CITY COUNCIL MINUTES

January 5, 2026
Regular Meeting - 7:00 PM

[IGNORE_INDENT]

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, January 5, 2026 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 Andrew Scibbe 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.

Casey Morris of 18 1/2 Mile Rd, Barry Wayne Adams of 622 W Green St, Rebekah Sebring of Fredonia Twp, Regis Klingler of 348 Butler Ct, Linda Smoot of Fredonia Twp, Victoria McGuffin of Marshall Twp, Julie Bryant of Marshall Twp, Kelly Isaac of 321 N Liberty, Holly Harden of E Mansion St, Ann Fitzpatrick of Sherman Dr, and Laura Bruggeman of Forest St gave public comment.

7) CONSENT AGENDA

Member Gates stated that he had a conflict of interest with item 7C.

Moved by James Hackworth, supported by Andrew Scibbe to recuse member Gates from item 7 of tonight's agenda. On a voice vote: **Motion carried.**

Moved by Ryan Traver, supported by James Hackworth to On a roll call vote:

Ayes: Theresa Chaney-Huggett, James Hackworth, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: None
Abstain: None
Motion carried.

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

Moved by James Hackworth, supported by Ryan Underhill to receive the 2025 End of Year Action Plan report. On a voice vote: **Motion carried.**

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.

Mayor Wolfersberger opened the public hearing on the establishment of an OPRA district for 211-213 East Michigan Ave at 7:45 pm.

Hearing no comment, Mayor Wolfersberger closed the public hearing on the establishment of an OPRA district for 211-213 East Michigan Ave at 7:45 pm.

Moved by James Hackworth, supported by Ryan Traver to 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. 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. 2025-31

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

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

Mayor Wolfersberger opened the public hearing on the Brownfield Plan for 211-213 East Michigan Ave at 7:57 pm.

David Begg gave comment during the public hearing.

Mayor Wolfersberger closed the public hearing on the Brownfield Plan for 211-213 East Michigan Ave at 7:58 pm.

Moved by Jacob Gates, supported by James Hackworth to 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. 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. 2025-32

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

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

Mayor Wolfersberger opened the public hearing on 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 at 8:05 pm.

Regis Klingler gave public comment during the public hearing.

Mayor Wolfersberger closed the public hearing on 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 at 8:07 pm.

Moved by Ryan Traver, supported by Jacob Gates to 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. 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.

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

Mayor Wolfersberger opened the public hearing on the establishment of an OPRA district for 201-203 West Michigan Ave at 8:14 pm.

Hearing no comment, Mayor Wolfersberger closed the public hearing on the establishment of an OPRA district for 201-203 West Michigan Ave at 8:14 pm.

Moved by James Hackworth, supported by Theresa Chaney-Huggett to approve Resolution 2025-33, A Resolution to establish an Obsolete Property Rehabilitation Act (OPRA) District District for 201 - 203 West Michigan Avenue 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. 2025-33

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 DEG39'38"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

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

Written comment was received from Diane Kowalske, Victoria McGuffin, Joshua Withee, and Linda Smoot.

Mayor Wolfersberger opened the public hearing on Ordinance 2025-5 on Sanitary Sewer at 8:52 pm.

Lynn Sleight of 507 Fair St, Regis Klingler, Victoria McGuffin, Holly Harden, Kelly Isaac, Linda Smoot, Barry Wayne Adams, and Gretchen Esser of 219 N Eagle gave comments during the public hearing.

Mayor Wolfersberger closed the public hearing on Ordinance 2025-5 on Sanitary Sewer at 9:18 pm.

Moved by Ryan Traver, supported by Theresa Chaney-Huggett to 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. 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

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~~ ***C****hemical 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)* 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~~."~~ **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 cause**s** 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** 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, medicinal~~s~~, 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, partnership~~s~~ 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 (½) 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 process**ed** 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)(vii**i**):

(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 (l);**

(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 (l),** 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 (l) (**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 waste~~s~~ 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.

(4**5**) 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.

(5**6**) 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.

(6**7**) 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) (~~1~~) 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.

(~~H~~**J**) 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.

(~~J~~**K**) 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.

(~~J~~**L**) 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 waste~~s~~ 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;

(~~13~~**12**) Any radioactive waste~~s~~ in harmful quantities as ~~such quantities are~~ defined by applicable state and federal regulations;

(~~14~~**13**) Any solvent extractables (grease, fat, oils) ~~in excess of~~ **more than** a daily average of 5.0 mg/l;

(~~15~~**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**.

(~~16~~**15**) Any insoluble substance retained by a standard No. 8 sieve or having any dimension greater than ½ inch (1.27 cm);

(~~17~~**16**) Insoluble substances having a specific gravity greater than 2.65;

(~~18~~**17**) Improperly shredded garbage;

(~~19~~**18**) Any water or waste~~s~~ 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;

(~~20~~**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~~

(~~21~~**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 waste~~s~~.* No waste~~s~~ 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 waste~~s~~ 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, Subcha**pter** 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 wastewater~~s~~ 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 pollutant**s** 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.

(4**3**) 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 wastewater~~s~~ 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.

(4**3**) 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.

(~~5~~4) 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)(~~5~~**4**) 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 analys**i**s 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.

(~~7~~**6**) 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.~~

(~~9~~**7**) 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).**

(~~10~~ **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 waste~~s~~ 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 waste~~s~~;

(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.

(~~F~~G) *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.

(~~G~~**H**) *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**.

(~~H~~**I**) *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.

(~~I~~**J**) *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~~ P**IPP,** 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 water~~s~~ or waste~~s~~ 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 ~~P~~**phosphorus** 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**. 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**.

(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

~~P~~**phosphorus**, pretreatment may be required of ~~industrial users~~ **IUs** unless additional capacity is added to the ~~P.O.T.W.~~ **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;

(~~C~~**D**) Review the plans for pretreatment equipment submitted by users;

(~~D~~**E**) Conduct inspections and tests of existing and newly installed, constructed, reconstructed, or altered pretreatment equipment to determine compliance with provisions of this chapter;

(~~E~~**F**) Investigate complaints of violations of this chapter, conduct inspections, make observations of discharges and record such investigations, complaints, inspections, and observations;

(~~F~~**G**) Issue orders requiring compliance with this chapter;

(~~G~~**H**) **Issue civil infractions** ~~Impose civil penalties~~ for violations of this chapter;

(~~H~~**I**) 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

(~~I~~**J**) 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 ~~ascertain able~~ **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 a 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 appliable.

~~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 jurisdictional 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.

(I) *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)(vii**i**).

(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:

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. INDUSTRIAL PRETREATMENT PROGRAM AUTHORIZATION

Moved by Ryan Traver, supported by Ryan Underhill to extend the meeting for another hour ending no later than 11 pm. On a voice vote: **Motion carried.**

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to 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. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Andrew Scibbe, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: James Hackworth
Abstain: None
Motion carried.

B. RESOLUTION 2026-1 - WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM FEES

Moved by Ryan Traver, supported by James Hackworth to 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. 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. 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

BOD_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

C. SCHEDULE PUBLIC HEARING - OPRA CERTIFICATE APPLICATION - 211-213 EAST MICHIGAN AVE.

Moved by Ryan Traver, supported by James Hackworth to Schedule a public hearing to be held February 2 at the 7pm City Council meeting regarding the approval of an OPRA Certificate for 211 - 213 East Michigan Avenue, and authorize the Clerk to distribute notifications as required. On a voice vote: **Motion carried.**

D. SCHEDULE PUBLIC HEARING - OPRA CERTIFICATE APPLICATION - 201-203 WEST MICHIGAN AVE.

Moved by Ryan Traver, supported by James Hackworth to Schedule a public hearing to be held February 2 at the 7pm City Council meeting regarding the approval of an OPRA Certificate for 201-203 West Michigan Avenue, and authorize the Clerk to distribute notifications as required. 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.

Rebekah Sebring, Rick Hugget of Stuart Lake, Tom Wallman of 340 N Eagle, Regis Klingler, Gretchen Esser, and Barry Wayne Adams gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 10:29 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk