Industrial Users (total)	0.003 ³	180 ¹	5
Total Industrial	0.215		657
Infiltration ²	0.288	0	0
Background (Residential and Commercial)	1.036	313	2,703
Grand Total	1.539		3,367
Actual 2007 Measured Average Value	1.527	176	2,255

Note 1: Assumed as a conservative value.

Note 2: Infiltration was calculated from the City's Sewer Master Plan 2008, prepared by Stantec Consulting Michigan Inc.

Note 3: Flow is calculated as 80% of the measured drinking water flow from the City of Marshall billing records

Table 2-3 summarizes the adjusted background concentration after the applied 25% adjustment and compares it to the local limit.

**Table 2-3
Adjusted Concentrations for Background Levels for
Compatibles**

Pollutant of Concern	Adjusted Background Concentration (mg/L)
COD	452
BOD ₅	235 ¹
TSS	167
Total-Phosphorus	5.14
Ammonia Nitrogen	16.84
Oil and Grease	37
pH	NA

Note 1: 235 mg/L represents a 25% reduction of the measured value (313 mg/L) in 2008

CITY OF MARSHALL WWTP

MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

2.5 MAXIMUM ALLOWABLE HEADWORKS LOADINGS (MAHLS) CALCULATION

Determination of the MAHLs was based on using two sets of calculations. The first calculation was performed by using the NPDES limits, whereas the second calculation was performed by using the WWTP basis of design information. The lower calculated values were identified as the MAHLs. A description of each calculation type is presented below.

NPDES Limit Pass – Through

NPDES permit limits used in the calculation are presented in **Table 2-4**. The City's current permit includes seasonal monthly averages and daily maximum limits for BOD5, TSS, and Total- Phosphorus. Where there were no daily maximum limits for BOD5 or TSS, the corresponding 7-day maximum limits were used instead.

Table 2-4
NPDES Permit Limits

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration			
Parameter	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units
Flow	(report)		(report)	MGD				
Carbonaceous Biochemical Oxygen Demand (CBOD5)								
May -September	250	380	(report)	lbs/day	10		15	mg/L
October-April	630	1000	(report)	lbs/day	25	40	(report)	mg/L
Total Suspended Solids (TSS)								
	750	1100	(report)	lbs/day	30	45	(report)	mg/L
Ammonia Nitrogen (as N)								
May – June	260		(report)	lbs/day	(report)		(report)	mg/L
July – August	(report)	300	(report)	lbs/day	(report)		12	mg/L
September	260		(report)	lbs/day	(report)		(report)	mg/L
October – April	(report)		(report)	lbs/day	(report)		(report)	mg/L
Total Phosphorus (as P)								
	25		(report)	lbs/day	1.0		(report)	mg/L
Fecal Coliform Bacteria					200	400	(report)	Cts/100 ml
Total Residual Chlorine							0.038	mg/L

POC-specific loadings that protect the plant from exceeding the NPDES's daily and monthly average seasonal limits were determined using the plant flow (QWWTP). Each season's daily minimum and monthly average limits were evaluated. The average WWTP removals calculated from data obtained during the sample collection period in 2023, 2024 taken into account. The controlling daily maximum and monthly average loadings for each POC were then determined by the lower of corresponding seasonal values. Refer to the Table in **Appendix B** for the detailed calculations for MAHLs based on NPDES Limits.

WWTP Basis of Design

POC-specific loadings for protection against exceeding the design criteria for the WWTP were established using the specified or equivalent mass, the design flow and specified concentrations in the Biological Capacity Document prepared by Stantec (LDESIGN) for this plant.

CITY OF MARSHALL WWTP

MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

The MAHL calculations based on the WWTP basis of design are presented in the Table included in **Appendix B**. The MAHL values based on the WWTP basis of design are presented in the Table as Ldom.

Controlling MAHLs

The lowest individual loading identified from comparing the NPDES limit and WWTP basis of design values was then selected as the controlling MAHL for each POC to prevent the plant from exceeding its NPDES limit pass-through and WWTP basis of design criteria.

2.6 MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS (MAILs) CALCULATIONS

As indicated in **Section 2.3**, the MAIL values are calculated based on the MAHLs. The compatible POC MAIL values are listed in the Table included in **Appendix B**. The MAIL is referred to as Lind in the Table.

2.6.1 Special Considerations

Collection System Limitations

Collection System Limitations (Ccsi) refer to maximum discharge concentrations established for protection of the receiving sewer. While compatible pollutants typically do not have hazards that warrant such protection, Fat, Oil, and Grease (FOG) represents a special case due to its potential accumulation in the sewer line which could cause plugging. Therefore, the Ccsi for FOG was set to a concentration that is based on the City's operational experience (Cmaxfog):

$$Ccsi = Cmaxfog = 75 \text{ mg/L}$$

The average value of FOG was 192 mg/L in the plant influent from the Headworks Loading Evaluation (December 2007).

The current FOG limit is not causing operational problems at the plant. Also the effluent value for FOG during the Headworks Loading Evaluation was not detectable.

Therefore, it is recommended to raise the proposed local limit to 100mg/L.

pH

The current pH limit is 6.5-9.0 units. The lower pH limit is generally necessary to minimize sulfide generation and associated corrosion. The higher pH limit is required to minimize hazardous issues within the sewers, since pH levels of 12.5 or above are considered hazardous.

2.7 LOCAL LIMITS

The MAIL for each POC was converted from mass loading (lbs/day) into concentration limits, Cind (mg/L), using the uniform allocation method during 2008 MAHL analysis. This involved distributing the available mass loading uniformly over the industrial flow (Qind).

The POC Cmail value and the lower of Cmail and Ccsi for FOG and pH, was then selected as the local limit (Cstd) for each POC.

A safety factor (SF) was considered in the local limits calculation. The main purpose of a safety factor is to protect the plant from any uncertainties that might affect the accurate calculation of local limits. The safety factor is dependent upon the variability of the collected data. Values for SF were selected at the minimum value of 0%. This is justified, as the City has performed a stress test at the plant and firmly established the capacity of the plant.

CITY OF MARSHALL WWTP

MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

The proposed compatible POC local limits are summarized in **Table 2-5**. The average influent concentrations, current and adjusted background concentrations, and current local limits are also included in **Table 2-5** for reference.

Table 2-5
Summary of Compatible POCs

Pollutant	Average Inf. Conc. (mg/L)*	Adjusted Background (mg/L)	Current Local Limit (mg/L)	Proposed Local Limit (mg/L)
COD	254	452	500	500
BOD	135.71	235	200	250
TSS	176.57	167	250	250
NH ₃ -N	16.94	16.84	20	20
Total P	3.99	5.14	10	10
FOG**	40.5	37	75	100

pH not in mg/L

*** FOG proposed local limits is based on operational experience and is site specific.*

3.0 SITE SPECIFIC MONITORING – TOXICS

3.1 INTRODUCTION

POCs that are potentially toxic to the microorganisms present in the wastewater or those POCs that could adversely impact the sludge quality are addressed as part of this analysis. The toxic POCs consist of:

- Arsenic
- Cadmium
- Chromium, Total
- Copper
- Cyanides, amenable
- Lead
- Mercury
- Molybdenum
- Nickel
- Selenium
- Silver

The toxic POCs sampling methodology, number of samples, location of sample, time of sampling were similar to those adopted for the compatible POCs. Refer to **Section 2.1** for sampling details. Sampling data for the toxic POCs as analyzed by Merit Laboratories is included in **Appendix A**.

3.2 OVERALL REMOVAL RATES

The procedure for determining the toxic POCs removal rates is similar to the one used for the compatible POCs. Refer to **Section 2.2** for details of this procedure. The specific removal rates for the toxics are shown in the Tables included in **Appendix C**.

3.3 CALCULATION METHODOLOGY

The methodology used for calculating the toxic POCs MAHLs and MAILs was similar to the one used for compatible POCs. Refer to **Section 2.3** for calculation details.

CITY OF MARSHALL WWTP MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

The calculations were based on considering the following elements:

- Activated Sludge Inhibition Levels
- 503 Sludge Regulations
- Chronic Water Quality Standards
- Acute Water Quality Standards

Since the NPDES Permit and the WWTP basis of design do not include limitations for the toxic POCs, calculations for MAHLs and MAILs based on NPDES and WWTP basis of design requirements do not apply.

3.4 BACKGROUND CONCENTRATIONS

The toxic POC background concentrations were based on the sampling data presented in **Appendix A**. The background concentrations are listed in **Table 3-1**.

3.5 MAXIMUM ALLOWABLE HEADWORKS LOADINGS (MAHLs) CALCULATIONS

Four (4) sets of calculations were used to determine the toxic POC MAHLs. These calculations were performed for the scenarios of activated sludge inhibition levels, 503 sludge regulations, chronic water quality standards, and acute water quality standards. A description of each calculation type is presented below. Tables outlining the MAHL calculations are included in **Appendix C**.

Activated Sludge Inhibition Levels

Secondary treatment inhibition toxic POC levels may cause operational problems for biological treatment processes involving secondary treatment. Since site-specific inhibition levels data was not available, literature values were used in the MAHL calculations presented in the Table included in **Appendix C**.

503 Sludge Regulations

For biosolids disposal by land application, sludge quality standards were based on the ceiling limits established by the MDEQ, pursuant to Michigan's Rule 323.2409(4)(a). For chromium, (which is not included in the current Michigan rule), a standard was assumed based on the previous federal regulation limit (40 CFR 503). This standard was assumed under the worst case scenario until a value could be established in the future. Although cyanides and silver are also not included in the current Michigan or Federal regulations, there was no basis for a similar expectation, therefore, values were not assumed for these pollutants.

Chronic Water Quality Standards

The Michigan Department of Environmental Quality has developed State Water Quality Standards (WQS) that set maximum allowable pollutant levels for the Michigan water bodies specific to the receiving stream designated uses. Local limits based on WQS help ensure that the WWTP can comply with the typical permit requirement specifying that no discharge of toxics in toxic amounts is allowed.

Chronic WQS addresses the chronic toxicity criteria that are designed to protect aquatic organisms from long-term effects. The Michigan Chronic WQS were used in the calculations shown in the Table included in **Appendix C**.

Acute Water Quality Standards

The information presented above for the chronic WQS applies to the Acute WQS. The only difference is that the Acute WQS addresses the acute toxicity criteria that are designed to protect organisms against

CITY OF MARSHALL WWTP MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

short-term toxic effects. The Michigan Acute WQS were used in the calculations shown in the Table included in **Appendix C**.

Controlling MAHLs

The lowest individual loading identified from the four sets of calculations was selected as the controlling MAHL for each toxic POC.

3.6 MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS (MAILs) CALCULATIONS

These calculations were performed using the same equations listed in **Section 2.6** that presents the calculations for compatible POC MAILs. The MAIL calculations are shown in the Tables included in **Appendix C**.

3.7 LOCAL LIMITS

The toxic POC local limits were established using the same approach that was used for the compatible POCs as described in **Section 2.7**. The local limits using each of the four calculations are shown in the Tables included in **Appendix C**.

A summary of the proposed toxic POC limits is presented in **Table 3-1**. The background concentrations, MAHLs and MAILs are also presented in **Table 3-1** for reference.

Table 3-1
Summary Headworks Loading Evaluation – Toxics

Pollutant of Concern	MAHL (lb/day)	MAIL (lb/day)	Proposed Local Limit (mg/L)
Arsenic *	0.23	0.19	0.06
Cadmium *	0.39	0.35	0.11
Chromium, Total *	7.54	5.46	1.76
Copper *	10.98	8.95	2.89
Cyanides, amenable*	2.04	1.79	0.57
Cyanides, Total	2.04	1.79	0.57
Lead *	2.32	2.04	0.66
Mercury*	0.16	0.14	0.04
Molybdenum**	0.34	0.22	0.07
Nickel *	1.49	1.27	0.41
Selenium **	0.46	0.40	0.13
Silver*	0.15	0.11	0.037
Zinc *	8.58	7.02	2.26

* Required by Michigan's IPP Rule 323.2303(4)(b)

**Selected based on land application of sludge regulations.

It should be noted that the limits established in 1994, 2008 and as published in a City of Marshall report are different from the limits calculated in this study. The reasons for these differences are listed below:

- Different flow rates were used for Industrial and WWTP flows between the two reports.

CITY OF MARSHALL WWTP**MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS**

- Different Inhibition Levels for the Activated Sludge protection
- Rule 57 Water Quality Based Limits have changed over the years
- Sludge Regulations have changed
- Different background levels were used

A brief discussion indicating how the local limit recommendation for each toxic POC was reached is presented below:

Arsenic

Current Limit: 0.11 mg/L.

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicate that 0.06 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.06 mg/L.

Cadmium

Current Limit: 0.19 mg/L.

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.11 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 0.11 mg/L.

Chromium (Total)

Current Limit: 3.08 mg/L.

Analysis: Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 1.76 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 1.76 mg/L.

Copper

Current Limit: 4.87 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 2.89 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Change the limit to 2.89 mg/L

Cyanide

Current Limit: 0.17 mg/L

CITY OF MARSHALL WWTP

MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on Chronic Water Quality Standards indicates that 0.57 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Raise the limit to 0.57 mg/L

Lead

Current Limit: 1.04 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.66 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Lower the limit to 0.66 mg/L

Mercury

Mercury is currently prohibited from discharge in the Marshall service area.

Current Limit: Current NPDES permit has a monthly total mercury limit of 0.00003 lbs/day loading, and 1.3 ng/L concentration.

Analysis: Mercury has been receiving much attention and scrutiny by EPA and environmental groups due to its toxicity and bioaccumulative characteristics. Dental offices are the largest known source of mercury loadings, and Mercury is rarely detected in WWTP influent and sludge.

Recommendation: Maintain the current prohibition on mercury dischargers with an enforcement limit of Non Detect.

Molybdenum

Current Limit: 0.8 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.07 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Lower the limit to 0.07 mg/L

Nickel

Current Limit: 0.70 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL based on sludge limits for land application indicates that 0.41 mg/L is the appropriate level for the sewer use ordinance.

Recommendation: Lower the limit to 0.41 mg/L

Selenium

Current Limit: 0.22 mg/L

Analysis: MAHL analysis indicates that influent loadings are far below the MAHL, which includes a 10% safety factor. MAHL is based on sludge limits for land application.

Recommendation: Lower the limit to 0.13 mg/L.

CITY OF MARSHALL WWTP
MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS
Silver

Current Limit: 0.003 mg/L

Analysis: Calculation indicates a limit of 0.037 mg/L. MAHL analysis indicates that influent loadings are far below MAHL, which includes a 10% safety factor. MAHL was based on chronic water quality literature limit from the Guidance Manual.

Recommendation: Change the limit to 0.037 mg/L

Zinc

Current Limit: 4.85 mg/L.

Analysis: Calculations have indicated a limit of 2.26 mg/L. MAHL analysis indicates that influent loadings are far below MAHL, which includes a 10% safety factor. MAHL was based on secondary treatment process inhibition limits from the Guidance Manual.

Recommendation: Lower the limit to 2.26 mg/L.

**CITY OF MARSHALL WWTP
MAXIMUM ALLOWABLE HEADWORKS LOADING ANALYSIS**





Industrial Waste Discharge Questionnaire

Introduction

The information provided in this questionnaire will enable the City of Marshall Wastewater Treatment Facility's Industrial Pretreatment Program to update all files related to non-domestic sewer users in the City of Marshall service area in accordance with City Ordinance Chapter 52, and all applicable Michigan Department of Environmental, Great Lakes, and Energy (EGLE) and the Environmental Protection Agency (EPA) rules and regulations.

Please complete this form and return within 30 days to the above address

*City of Marshall
Attn: Wastewater Department
323 W Michigan Avenue
Marshall, MI 49068*

If you have any questions, please contact the Wastewater Department Superintendent Alec Egnatuk at 269-781-3289.

Please note, a separate questionnaire is required for each business location.

The following websites contain information to help complete the survey:

- 1) City of Marshall:
 - a) <https://www.cityofmarshall.com/>
 - i) Go to "Ordinances" and select "Proceed to Site"
 - ii) Select "Title V – Public Works"
 - iii) Select "Chapter 52 – Sewers"
- 2) EPA Priority Pollutants
 - a) [priority-pollutant-list-epa.pdf](#)
- 3) To see a list of NAICS Codes
 - a) <https://www.epa.gov/regulatory-information-sector>
- 4) Code of Federal Regulations (CFR)
 - a) <https://www.ecfr.gov/>
 - i) Go to "Title 40"
 - ii) Select "Chapter I"
 - iii) Select "Subchapter N"
 - iv) Select "Part 403"
 - v) Select "General Pretreatment Regulations for Existing and New Sources of Pollution" which covers Industrial Pretreatment
- 5) EGLE:
 - a) [Environment, Great Lakes, and Energy \(michigan.gov\)](#)

Business Activity

1. If the IU employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, water sludge, or hazardous wastes), then place a check beside the category that applies.

Industrial Categories

- | | |
|---|--|
| ☐ Aluminum Forming | ☐ Metal Finishing |
| ☐ Asbestos Manufacturing | ☐ Metal Molding & Casting |
| ☐ Battery Manufacturing | ☐ Nonferrous Metals Forming |
| ☐ Builder's Paper | ☐ Nonferrous Metals Manufacturing |
| ☐ Carbon Black | ☐ Organic Chemicals Manufacturing |
| ☐ Cement Manufacturing | ☐ Paint Formulating |
| ☐ Coil Coating | ☐ Paving & Roofing (Tars & Asphalt) |
| ☐ Copper Forming | ☐ Pesticides |
| ☐ Dairy Products Processing | ☐ Petroleum Refining Manufacturing |
| ☐ Electric & Electronic Components | ☐ Pharmaceuticals |
| ☐ Electroplating | ☐ Phosphate Manufacturing |
| ☐ Feedlots | ☐ Plastics Molding & Forming |
| ☐ Ferroalloy Manufacturing | ☐ Porcelain Enamel |
| ☐ Fertilizer Manufacturing | ☐ Pulp, Paper, & Fiberboard Manufacturing |
| ☐ Fruits & Vegetables Processing Manufacturing | ☐ Rubber Processing |
| ☐ Glass Manufacturing | ☐ Seafood Processing |
| ☐ Grain Mills Manufacturing | ☐ Soaps & Detergent Manufacturing |
| ☐ Ink Formulating | ☐ Steam Electric |
| ☐ Inorganic Materials | ☐ Sugar Processing |
| ☐ Iron & Steel Manufacturing | ☐ Textile Mills |
| ☐ Leather Tanning & Finishing | ☐ Timber Mills |
| ☐ Meat Processing | |

An IU with processes inclusive in these business areas may be covered by the Environmental Protection Agency's (EPA) categorical pretreatment standards. These IUs are termed "categorical users".

2. Indicate applicable standard industrial classification (SIC) numbers for all processes at this IU (If more than one applies, then list in descending order of importance).

a. _____

c. _____

b. _____

d. _____

3. If the IU employs or will be employing processes in any of the business activities or services listed below (regardless of whether they generate wastewater, waste sludge, or hazardous wastes), then place a check beside all services that apply.

Business Activities or Services

- | | |
|---|--|
| ☐ Agricultural Chemicals | ☐ Measuring, Analyzing, & Controlling Instruments |
| ☐ Amusement & Recreation Services | ☐ Meat and Dairy Products |
| ☐ Animal Services and Specialties | ☐ Metal, Nonmetallic Minerals, or Coal Mining and Related Services |
| ☐ Apparel & Other Finished Products made from Fabrics and Similar Materials | ☐ Miscellaneous Food Preparations |
| ☐ Automotive Dealers & Gasoline Service Stations | ☐ Miscellaneous Repair Services |
| ☐ Automotive Repair & Services | ☐ Motor Freight Transportation & Warehousing |
| ☐ Bakery Products | ☐ Museums, Art Galleries, & Botanical & Zoological Gardens |
| ☐ Beverages | ☐ Oil & Gas Extraction |
| ☐ Canned, Frozen, and Preserved Fruits & Foods | ☐ Paper & Allied Products |
| ☐ Carpets & Rugs | ☐ Perfume, Cosmetics, & Other Toilet Preparations |
| ☐ Communications | ☐ Petroleum Refining |
| ☐ Construction | ☐ Photographic & Other Film Developing |
| ☐ Eating and Drinking Places | ☐ Postal and Delivery Service |
| ☐ Educational Services, Schools, Colleges, Universities, & Technical Institutes | ☐ Poultry & Eggs |
| ☐ Electric, Gas, & Stationary Services | ☐ Primary Metal Industries |
| ☐ Fats & Oil Products | ☐ Printing and Publishing |
| ☐ Fish Hatcheries | ☐ Public Administration |
| ☐ Food Stores | ☐ Research, Development, & Testing Services |
| ☐ Funeral Services | ☐ Retail Trade – Building Materials, Hardware, Garden Supplies, and Mobile Home Dealers |
| ☐ Furniture & Fixtures | ☐ Rubber and Miscellaneous Plastics |
| ☐ General Merchandise Stores | ☐ Social Services |
| ☐ Grain Mill Products | ☐ Stone, Clay, Glass, & Concrete Products |
| ☐ Health Services, Hospitals, Medical & Dental Clinics & Laboratories, Nursing & Personal Care Facilities, Camps, & Other Lodging Places | ☐ Sugar & Confectionary Products |
| ☐ Industrial & Commercial Machinery & Computer Equipment | ☐ Tobacco Products |
| ☐ Laundry, Cleaning, & Garment Services | ☐ Transportation Equipment |
| ☐ Livestock & Dairy Farms | ☐ Veterinary Services |
| ☐ Other, Please Describe: | ☐ Water, Air, & Other Transportation |
| | ☐ Wholesale Trade-Durable & Non-Durable Goods |
-
-

Give a **brief** description of all operations at this IU facility including primary products or services (Attach additional sheets if necessary). Also, please make note of any changes in operations including primary products or services.

4. Please identify if the following chemicals are stored or used at the IU location:

Solvents	☐ Yes	☐ No
Pesticides	☐ Yes	☐ No
Paint	☐ Yes	☐ No
Acids/Caustics	☐ Yes	☐ No
Oils/Petroleum Products	☐ Yes	☐ No
Sludge	☐ Yes	☐ No
Photo Finishing Chemicals	☐ Yes	☐ No
Other Chemicals	☐ Yes	☐ No
Are Hazardous Waste Generated?	☐ Yes	☐ No
Are Non-Hazardous Waste Generated?	☐ Yes	☐ No
Are storage tanks located at facility? (including any underground tanks)	☐ Yes	☐ No

If yes to any of the above questions, please specify name and volumes of chemicals/waste.

Do you have secondary containment? ☐ Yes ☐ No

Type: ☐ Dikes ☐ Trenches☐ Storage Control

Specify location:

Sewer Information

1. List size, descriptive location, daily average wastewater flow, and daily maximum wastewater flow of each IU facility sewer which connects to the sanitary sewer system. (Attach additional sheets if necessary).

Sewer Size	Descriptive Location of Sewer Connection to Discharge Point	Average Wastewater Daily Flow (GPD)	Maximum Wastewater Daily Flow (GPD)

2. Complete the following only if there have been any changes made within the year (*Existing Source*) or if not previously submitted (*New Source*)
 - a. Schematic Flow Diagram – For each major activity in which wastewater is or will be generated, draw a diagram of the flow of material, products, water, and wastewater from the start of the activity to its completion, showing all unit processes. Indicate the average daily volume and maximum daily volume of each wastestream (new IU facilities may estimate). If estimates are used for flow data, this must be indicated. Number each unit process having wastewater discharges to the community sewer. Use these numbers when showing this unit process in the building layout in Section C.3. below. (Attach page(s) of schematic flow diagrams).
3. Complete only if there may have been any additions or changes to the building layout (*Existing Source*) or not previously submitted (*New Source*).
 - a. Building layout – Draw to scale the location of each building on the premises. Show map orientation and location of all water meters, storm drains, numbered unit processes (from schematic flow diagram), public sewers, and each facility sewer line connected to the public sewers. Number each sewer and show existing and proposed sampling locations. Attach a blueprint or drawing of the IU facilities showing the above items.
4. **For Non-Categorical Users Only:** List average wastewater discharge, maximum discharge, and type of discharge (batch, continuous, or both), for each plant process. (New IU facilities should provide estimate for each discharge). Please make note if there should be an increase or decrease of wastewater discharge.

Process Description	Average Flow (GPD)	Maximum Flow (GPD)	Type of Discharge (none, batch, or continuous)

5. For Categorical Users Only: Provide the wastewater discharge flows for the proposed processes. (New IU facilities should provide estimates for each discharge). Please make note if there should be an increase or decrease in wastewater discharge.

Regulated Process	Average Flow (GPD)	Maximum Flow (GPD)	Type of Discharge (None, Batch, or Continuous)

Unregulated Process	Average Flow (GPD)	Maximum Flow (GPD)	Type of Discharge (None, Batch, or Continuous)

6. Permit Documentation

a. Has this IU submitted an Industrial Waste Discharge Permit Application to the POTW?

☐ Yes ☐ No

If yes, where is the permit application filed?

b. Is a Baseline Monitoring Report (BMR) required to be submitted to the POTW by this IU?

☐ Yes ☐ No

If yes, has the BMR been submitted?

☐ Yes ☐ No

If yes, where is the BMR filed, and if a BMR is required but hasn't been submitted, please explain.

- c. Is a 90-Day Compliance Report (90-Day CMR) required to be submitted by this IU to the POTW?

☐ Yes ☐ No

If yes, has the 90-Day CMR been submitted to the POTW?

☐ Yes ☐ No

If yes, where is the 90-Day CMR filed and if a 90-Day CMR is required but hasn't been submitted, please explain its status below.

- d. Is a Slug Control Plan (SCP)/Spill Prevention Control Countermeasure Plan (SPCC) required for this IU?

☐ Yes ☐ No

If yes, has the IU completed a SCP?

☐ Yes ☐ No Date of completion: _____.

If yes, where is the SCP/SPCC filed and if a SCP/SPCC is required but hasn't been completed, please explain its status below.

- e. Have hazardous waste discharge notifications been submitted to the POTW by this IU?

☐ Yes ☐ No

If yes, where and when were notifications filed?

- f. Do you have any polychlorinated biphenyls (PCBs) at your facility?

☐ Yes ☐ No

Have PCBs been used at your facility in the past?

☐ Yes ☐ No

If yes to either, what is/was the source of the PCBs, and estimated quantities? Describe containment used and location in the facility.

g. Do you have any Per- and Polyfluorinated Substances (PFAS) at your facility?

☐ Yes ☐ No

Has PFAS been used at your facility in the past?

☐ Yes ☐ No

If yes to either, what is/was the source of the PFAS, and estimated quantities?

Effluent Limitations

1. Is your wastewater discharge analytically tested?

☐ Yes ☐ No

If yes, indicate parameters tested and average concentrations.

Parameter	Effluent Concentration Daily Average (mg/L)	Effluent Concentration Maximum (mg/L)
BOD		
COD		
TSS		
pH		
Arsenic		
Cadmium		
Chromium		
Copper		
Cyanide		

Lead		
Mercury		
Nickel		
Silver		
Zinc		
Oil & Grease		
Phenol		
Others:		

Signature

Questionnaire completed by:

Signature

Date

Questionnaire Reviewed & Verified by:

Signature

Dat



Enforcement Response Guide

	Noncompliance	Nature of Violation	Enforcement Responses	Responsible Personnel
Unauthorized Discharges (No Permit)	1 Unpermitted Discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application	PC
		IU unaware of requirement; harm to POTW	AO; Civil action	PC S
		Failure to apply continues after notice by POTW	Civil action	S
			Criminal investigation Terminate service	S S
	2 Non permitted Discharge (Failure to Renew)	IU has not submitted application within 10 days of due date	Phone call NOV	PC
Discharge Limit Violation	1 Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call, NOV	PC
		Isolated, significant (no harm)	AO	PC, S
		Isolated, harm to POTW or environment	AO - Show cause order	PC, S
			Civil action	S
		Recurring, no harm to POTW or environment	AO with fine	PC, S
		Recurring, significant (harm)	AO with fine	PC, S
			Show cause order	PC, S
			Civil action Terminate service	S S

Monitoring and Reporting Violations

1	Reporting Violations	Report is improperly signed or certified	Phone call or NOV	PC
		Report is improperly signed or certified after notice by POTW	AO	PC, S
		Isolated; not significant (e.g. 5 days late)	Phone call; NOV	PC
		Significant (e.g. report 30 days or more late)	AO	PC, S
		Reports are always late or no reports at all	AO with fine	PC, S
			Show cause order	PC, S
			Civil action	S
		Failure to report spill or changed discharge (no harm)	NOV	PC
		Failure to report spill or changed discharge (harm)	AO with fine	PC, S
			Civil action	S
	Failure to Monitor Correctly	Repeated failure to report spills	Show cause order	PC, S
			Terminate service	S
		Falsification	Criminal investigation	S
			Terminate service	S
2	Failure to Monitor Correctly	Failure to monitor all pollutants as required by PTO	NOV or AO	PC, S
		Recurring failure to monitor	AO with fine Civil action	PC, S S
3	Improper Sampling	Evidence of intent	Criminal investigation	S
			Terminate service	S
4	Failure To Install Monitoring Equipment	Delay of less than 30 days	NOV	PC
		Delay of 30 days or more	AO to install with fine	PC, S
		Recurring, violation of AO	Civil action	PC, S
			Criminal investigation Terminate service	S S
5	Compliance Schedules (in PTO)	Missed milestone by less than 30 days or will not affect final milestone	NOV or AO with fine	PC, S
		Missed milestone by more than 30 days or will affect final milestone (good cause)	AO with fine	PC, S
		Missed milestone by more than 30 days or will affect final milestone (no good cause for delay)	Show cause order	PC, S
			Civil action Terminate service	S S

		Recurring violation or violation of schedule in AO	Civil action	S		
			Criminal investigation	S		
			Terminate service	S		
Other Permit Violations	1	Wastestreams Dilution in Lieu of Treatment	Initial violation	AO with fine	PC, S	
			Recurring	Show cause order	PC, S	
			Terminate service	S		
	2	Failure To Properly Operate and Maintain Pretreatment Facility	Does not result in harm	NOV	PC	
			Does result in harm	AO with fine	PC, S	
			Civil action	S		
Violation Detected During Site Visits	1	Entry Denial	Entry denied or consent withdrawn	Copies of records denied	Obtain warrant and return to JU	PC
	2	Illegal Discharge	No harm to POTW or environment		AO with fine	PC, S
			Discharges cause harm or evidence of intent/negligence		Civil action	SS
					Criminal investigation	
			Recurring, violation of AO	Terminate service	S	
	3	Improper Sampling	Unintentional sampling at incorrect location		NOV	PC
			Unintentionally using incorrect sample type		NOV	PC
			Unintentionally using incorrect sample collection technique		NOV	PC
	4	Inadequate Record Keeping	Inspector finds files missing or incomplete (no evidence of intent)		NOV	PC
			Recurring		AO with fine	PC, S
	5	Failure To Report Additional Monitoring	Inspection finds additional files		NOV	PC
			Recurring		AO with fine	PC, S

Description of Terms:

AO	Administrative Order
Civil Action	Civil litigation against the IU seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual/organization through a court of law.
Fine	Monetary penalty assessed by POTW. Fines assessed by PC or S.
IU	Industrial User.
NOV	Notice of Violation.
PC	Pretreatment Coordinator
S	Superintendent
Show Cause	An Administrative Order requiring an IU to appear before the City and demonstrate why the POTW should not take further enforcement response actions against it.

ITEM: 12.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
Alec Egnatuk, Wastewater Superintendent
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2026-1 - WASTEWATER INDUSTRIAL
PRETREATMENT PROGRAM FEES**

The Wastewater Department requests the implementation of several fees to support the work of the department in the operation of the Industrial Pretreatment Program (IPP). Administering an IPP requires dedicated time, equipment, and consulting services to adequately ensure industrial users are meeting the program requirements. To account for these expenses, IPP related fees including an application, permit to discharge (PTD), sampling, and inspection fees have been developed. Additionally, the laboratory fees are listed showing the cost for each test based on the parameter being tested as the Wastewater Treatment Plant (WWTP) Laboratory may perform testing for industrial users.

BUDGET IMPACT:

The net impact on the Wastewater Fund is expected to be minimal. The fees proposed are structured with the goal of the department recouping expenses incurred administering the program by the industrial users required to participate in the program.

RECOMMENDATION:

Approve Resolution 2026-1, A Resolution to Implement Industrial Pretreatment Program Fees and authorize the City Manager and City Clerk to sign the necessary documents.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2026-1**

A RESOLUTION TO IMPLEMENT INDUSTRIAL PRETREATMENT PROGRAM FEES

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, City of Marshall deems it necessary and appropriate to periodically review fees and rates as certain costs are incurred in providing a service, and the intent is to set fees at an amount to recover those costs and remain competitive with surrounding municipalities; and

WHEREAS, City of Marshall is implementing an Industrial Pretreatment Program (IPP) with fees specific to the program for support of the additional labor, equipment, and subcontracting expenses because of the program; and

WHEREAS, City of Marshall proposes charging IPP related fees to industrial users required to participate in the IPP in the amount(s) anticipated to cover the costs of the IPP specific work; and

WHEREAS, the City of Marshall now wishes to establish those fees and rates in accordance with the Utility Rules and Regulations and as authorized by Chapter 53 of the City Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby updates the wastewater fees as follows:

IPP Program Fees

Application/Renewal	\$500
Permit to Discharge (PTD)	Time, Materials, and Sub Consulting Expenses
Sampling	Time and Materials
Inspection	\$150
Additional Inspection Time	\$75 per hour

Laboratory Testing Fees

<i>BOD</i> ₅	\$20
Nitrogen, ammonia	\$15
Total Suspended Solids (TSS)	\$10
Phosphorus	\$15

Fecal Coloform	\$20
pH	\$10
Sulfate	\$15
Chloride	\$15
Microbiology (water)	\$25

Resolution declared adopted this 5th day of January 2026.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on MONTH DATE, YEAR and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

ITEM: 12.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2025-43 - OPRA CERTIFICATE APPLICATION - 211-213 EAST MICHIGAN AVE.**

The project at 211-213 is using two incentives: a Brownfield Plan and an Obsolete Property Rehabilitation Exemption. Both have been previously discussed tonight. The City of Marshall has an OPRA policy that outlines the process which aligns with State of Michigan requirements for the use of an OPRA as a tool to development. As part of the process, following the establishment of the OPRA district, approval is needed for an OPRA Certificate Application before it is submitted to the State. Tonight we have already held the public hearing and approved the OPRA district for 211-213 East Michigan Avenue. This is the next step in the process.

BUDGET IMPACT:

The applicant is expected to invest in excess of \$3,000,000. The OPRA incentivizes this type of investment by delaying the anticipated increase in taxes until after the OPRA timeline of 12 years is complete.

RECOMMENDATION:

Approve Resolution 2025-43, A Resolution to APPROVE AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE APPLICATION PA 146 OF 2000 AS AMENDED and authorize the City Manager and City Clerk to sign the necessary documents.

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

**Resolution 2025-41 Approving Obsolete Property Rehabilitation Exemption
Certificate Application for Marshall Apartments Project Located at 211-213 East
Michigan Avenue**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District 211-213 East Michigan Avenue Obsolete Property Rehabilitation District No.1 on January 5, 2026, after a public hearing held on January 5, 2026; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on January 5, 2026; and

WHEREAS, the Marshall Properties, and Brad Noel, are not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2027; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property (211-213 East Michigan Avenue), excluding land, located in Obsolete Property Rehabilitation District Marshall Properties Building Obsolete Property Rehabilitation District No. 1 at 211-213 East Michigan Avenue for a period of 12 years, beginning December 31, 2027, and ending December 31, 2038, pursuant to the provisions of PA 146 of 2000, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on January 5, 2026.

Clerk

Application for Obsolete Property Rehabilitation Exemption Certificate

Issued under authority of Public Act 146 of 2000, as amended.

This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) See State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

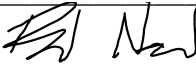
Applicant (Company) Name (applicant must be the OWNER of the facility) Marshall Property Investments, LLC									
Company Mailing Address (Number and Street, P.O. Box, City, State, ZIP Code) 16660 Sunset Hill Dr. Marshall, Michigan, 49068									
Location of obsolete facility (Number and Street, City, State, ZIP Code) 211 and 213 E. Michigan Avenue, Marshall, Michigan									
City, Township, Village (indicate which) City of Marshall		County Calhoun							
Date of Commencement of Rehabilitation (mm/dd/yyyy) March 1, 2026	Planned date of Completion of Rehabilitation (mm/dd/yyyy) March 1, 2027	School District where facility is located (include school code) Marshall Public Schools 13							
Estimated Cost of Rehabilitation \$3,584,009.00		Number of years exemption requested 12							
Attach legal description of obsolete property on separate sheet.									
Expected Project Outcomes (Check all that apply) <table><tr><td>☒ Increase commercial activity</td><td>☐ Retain employment</td><td>☒ Revitalize urban areas</td></tr><tr><td>☒ Create employment</td><td>☐ Prevent a loss of employment</td><td>☒ Increase number of residents in the community in which the facility is situated</td></tr></table> Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment. 12				☒ Increase commercial activity	☐ Retain employment	☒ Revitalize urban areas	☒ Create employment	☐ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated
☒ Increase commercial activity	☐ Retain employment	☒ Revitalize urban areas							
☒ Create employment	☐ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated							
☒ Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the box at left if you wish to be considered for this exclusion.									

APPLICANT CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (No authorized agents) Marshall Property Investments, LLC	Telephone Number (269) 419-9350	Fax Number
Mailing Address 16660 Sunset Hill Dr. Marshall, Michigan, 49068	E-mail Address bradnoel00@gmail.com	
Signature of Company Officer (no authorized agents) 	Title Developer	

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on page 2. Part 3 is to be completed by the Assessor.

Signature	Date Application Received
-----------	---------------------------

FOR STATE TAX COMMISSION USE

Application Number	Date Received	LUCI Code
--------------------	---------------	-----------

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date

☐ Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)

☐ Denied

Date District Established

LUCI Code

School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit.

A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.

A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.

A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.

A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.

A statement that the applicant is not delinquent in any taxes related to the facility.

If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.

A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.

A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.

A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.

A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31 of the year approved by the STC)

Building Taxable Value

Building State Equalized Value

\$

\$

Name of Government Unit

Date of Action Application

Date of Statement of Obsolescence

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act of 2000 may be in jeopardy.

Name of Clerk

Telephone Number

Clerk Mailing Address

Mailing Address

Telephone Number

Fax Number

E-mail Address

Clerk Signature

Date

For faster service, email completed application and attachments to PTE@michigan.gov. An additional submission option is to mail the completed application and attachments to Michigan Department of Treasury, State Tax Commission, PO Box 30471, Lansing, MI 48909. If you have any questions, call 517-335-7491.

July 10, 2025

Application for Obsolete Property Rehabilitation Exemption Certificate
Public Act 146 of 2000, as amended
Marshall Apartments
211 and 213 E. Michigan Avenue, Marshall, Michigan

PART 2: APPLICATION DOCUMENTS

a. General Description of the facility (year built, original use, most recent use, number of stories, square feet)

By at least 1888, the Property was developed with the two existing three-story commercial buildings with residential units on the upper floor(s). Storage sheds were constructed and/or razed on the northern portion of the Property between at least 1888 and 1931, and the northern portion of the Property has remained paved parking/alleyway since at least 1986. The Property has been occupied by various low-risk commercial office, retail, and/or restaurant operations since at least 1888. The Property buildings are currently vacant/unoccupied. The two buildings, located at 211 and 213 E. Michigan Avenue, are 5,520 square feet and 6,900 square feet respectively. The buildings are approximately 137 years old, functionally obsolete, and located in downtown Marshall.

b. Description of the qualified facility's proposed use

A redevelopment of a three-story, functionally obsolete property totaling 12,420 square feet located in the center of downtown Marshall. The first floor will have four commercial spaces. The entire first floor will need upgrades to mechanical, electrical, lighting and flooring. The interior walls need masonry repairs. On the 324 side, a temporary wall will need to be replaced and the back area and basement access needs attention. A new roof, rear stairway to access the second story, and elevator is planned in the back along with repairs to the exterior wall. All new windows and doors on all floors are planned. The front facade, on both the 211 and 213, will get new doors and windows along with masonry repairs, painting, etc. The second and third stories will be a gut rehabilitation and heavy remodel including eight apartments (4/floor): one 2-bedroom and 2-bathroom unit (1,284 square feet), one 2-bedroom and 1-bathroom unit (1,101 square feet), and six 1 bedroom and 1 bath units (626-925 square feet) will be created.

c. Description of the general nature and extent of the rehabilitation to be undertaken

This is a complete rehabilitation project that will include new utilities, interior, windows, doors, flooring, and roofing.

d. Descriptive list of the fixed building equipment that will be a part of the qualified facility

The building interior will be demolished down to the structural components of the building while maintaining and/or reusing as many of the original architectural features as possible. New fixed building

equipment will include air condition (HVAC), plumbing and plumbing fixtures, electrical, fire suppression, interior walls and flooring, new doors and windows, elevators, building accessories/garages, and improved interior and exterior appearance.

e. Time schedule for undertaking and completing the facility's rehabilitation

The rehabilitation project is anticipated to take 12 months to complete with a construction schedule currently planned for March 1, 2026 through March 1, 2027. No construction activities will be conducted prior to any approval of the PA 146 abatement.

f. Statement of the economic advantages expected from the exemption

Redevelopment of the property would provide numerous benefits to the City. While the specific facility would undergo considerable renovation, the entire area would benefit from the transformation of a functionally obsolete and deteriorating building into a thriving and fully utilized property. The project will also create approximately 5 temporary construction related jobs.

In an effort to maximize the utility value of the vacant, dilapidated building, the applicant is committed to doing a complete rehabilitation of the building. In that context, the applicant will incur considerable renovation costs. The establishment of the PA 146 District, with its multi-year property tax deferment benefit, is vital to making the project economically viable.

g. Legal description of the facility

The legal description of the eligible property is provided below.

211 E. Michigan Avenue: MARSHALL CITY, UPPER VILLAGE E 13 FT OF W 1/2 OF LOT 21 & W 10 FT OF E 1/2 OF LOT 21. EXCEPT THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549). PART OF 2ND FLOOR PUT ON PARCEL 001-021-10

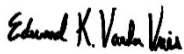
AND

THE S 25 FT OF THE SECOND FLOOR OF THE E 13 FT OF THE W 1/2 OF LOT 21 AND THE W 10 FT OF THE SECOND FLOOR OF THE E 1/2 OF SD LOT, OF THE UPPER VILLAGE OF THE CITY OF MARSHALL SPLIT OFF PARCEL 001-021-02 PART OF 2ND FLOOR FROM DEED DATED 2/1/16 (4041/549).

213 E. Michigan Avenue: MARSHALL CITY, UPPER VILLAGE E 23 FT OF LOT 21.

Statement of Obsolescence from Assessor

The building located at 211-213 E. Michigan Ave; Marshall MI is the subject of this request. The building is a three-story downtown building constructed around 1915. The first floor of the building has been used as commercial retail space for many years, most recently a dentist office. The second and third floors were previously used as apartments and storage. The second and third floors are completely unusable in their present condition. After a review of the property on April 3, 2025, obsolescence is evident in the lack of modern electrical, plumbing, and mechanical systems as well as the extreme poor condition of the walls, floors, and ceilings. The windows and doors are also very old and inefficient by today's standards. The first floor contains obsolescence in the form of super-adequacy as it was over plumbed to serve the dentist's office. Significant renovation and rehabilitation will be required before this building would be suitable for occupancy.



Edward VanderVries, MMAO IV
Assessor, City of Marshall

April 13, 2025

Date

ITEM: 12.D

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marcia Strange, Director of Community Development
DATE: January 5, 2026
SUBJECT: **RESOLUTION 2025-41 - OPRA CERTIFICATE APPLICATION - 201-203 WEST MICHIGAN AVE.**

The City of Marshall has an OPRA policy that outlines the process which aligns with State of Michigan requirements for the use of an OPRA as a tool to development. As part of the process, following the establishment of the OPRA district, approval is needed for an OPRA Certificate Application before it is submitted to the State. Tonight we have already held the public hearing and approved the OPRA district for 201-203 West Michigan Avenue. This is the next step in the process.

BUDGET IMPACT:

The applicant is investing over \$1.8M into the property. The OPRA incentivizes this type of investment by delaying the anticipated increase in taxes until after the OPRA timeline of 12 years is complete.

RECOMMENDATION:

Approve Resolution 2025-41, A Resolution to APPROVE AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED and authorize the City Manager and City Clerk to sign the necessary documents.

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 5, 2026 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

**Resolution 2025-41 Approving Obsolete Property Rehabilitation Exemption
Certificate Application for the Project Located at 201-203 West Michigan Avenue**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District 201-203 West Michigan Avenue Obsolete Property Rehabilitation District No.1 on January 5, 2026, after a public hearing held on January 5, 2026; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on January 5, 2026; and

WHEREAS, MBJ Property LLC, are not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2027; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property (201-203 West Michigan Avenue), excluding land, located in Obsolete Property Rehabilitation District Marshall Properties Building Obsolete Property Rehabilitation District No. 1 at 201-203 West Michigan Avenue for a period of 12 years, beginning December 31, 2027, and ending December 31, 2038, pursuant to the provisions of PA 146 of 2000, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on January 5, 2026.

Clerk

Application for Obsolete Property Rehabilitation Exemption Certificate

Issued under authority of Public Act 146 of 2000, as amended.

This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) See State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) MBJ Prop LLC								
Company Mailing Address (Number and Street, P.O. Box, City, State, ZIP Code) 201 W. Michigan Avenue Marshall, Michigan 49068								
Location of obsolete facility (Number and Street, City, State, ZIP Code) 201 and 203 W. Michigan Avenue, Marshall, Michigan								
City, Township, Village (indicate which) City of Marshall	County Calhoun							
Date of Commencement of Rehabilitation (mm/dd/yyyy) March 1, 2026	Planned date of Completion of Rehabilitation (mm/dd/yyyy) March 1, 2027	School District where facility is located (include school code) Marshall Public Schools 13						
Estimated Cost of Rehabilitation \$1,883,330.02	Number of years exemption requested 12							
Attach legal description of obsolete property on separate sheet.								
Expected Project Outcomes (Check all that apply) <table border="0"><tr><td>☒ Increase commercial activity</td><td>☐ Retain employment</td><td>☒ Revitalize urban areas</td></tr><tr><td>☒ Create employment</td><td>☐ Prevent a loss of employment</td><td>☒ Increase number of residents in the community in which the facility is situated</td></tr></table> Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment. <u>12</u>			☒ Increase commercial activity	☐ Retain employment	☒ Revitalize urban areas	☒ Create employment	☐ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated
☒ Increase commercial activity	☐ Retain employment	☒ Revitalize urban areas						
☒ Create employment	☐ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated						
☒ Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the box at left if you wish to be considered for this exclusion.								
APPLICANT CERTIFICATION								
The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy. The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate. It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.								
Name of Company Officer (No authorized agents) MBJ Prop LLC	Telephone Number (313) 737-9181	Fax Number						
Mailing Address 201 W. Michigan Avenue, Marshall Michigan 49068	E-mail Address mikej@xcelerationllc.com							
Signature of Company Officer (no authorized agents) 	Title Developer							
LOCAL GOVERNMENT UNIT CLERK CERTIFICATION								
The Clerk must also complete Parts 1, 2 and 4 on page 2. Part 3 is to be completed by the Assessor.								
Signature	Date Application Received							
FOR STATE TAX COMMISSION USE								
Application Number	Date Received	LUCI Code						

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date

☐ Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)

☐ Denied

Date District Established

LUCI Code

School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit.

A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.

A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.

A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.

A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.

A statement that the applicant is not delinquent in any taxes related to the facility.

If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.

A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.

A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.

A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.

A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31 of the year approved by the STC)

Building Taxable Value

Building State Equalized Value

\$

\$

Name of Government Unit

Date of Action Application

Date of Statement of Obsolescence

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act of 2000 may be in jeopardy.

Name of Clerk

Telephone Number

Clerk Mailing Address

Mailing Address

Telephone Number

Fax Number

E-mail Address

Clerk Signature

Date

For faster service, email completed application and attachments to PTE@michigan.gov. An additional submission option is to mail the completed application and attachments to Michigan Department of Treasury, State Tax Commission, PO Box 30471, Lansing, MI 48909. If you have any questions, call 517-335-7491.

October 20, 2025

Application for Obsolete Property Rehabilitation Exemption Certificate
Public Act 146 of 2000, as amended
Stagecoach Inn
201 and 203 W. Michigan Avenue, Marshall, Michigan

PART 2: APPLICATION DOCUMENTS

a. General Description of the facility (year built, original use, most recent use, number of stories, square feet)

By at least 1838, the Property was developed with the two existing commercial buildings with residential units on the upper floor(s) of the 201 building. The Property has been occupied by various low-risk commercial office, retail, a hotel, apartments, and/or restaurant operations since at least 1838. The Property buildings currently occupied with a Stagecoach Inn and apartments on the second floor. The two buildings, located at 201 and 203 W. Michigan Avenue, are 5,700 square feet and 3,000 square feet respectively. The buildings are approximately 187 years old, functionally obsolete, and located in downtown Marshall.

b. Description of the qualified facility's proposed use

A redevelopment of a two-story, functionally obsolete property totaling 6,800 square feet located in the center of downtown Marshall. The building located at 201 currently has a third floor but will only be keeping two floors in the redevelopment. The first floor will have commercial space containing a restaurant and bar, and a stage area. The entire first floor will need upgrades to mechanical, electrical, lighting and flooring. The interior walls need masonry repairs. A new roof, stairway to access the second story, and elevator is planned with repairs to the exterior wall. The front facade, on both the 201 and 203 buildings, will get new masonry repairs, painting, etc. The second floor will be a gut rehabilitation and heavy remodel to construct one apartment: 2-bedroom and 1-bathroom unit (722 square feet), workstations, additional seating for the restaurant on the first floor, and an outdoor seating area.

c. Description of the general nature and extent of the rehabilitation to be undertaken

This is a complete rehabilitation project that will include new utilities, interior, flooring, and roofing.

d. Descriptive list of the fixed building equipment that will be a part of the qualified facility

The building interior will be demolished down to the structural components of the building while maintaining and/or reusing as many of the original architectural features as possible. New fixed building equipment will include air condition (HVAC), plumbing and plumbing fixtures, electrical, fire suppression, interior walls and flooring, elevators, building accessories, and improved interior and exterior appearance.

e. Time schedule for undertaking and completing the facility's rehabilitation

The rehabilitation project is anticipated to take 12 months to complete with a construction schedule currently planned for March 1, 2026, through March 1, 2027. No construction activities will be conducted prior to any approval of the PA 146 abatement.

f. Statement of the economic advantages expected from the exemption

Redevelopment of the property would provide numerous benefits to the City. While the specific facility would undergo considerable renovation, the entire area would benefit from the transformation of a functionally obsolete and deteriorating building into a thriving and fully utilized property. The project will also create approximately 5 temporary construction related jobs.

In an effort to maximize the utility value of the vacant, dilapidated building, the applicant is committed to doing a complete rehabilitation of the building. In that context, the applicant will incur considerable renovation costs. The establishment of the PA 146 District, with its multi-year property tax deferment benefit, is vital to making the project economically viable.

g. Legal description of the facility

The legal description of the eligible property is provided below.

201 W. Michigan Avenue: MARSHALL CITY, LOWER VILLAGE E 2 RDS OF N 7 RDS OF LOT 5 BLK 23.

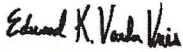
AND

203 W. Michigan Avenue: MARSHALL CITY, LOWER VILLAGE, COM AT THE NE COR OF LOT 5, BLOCK 23 TH N 89 DEG 39'38" W, 34.34 FT TO THE POB: S 00 DEG 16'57"E 88.01 FT - N 89 DEG 39'38"W 17.99 FT - N 00 DEG 30'34"W 88.10 FT - S 89 DEG 39'38"E 18.34 FT TO POB

Statement of Obsolescence from Assessor

201 W Michigan Ave – Stagecoach Project

The building that is the subject of this request is a two-story mixed-use building. The building was constructed around 1845. The building was originally constructed as a mixed use Commercial & Upper Residential. The first floor of the building has been used as commercial Retail space for many years. The second floor contained 7 apartments previously. After a review of the property on October 2 & 16, 2025, the obsolescence is evident in the lack of modern electrical, plumbing, and HVAC systems as well as the poor condition of the walls, floors, and ceilings. The windows and doors are very old and inefficient by today's standards. Structural obsolescence exists in the foundation and in various areas of the 1st and 2nd floors requiring significant renovation and repair to bring up to code.



Edward VanderVries, MMAO IV
Assessor, City of Marshall

October 17, 2025

Date

**Stagecoach Inn
Marshall MI**

	Task Description	Estimated Cost
1	Kitchen Cooking Equipment	\$ 32,000.00
2	Bar Equipment	\$ 14,024.00
3	Demo	\$ 40,000.00
4	Main Level Commercial Plumbing	\$ 18,300.00
5	Resturant Plumbing	\$ 15,000.00
6	Fire Alarm (Parts Only)	\$ 9,389.00
7	Brick Repair in Basement and Tuck Pointing	\$ 7,500.00
8	Electrical	\$ 135,000.00
9	Resturant Furnature	\$ 35,000.00
10	Bar Construction - Drink stations	
11	Kitchen and Dish washer Hood	\$ 160,400.00
12	Keg /Tap Cooler	\$ 20,000.00
13	Freezer & Walk_IN Cooler	\$ 41,821.00
14	Flooring	\$ 95,000.00
15	Sprinkler System	\$ 105,000.00
16	General Labor	\$ 165,000.00
17	General Materials	\$ 80,000.00
18	New Flat Roof Replacement	\$ 18,609.88
19	Pitch Roof Replacement	\$ 55,000.00
20	Structual Rework	\$ 50,000.00
21	Elevator Otis	\$ 165,000.00
22	203 Expansion	\$ 115,000.00
23	New Masonary Work	\$ 75,000.00
24	Exterior Historical Work	\$ 70,000.00
25	Plaster	\$ 60,000.00
26	HVAC Mechical	\$ 70,000.00

\$ 1,652,043.88

Contingency @ 14%	\$ 231,286.14
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\$ 1,883,330.02