



INKSTER CITY COUNCIL

October 5, 2020

(Virtual Meeting)

26215 Trowbridge, Inkster, MI 48141

(313) 563-4232 www.cityofinkster.com

Mayor – Patrick Wimberly
Mayor Pro Tem – Kim Howard, District V

Council Members:

George Williams, District I

La'Gina Washington, District II

Sandra K. Watley., District III

Steven Chisholm, District IV

Dennard Shaw, District VI

FELICIA RUTLEDGE
CITY CLERK

PATRICK WIMBERLY
MAYOR

TREASURER
DARIN CARRINGTON

DAVID JONES
CITY ATTORNEY

Council may be addressed during the Regular Meeting by filling out the Public Participation Form Address Council as a whole through the Mayor. Email your comment to be read for one (1) minute into the record. frutledge@cityofinkster.com (for virtual meeting)

October 5, 2020

Orientation 6:00 PM (Virtual)

Regular City Council Agenda – 7:00 PM (Virtual Meeting)

1. Call Meeting to Order

A. Pledge of Allegiance

B. Roll Call

C. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

2. Approval of Agenda

3. Presentations/Discussion

- A. Eviction Diversion Program
- B. Inkster Firefighters
- C. Emergency Shelter Presentation

4. Public Hearing

5. Consent Agenda

- A. September 21, 2020 (Virtual) City Council Meeting Minutes.

6. Boards and Commissions

- A. Update of current list of appointments to Boards & Commissions.

7. Previous Business

8. Ordinance(s)

A. First Reading(s)

B. Second Reading(s)

- 1. Council to offer a ***second*** reading and ***approval*** of text amendments (TA 20-10) to the City's Zoning Ordinance pertaining to provisions for Emergency Shelters per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

9. New Business

- A. Discussion/Action: (Jerome Bivins) Consideration and approval to adopt resolution on behalf of the City of Inkster from Great Lake Water Authority (GLWA) to concur in the rules and regulations industrial pretreatment program as adopted by the GREAT LAKES WATER AUTHORITY.
- B. Discussion/Action: (Darin Carrington) Consideration and approval of Amendment to FY 2021 Budget to receive grant funds, transfer funds and provide additional funding for the purchase of new vehicles for the Police Department

10. Public Participation (limit to 1 minutes)

11. City Clerk

12. City Treasurer

13. Mayor and Council Communication

14. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

15. Adjournment



WHAT IS THE EVICTION DIVERSION PROGRAM?

A collaboration between WAYNE METRO CAA, LAKESHORE LEGAL AID, MDHHS, ACCESS and THE COURTS to reduce the number of evictions across Out-Wayne County.

THE GOAL IS TO KEEP INDIVIDUALS AND FAMILIES HOUSED

Reduce evictions on households' records • Facilitate landlords receiving payment for rent arrears

ELIGIBILITY FOR THE PROGRAM



Assistance is based on income

Help with back rent due from
March 1, 2020 forward



Other assistance may be available for
past due rent before March 1, 2020

HOW DOES THIS HELP THE TENANT?

- Avoids eviction on their record
- Relief from large bill
- 3 months of housing coaching is available if needed

HOW DOES THIS HELP THE LANDLORD?

- Saves time from being in court
- Save money for court expenses, attorneys
- Simplified process
- Minimal attorney involvement
- Satisfaction of being part of the solution



CALL TODAY!

If you live in greater Wayne County, call: (734) 284-6999

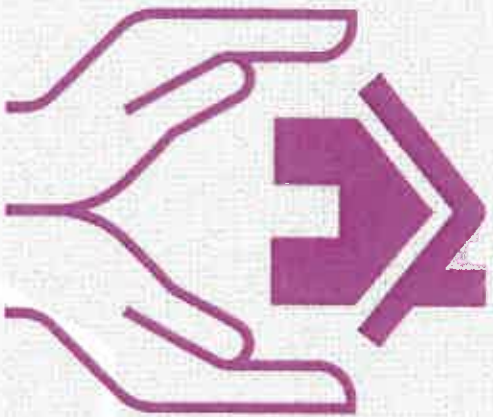
IN PARTNERSHIP WITH:



MSHDA
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY



ACCESS
Assisting. Improving. Connecting.



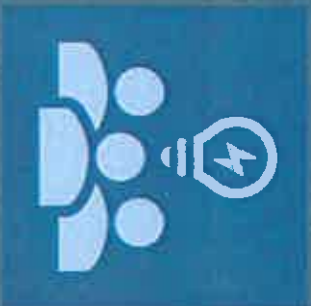
EVICTIION DIVERSION PROGRAM

WAYNE METRO CAA &
LAKESHORE LEGAL AID

What is EDP?



- **MICHIGAN EVICTION DIVERSION PROGRAM**
- **DESIGNED TO QUICKLY PROVIDE RENTAL ASSISTANCE TO HOUSEHOLDS BEHIND IN THEIR RENT**



Eviction Diversion Program (EDP)

- **A collaboration between WAYNE METRO CAA (The Lead Agency), LAKESHORE LEGAL AID, MDHHS, ACCESS and landlord/tenant courts to reduce the number of evictions across Wayne County**
- **The goal is to keep individuals and families housed**
 - **Reduce evictions on households' records**
 - **Facilitate landlords receiving payment for rent arrears**

Eligibility for the Program



Tenants up to 100% of Average Median Income



Tenants in arrears from March 1, 2020



Tenants with 0-50% AMI could be eligible for complete arrearage payments (back to March 1, 2020); \$3,500 maximum assistance + up to two months of "forward rental assistance"



Tenants with 50-80% AMI could be eligible for up to 75% of the amount owed and 81-100% AMI can receive up to 65% of the amount owed. Maximum assistance \$3,000.



DHHS may assist with other payment plans if needed.

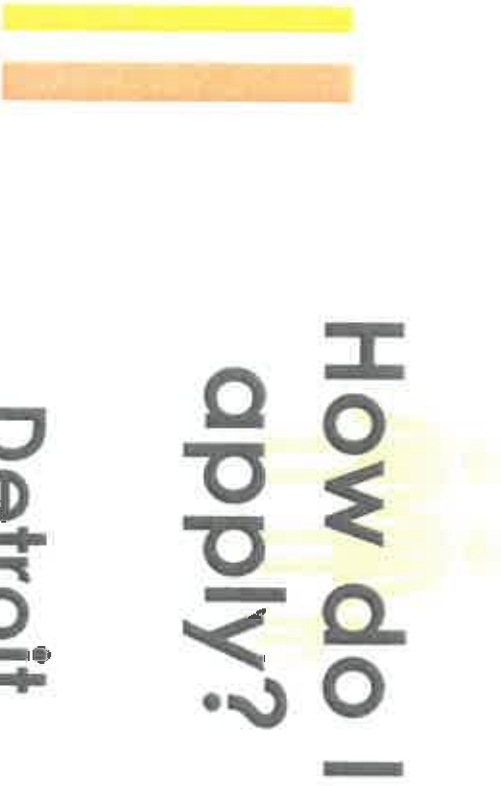
How does this help me?

- 1 No eviction on your record
- 2 Relief from a large bill
- 3 Minimal (if any) attorney involvement

How do I apply?

Out Wayne
all cities except
Detroit, Hamtramck,
Highland Park

- If no court paperwork, call **Wayne Metro: (734) 284-6999**
- If have a court summons, call **Lakeshore Legal Aid: (888) 783-8190**
- Complete an application
- Need: proof of income (if any), copy of lease, identification, copy of any court paperwork.



How do I apply?

Detroit

**Hamtramck,
Highland Park**

- 1 Call (866) 313-2520 or [DetroitEvictionHelp.com](https://detroitsevicthelp.com)
- 2 Complete an application
- 3 Need: proof of income (if any),
copy of lease, identification,
copy of any court
documentation

DON'T WAIT



CALL FOR HELP TODAY, DON'T WAIT FOR THE
MORATORIUM TO END



THERE IS NO FINANCIAL RELIEF FROM THE
MORATORIUM---YOU WILL STILL OWE BACK RENT



WE CAN HELP NOW---UNTIL DECEMBER 30, 2020

Where to Call

Out-Wayne County

Wayne Metro Community Action Agency

(734) 284-6999

Detroit, Hamtramck, Highland Park

(866) 313-2520

DetroitEvictionHelp.com



September 21, 2020
Regular (Virtual) City Council Meeting – 7:00 PM

The regular meeting of the Council of the City of Inkster, Wayne County, Michigan was a virtual meeting held on the Zoom platform in compliance with the State of Michigan Open Meetings Act and Governor Gretchen Whitmer's Executive Order on Monday, September 21, 2020.

Prior to the Regular Council Meeting: City Council members discussed:

Call Meeting to Order

Mayor Wimberly called the meeting to order at 7:51 p.m.

Pledge of Allegiance

City Council and the public in attendance pledged allegiance to the flag of the United States of America.

Prayer

Roll Call

Mayor Wimberly	Present	Councilwoman Howard	Present
Councilwoman Watley	Present	Councilman Williams	Present
Councilwoman Washington	Present	Councilman Chisholm	Present
Councilman Shaw	Present		

Moved by Councilmember Williams, Seconded by Councilmember Chisholm to go into closed session 6:39p.m. to discuss pending litigation. (Bevins, Crowder, McGill, Blackwell)

ROLL CALL VOTE:

Councilmember Shaw	Yea	Councilmember Washington	Yea
Councilmember Williams	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea

Moved by Councilmember Williams, Seconded by Councilmember Washington to adjourn closed session at 7:49p.m.

Approval of Agenda

**Moved by Councilmember Shaw, Seconded by Mayor Pro-Tem Howard to approve the agenda with the addition of Item "C" under New Business and the correction to the Attorney bill.
 Resolution 09-20-144COV - Motion carried.**

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Washington	Yea
Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Howard	Yea	Councilmember Shaw	Yea

Presentations/Discussion**Public Hearings****Consent Agenda**

- A. September 8, 2020 Regular (Virtual) City Council Meeting Minutes.
 B. Allen Brother's and Attorney's PLLC Invoice \$34,020.25

**Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Shaw
 Resolution 09-20-145COV - Motion carried.**

ROLL CALL VOTE:

Councilmember Williams	Yea	Councilmember Shaw	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea
Councilmember Washington	Yea	Councilmember Watley	Yea

Boards and Commission

- A. Update of current list of appointments to Boards & Commissions.

Previous Business

- A. A correction to Table a second reading to amend the City of Inkster Code of Ordinance, section 124 Marijuana Business License to October 19, 2020 not October 12, 2020.

**Moved by Councilmember Shaw, Seconded by Councilmember Washington
 to make a correction to Table the Second Reading to amend the City of Inkster
 Code of Ordinance, section 124 Marijuana Business License to October 19,
 2020 not October 12, 2020.
 Resolution 09-20-146COV**

ROLL CALL VOTE:

Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Washington	Yea	Councilmember Howard	Yea
Councilmember Chisholm	Yea	Councilmember Shaw	Yea

Ordinance(s)

- A. First Reading(s)

1. Council to off a first reading of text amendments (TA 20-10) to the City's Zoning Ordinance pertaining to provisions for Emergency Shelters per the recommendations of the Planning Commission. For a list of affected Ordinance sections, please see "background information".

- B. Second Reading(s)

New Business

- A. Discussion/Action: (Jerome Bivins) Consideration and approval to authorize administration to approve the contract with Carr's Outdoor Service, Inc. in the amount of \$57,260.00 plus a \$10,000 contingency for a total of \$67,260.00 for Crack and Joint Sealing.

**Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Shaw to authorize administration to approve the contract with Carr's Outdoor Service, Inc. in the amount of \$57,260.00 plus a \$10,000 contingency for a total of \$67,260.00 for Crack and Joint Sealing.
Resolution 09-20-147COV – Motion carried**

ROLL CALL VOTE:

Councilmember Howard	Yea	Councilmember Williams	Yea
Councilmember Washington	Yea	Councilmember Shaw	Yea
Councilmember Chisholm	Yea	Councilmember Watley	Yea

- B. Discussion/Action: (Felida Rutledge) Consideration and approval to accept a grant award from Center for Tech for Civic Life COVID-19 Response Grant in the amount of **\$50,546.25.** for election resources.

**Moved by Councilmember Shaw, Seconded by Councilmember Williams to approve to accept a grant award from Center for Tech for Civic Life COVID-19 Response Grant in the amount of \$50,546.25. for election resources.
Resolution 09-20-148COV – Motion carried**

ROLL CALL VOTE:

Councilmember Washington	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea	Councilmember Shaw	Yea
Councilmember Chisholm	Yea	Councilmember Williams	Yea

- C. Discussion/Action: (City Council) To vote in accordance with the vote in closed session (Bevins)

**Moved by Councilmember Williams, Seconded by Mayor Pro-Tem Howard to vote in accordance with the vote in closed session. (Bevins)
Resolution 09-20-149COV – Motion carried**

ROLL CALL VOTE:

Councilmember Watley	Nay	Councilmember Williams	Yea
Councilmember Washington	Nay	Councilmember Howard	Yea
Councilmember Chisholm	Nay	Councilmember Shaw	Yea
Mayor Wimberly	Yea		

Public Participation

- **Octavia Smith** – Asked when the funding that State Representative Jewell Jones secured for the amphitheater would be going thru.
- **Charles Blackwell** – Asked when Mayor Wimberly would be making payment on his delinquent taxes.
- **Thelma Overman** – Stated that Operation Refuge, VOICE and the Inkster Task Force would be teaming up with the ACLU for Voter Empowerment from now until November 4, 2020.
- **Mandisa** – Stated that Cherry Hill Manor was raising the rent on residents in a pandemic.

City Clerk

- Announced that the Presidential ballots for November 3, 2020 are in and will be going out to persons who have submitted applications by the end of the week.
- She announced Ballot Scout will have a link on the city website and residents will be able to track their ballot.

City Treasurer

- Stated that Hazard Pay will be disbursed to Police and Firefighters.

Mayor and Council

- **Councilwoman Watley** – No comments
- **Councilman Chisholm** – Stated a caller was trying to get in under public participation and asked if wanted to allow that caller to speak.
- **Councilman Shaw** – Asked why sixty six permit fees were waived? He asked if the street sweepers are being ran in the Northeast section. He asked if all the cars in the Police lot are being auctioned. He stated that more police presence is needed on Center, Colonial, Eastwood, Magnolia and Harrison.
- **Councilman Williams** – Stated that a location in his district is a sidewalk that residents are making a drive thru. He stated he spoke with DPS regarding this matter. He thanked DPS Director, Jerome Bivins for doing a great job with the flooding in District one.
- **Councilwoman Washington** – Stated more police are needed on Lexington Pkwy. She stated she would be participating in two zoom calls; one on September 29, 2020 from 6:30p.m. until 7:30p.m. about self-care and the other on October 6, 2020 regarding coping skills in a pandemic.
- **Mayor Pro-Tem Howard** – Acknowledged condolences to Ruth Bader Ginsberg. Stated there are a lot of streets in the city where trash is being thrown out of cars in front of residents homes. She asked residents to clean up any trash in front of their homes. She stated that if you have a drain in front of your home, it is the homeowner responsibility to keep it clean.
- **Mayor Wimberly** – Stated there is an Ordinance on the books regarding trash and debris in front of residential homes. He stated there are 10 days left to complete the 2020 Census. Although he stated the date may be extended.

CLOSED SESSION

Adjournment

There being no further business to come before Council, on a motion duly made
By Councilmember Shaw, Seconded by Mayor Pro-Tem Howard carried, to conclude
the Regular Virtual City Council meeting of September 21, 2020 was adjourned at 8:44 p.m.



Felicia Rutledge, City Clerk
City of Inkster

OCTOBER 5, 2020 (Virtual Meeting)

CITY OF INKSTER

Boards & Commissions

[MADE OPERATIVE BY STATE LAW, CITY OF INKSTER CHARTER PROVISION OR CITY OF INKSTER ORDINANCE]

AGING COMMISSION

[MEETINGS: Third Friday of each month at 1:00 p.m., Twin Towers Activity Room]

2 Year Term

9 Members

Ordinances: 414,457 & 508

Denise Champagne, Project Dir.

Tenure

- (Ex-Officio Member)

Rochelle Wells

Exp. 07/20/22

Rosie Allen Thompson

Exp. 07/06/22

Henry Wade

Exp. 07/06/22

Toni Bailey

Exp. 07/06/22

Roosevelt Stubbs

Exp. 04/15/21

Gabe Henderson

Exp. 07/06/22

Jean Liddell

Exp. 07/06/22

Iris Long

Exp. 01/06/22

June Patterson

Exp. 01/06/22

Debra Owens

Exp. 07/06/22

Chuck Coleman

Exp. 07/06/22

BOARD OF REVIEW

[MEETINGS: March, July and December]

Annual Appointment

3 Members

Charter Provision and State Law

WCA Assessing

Clerk of the Board – Non Voting

William Miller

Exp. 01/06/21

Lenoria Warmack

Exp. 12/16/20

Ned Sanders

Exp. 02/03/21

Peggy Bishop (Alternate)

Exp. 10/7/2020

BEAUTIFICATION COMMITTEE

[MEETINGS: Second Monday of each month @ 6:00 p.m., Recreation Center]

2 Year Term

Toni Bailey

Exp. 07/06/22

Kathleen Gibbs

Exp. 01/21/22

Gabe Henderson

Exp. 02/18/21

Avis Love

Exp. 01/06/22

George Williams

Exp. 08/17/22

Lenoria Warmack

Exp. 12/16/21

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

Vacant

OCTOBER 5, 2020 (Virtual Meeting)

BUILDING AUTHORITY COMMISSION - *INACTIVE*

[MEETINGS: Second Monday in January]

3 Year Term

5 Members

State Law and Resolution 74-1-39

Nathaniel Elcock
Hersey Bryant, (C)
Horace Wells

Exp. 12/31/05
Exp. 12/31/00
Exp. 12/31/01

CABLE TELEVISION COMMISSION

[MEETINGS: Second Tuesday of each month at 6:00 p.m., Recreation Center]

3 Year Term

9 Members

Ordinances 593 and 609

Vacant

Troy Seaton Dist. 1
Phineas Cody Dist. 3
Octavia Smith Dist. 4
Thelma Jean Overman Dist. 5
Connie R. Mitchell Dist. 6
Sandra Watley **Mayoral**
Steven Chisholm At-Large

Ex. Officio

Exp. 07/06/23
Exp. 10/07/22
Exp. 07/03/20-Expired
Exp. 02/06/20-Expired
Exp. 02/04/22
Exp. 01/06/23
Exp. 07/06/23

CIVIL SERVICE COMMISSION AND BOARD OF ETHICS

[MEETINGS: Monthly]

3 Year Term

3 Members

Ordinances 237 & 559

Vacant

Vacant - (Employee Representative)
Vacant (Commission Appointment)

CONDEMNATION BOARD

[MEETINGS: AS NEEDED]

5 Members

Ordinance 150.140 thru 150.145

Mark Minch (Building Contractor)
Deborah Owens (General Member)
Guy Borrusch General Member
Tom Michelini Contractor
James Garrett (Engineer)
Charles Rizzo (Alternate)

Exp. Tenure

Exp. 01/22 (2 Year Term)
Exp. 9/19 (2 Year Term)-Expired
Exp. 01/23 (3 Year Term)
Exp. 9/20 (3 Year Term)-RESIGNED
Exp. 01/21

OCTOBER 5, 2020 (Virtual Meeting)

CONSTRUCTION BOARD OF APPEALS/PROPERTY MAINTENANCE BOARD

[MEETINGS: As required]

3 Year Term	3 Members	Ordinance
Shirley Hankerson		Exp. 12/21
Yvette Brock		Exp. 12/21
Charles Rizzo		Exp. 12/21
Rebecca Daniels		Exp. 02/22
Tom Michelini		Exp. 04/19-Expired
– Building Inspector		

DOWNTOWN DEVELOPMENT AUTHORITY

[MEETINGS: Third Tuesday of each month, 6:00 p.m. City Hall Council Chambers]

4 Year Term	12 Members	State Law and Ordinances 687 and 741
Martha Thels		Exp. 12/17/22
Angela Dodson		Exp. 02/19/22
Barbara Cooper		Exp. 10/7/23
Octavia Smith		Exp. 10/21/23
Sonja Jennings		Exp. 11/4/23
Randa Davis		Exp. 11/4/23
Winston Wade		Exp. 07/17/21
Rerhi Onomake (Treasurer)		Exp. 3/16/19-Expired
Uche Ndubuisi		Exp. 7/20/19-Expired
Clarence Oden		Exp. 7/1/23

ECONOMIC DEVELOPMENT CORPORATION (BOARD OF DIRECTORS)

[MEETINGS: Second Thursday each month, held in the Conference Room, City Hall]

6 Year Term	11 Members	State Law and Ordinances 517 and 570
Bishop Walter Starghill, Jr.		Exp. 06/07/16-Expired
Octavia Smith		Exp. 10/21/25
Angela Dotson		Exp. 10/21/25
Deborah Walker		Exp. 06/07/16-Expired
Mary Welslo		Exp. 03/07/17-Expired
Cassandra Leonard		Exp. 06/07/16-Expired
Herbert Johnson		Exp. 06/07/16-Expired
Dennis Welslo		Exp. 06/07/19-Expired
Charmaine Kennedy		Exp. 01/17/23
Connie R. Mitchell		Exp. 02/06/23

ELECTRICAL EXAMINING BOARD-INACTIVE

Indefinite Terms	4 Members	State Law and Ordinance 616
Walter Bays (Elec. Cont.)		
Andrew Hughes (Adm. Official)		
Carlton Trouteaud (Rep. of Detroit Edison)		

OCTOBER 5, 2020 (Virtual Meeting)

ELECTION COMMISSION

[Per the City Charter; Chapter 4; Section 4.1]

4 Year Term

Council Member (most votes)

Kim Howard

City Attorney

Tenure

City Clerk

Tenure

LaGina Washington (Mayor and Council appointee)

12/22 – will need to resign

Ruth E. Williams

02/24

HOUSING AND REDEVELOPMENT

[MEETINGS: Third Tuesday of each month at 6:30 p.m., 4500 Inkster Road]

5 Year Term

5 Members

State Law and Ordinance 99

Will Miller

Exp. 02/25

Mable Stroman

Exp. 3/22

Ellis Clifton

Exp. 5/24

DaSalla Scott

Exp. 9/20 (Resident Housing)

Yvette Brock

Exp. 10/24

INKSTER HISTORICAL COMMISSION

[MEETINGS: Third Saturday of each month at 10:30a.m. Library Study Room]

2 Year Term

7 Members

State Law and Ordinance 196

Roosevelt Stubbs

Dist. 1

Exp. 7/06/22

Rhoda Littles

Dist. 2

Exp. 10/24/21

Ruth E. Williams

Dist. 3

Exp. 02/06/19 – Expired

Vacant

Dist. 4

Vacant

Dist. 5

June Liddell

Dist. 6

Exp. 10/21/21

George Mitchell

Exp. 10/21/21

Gabe Henderson

Dist. ???

Exp. 08/20/20

LIBRARY BOARD

4 year term -Elected

Michael Wells

Exp. 2023

Timothy Williams

Exp. 2023

DeAndra Crystal-Rikay Watley

Exp. 2023

Stephanie Abernathy-Lane

Exp. 2023

Doyse A. Thompson

Exp. 2023

Ruth E. Williams

Exp. 2023

LOCAL BUSINESS ENTERPRISE ADVISORY COMMITTEE

[MEETINGS: Third Tuesday of every month at 6:30 P.M., Inkster City Hall]

2 Year Term

7 Members

Ordinance: 603

Nell Harrison

Dist. 1

Exp. 3/21/18-Expired

Curtistine Barge

Dist. 2

Exp. 1/20/18-Expired

Brittni Abiolu

Dist. 3

Exp. 3/7/18-Expired

Olubisi B. Ajetunmbi

Dist. 4

Exp. 1/20/18-Expired

Vacant

Dist. 5

Barbara Cooper

Dist. 6

Exp. 5/2/18-Expired

Marie Jenkins

Mayoral

Exp. 1/20/18-Expired

Board of Trustee Rep

WATER REVIEW COMMITTEE- INACTIVE

[MEETINGS: Scheduled by Chairman Marcus Hendricks, City Hall TIFA Room]

Sam Brown	App. 01/07/13
Carl Woods	App. 01/07/13
Ann Coleman	App. 01/07/13
Courtney Owens	App. 01/07/13
Councilmember Williams	App. 02/04/13
Marcus Hendricks	App. 02/18/13
Dennis Welslo	App. 02/18/13

ZONING BOARD OF APPEALS (ZBA)

[MEETINGS: First Thursday of each month at 6:00 P.M., City Council Chambers]

3 Year Term

7 Members

State Law and Ordinance 277

Ruth E. Williams	Dist. 1	Exp. 12/16/22
Clarence Oden, Jr. (VC)	Dist. 2	Exp. 08/03/23
James Cross	Dist. 3	Exp. 07/01/16- Expired
Roosevelt Stubbs (S)	Dist. 4	Exp. 08/21/20 -To Expire
Vanola Williams	Dist. 5	Exp. 02/06/20-Expired
Norma McDaniel	Dist. 6	Exp. 12/16/22
Teresa Patton		Exp. 08/06/21
Mac Willis		Exp. 11/05/21
Dorsey Williams		Exp. 07/1/22

Nankin Transit

[Meetings: Third Thursday of each month at 5:45 p.m., Nankin Transit [Jefferson Barns Community CTR. 32150 Dorsey Westland, MI. 48186]

Mayor Patrick Wimberly	Exp. Tenure - (Tenure is up)
Denise Champagne, Community Appointee	Exp. (Appointed in 2009)

2015 Community Development Block Grant Advisory Council (CDBG)

[Meetings: Dates and times are quarterly and locations are various]

Timothy Williams, Council Appointee	Exp. Tenure- No longer on City Council
Clarence Oden (Alternate)	Exp. Tenure-No Longer on City Council

COMMITTEES FORMED BY COUNCIL RESOLUTIONS

TAX INCREMENT FINANCE AUTHORITY

[MEETINGS: Second Thursday of each month at 6:30 P.M., City Hall Council]

6 Year Term

13 Members

Resolution 85-8-331

Patrick Wimberly	Tenure
Kim Howard	09/08/26
Connie R. Mitchell	Tenure
Avis Love	Exp. 03/20/23
Rerhi Onomake	Exp. 03/16/21
Vacant	Exp.
Charmaine Kennedy	Exp. 02/20/21
Mary Weislow (Treasurer)	Exp. 06/06/22
Winnie Nwankwo	Exp. 05/18/21
Yolanda Lockett	Exp. 09/08/26

OCTOBER 5, 2020 (Virtual Meeting)

BROWNFIELD REDEVELOPMENT AUTHORITY

[MEETINGS: Second Tuesday of each month at 5:00 P.M., City Hall Council Chambers]

Terms 1, 2 and 3 years Up to 9 members

Resolution 02-9-458

Imagely Winesap City Council Representation		Tenure (Term 1 is up)
Darln Carrington, Treasurer		Tenure
Vacant Community		Tenure
Tonia C. Williams		Exp. 02/20/19
Vacant		Exp. 11/6/20

NOTES:

 Vacancies and/or Expired terms

*Has not taken the oath

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: September 16, 2020

From: Kaltlyn Hines
Planning Director

Date for Council Consideration: Sept. 21, 2020

ACTION REQUESTED: Council to offer a second reading and approval of text amendments (TA 20-10) to the City's Zoning Ordinance pertaining to provisions for Emergency Shelters per the recommendations of the Planning Commission. For a list of affected ordinance sections please see

Current Action X Emergency Future

Funds Budgeted: If Yes Account # No N/A X

Mayor's Approval 

BACKGROUND INFORMATION

A public hearing was held by the Planning Commission for the proposed text amendments, and the amendments were also recommended for approval by the Planning Commission on Monday, September 14, 2020. Public comments were received on the amendments at the public hearing. Draft meeting minutes are attached.

Proposed modifications include in §155.036 "Schedule of Land Uses", create separate land use for "Emergency Shelter". In §155.042 "RM Restricted Multiple-Family Dwelling District" add "Emergency Shelter" as a special land use in §155.042(C). In §155.043 "RM-1 Multiple Family Residential District" add "Emergency Shelter" as a special land use in §155.043(C). Establish new zoning ordinance section and special land use standards for §155.151 "Emergency Shelter".

A 2nd reading and request for approval of the proposed text amendments will occur at the Council meeting scheduled on Monday, October 5, 2020.

SCOPE OF SERVICES

N/A

JUSTIFICATION

The proposed zoning text amendments are being initiated by the City of Inkster in order to address Emergency Shelters and their lack of permitted zoning districts. The City's Zoning Ordinance defines Emergency Shelters as: A facility providing congregate style temporary lodging with or without meals and ancillary services to primarily the homeless for more than four weeks in any calendar year. An emergency shelter does not provide lodging to any individual who is required because of age, mental disability or other reason to reside in a private or public institution or to any individual who is imprisoned or otherwise detained pursuant to federal or state law. An emergency shelter shall be considered a different land use than an adult foster care facility or nursing homes.

The text amendment language is attached for review.

PROJECT OR IMPROVEMENT TASKS

1. Develop a plan to diversify the tax base to ensure a sustainable budget for Inkster.

COSTS

There are no associated costs.

PROJECT TIME TABLE

A second reading and request for approval of the proposed text amendments is scheduled during the Council meeting on Monday, October 5, 2020. If the request is approved by Council, the amendment will be published and posted and become effective after 30 days.

RESOLUTION

Resolved by _____

Seconded by _____

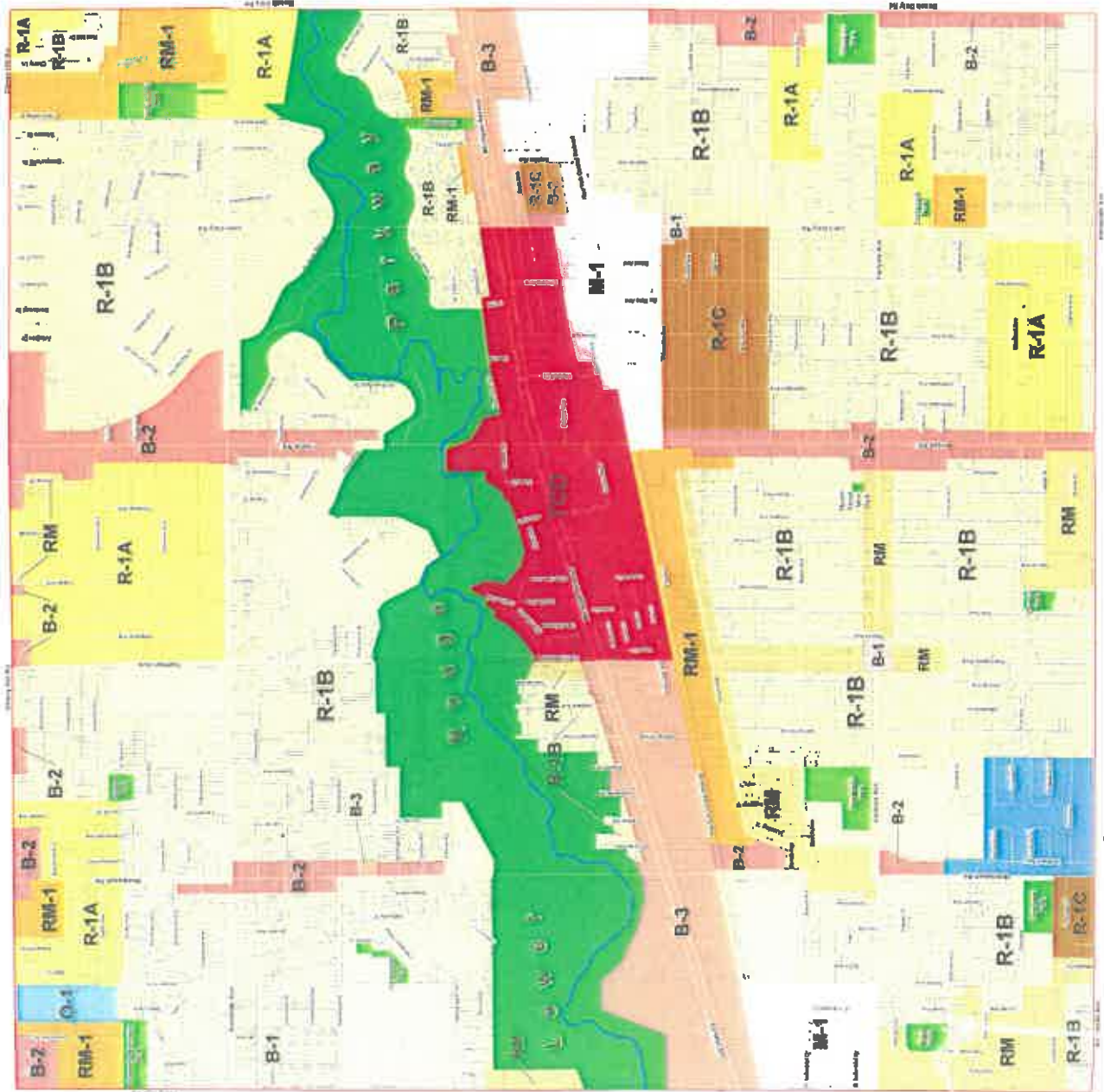
Yes:

No:

Absent:

ZONING MAP

City of Inkster, Michigan



Districts

- R-1A One Family Residential District
- R-1B One Family Residential District
- R-1C One Family Residential District
- RM Restricted Multiple Dwelling District (Low Rise)
- RM-1 Multiple Family Residential District (Low Rise)
- O-1 Office District
- B-1 Local Business District
- B-2 Thoroughfare Mixed-Use District
- B-3 General Business District
- M-1 Light Industrial District
- TCD Town Center District
- PUD Planned Unit Development (PUD)
- Parks and Open Space
- Rouge River Parkway



INKSTER PLANNING DEPARTMENT
37500 WILSON ROAD, SUITE 100
INKSTER, MI 48140
734.462.2700
www.inkstermi.gov

John J. Jurek
City Manager

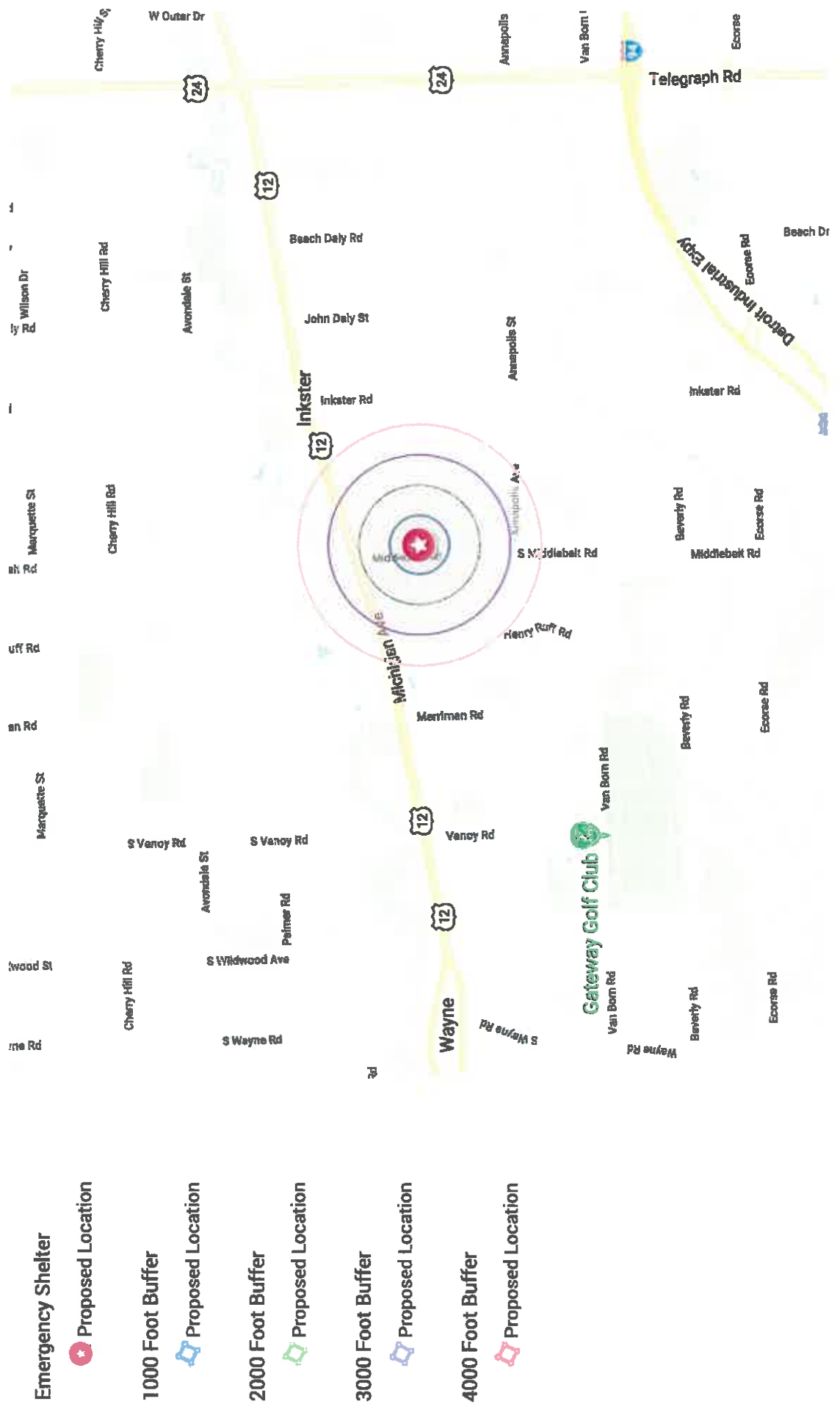
Wade Trum
City Engineer



CITY OF INKSTER
INKSTER, MICHIGAN

WADE TRUM
City Engineer
37500 Wilson Road, Suite 100
Inkster, MI 48140
734.462.2700
www.inkstermi.gov

Emergency Shelter



TA20-10

**CLEAN Draft Zoning Text Amendments for Emergency Shelters
City of Inkster
9/29/20**

Proposed ordinance changes and additions:

- In §155.036 “Schedule of Land Uses”, create separate land use for “Emergency Shelter”.
- In §155.042 “RM Restricted Multiple-Family Dwelling District” add “Emergency Shelter” as a special land use in §155.042(C).
- In §155.043 “RM-1 Multiple Family Residential District” add “Emergency Shelter” as a special land use in §155.043(C).
- Establish new zoning ordinance section and special land use standards for §155.150k “Emergency Shelter”.

General Provisions

- 155.011 Title
- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of interpretation and application
- 155.016 Conflicting provisions
- 155.017 Transitional provisions
- 155.018 Construction of language
- 155.019 Reconstruction of damaged properties
- 155.020 Vested rights prohibited
- 155.021 Conflict of laws and prohibited land uses
- 155.022 Reserved through § 155.028
- 155.029 Definitions

Districts and Boundaries; Maps; Schedule of Land Uses

- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
- 155.034 Zoning of vacated areas
- 155.035 Zoning of annexed areas
- 155.036 Schedule of land uses
- 155.037 Reserved through § 155.039

Zoning District Regulations

- 155.041 R-1A through R-1C One-Family Residential Districts
- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
- 155.044 O-1 Office Building District
- 155.045 B-1 Local Business District

- 155.046 B-2 Thoroughfare Mixed-Use District
- 155.047 B-3 General Business District
- 155.048 M-1 Light Industrial District
- 155.049 TCD Town Center District
- 155.050 Reserved through § 155.059
- Schedule of Regulations**
 - 155.061 Schedule of regulations
 - 155.062 Reserved through § 155.069
- General Development Standards**
 - 155.071 Intent
 - 155.072 Architectural features
 - 155.073 Site design features
 - 155.074 Walls
 - 155.075 Waste receptacle (dumpster), storage screening, or collection bins
 - 155.076 Exterior lighting and security cameras
 - 155.077 Off-street parking
 - 155.078 Accessible parking for physically disabled persons
 - 155.079 Off-street loading and unloading
 - 155.080 Parking lot landscaping
 - 155.081 Use restriction
 - 155.082 Height, area and use exceptions
 - 155.083 Required site development
- Special Land Use Standards**
 - 155.111 Intent
 - 155.112 Reserved
 - 155.113 Nursery schools, day nurseries and child care centers (not including dormitories)
 - 155.114 Nursing and convalescent homes
 - 155.115 Religious institutions
 - 155.116 Senior housing, assisted living facility and similar types of housing for the elderly
 - 155.117 Private noncommercial recreation area; institutional or community recreation centers
 - 155.118 Golf courses
 - 155.119 Colleges, universities and other institutions of higher learning
 - 155.120 Business, trade, vocational and similar learning institutions
 - 155.121 Townhomes and duplexes
 - 155.122 Multiple-family dwellings and adult foster care large group home (three stories or less)
 - 155.123 Multiple-family dwellings (four stories or greater)
 - 155.124 Mixed-use business and residential buildings
 - 155.125 General hospitals
 - 155.126 Automobile service stations

- 155.127 Vehicle washing facilities
- 155.128 Minor vehicle repair facilities
- 155.129 Major vehicle repair facilities
- 155.130 Carry-out, fast food, drive-through or drive-in restaurants
- 155.131 Motels or hotels
- 155.132 Self-storage facilities
- 155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers
- 155.134 Outdoor sales of automobiles and other vehicles
- 155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials
- 155.136 Open air business
- 155.137 Research and development facilities
- 155.138 Junk yards
- 155.139 Contractors' offices and yards
- 155.140 Manufactured housing communities
- 155.141 Outdoor theaters
- 155.142 Floodplain zones; National Flood Insurance Program
- 155.143 Standards for processing bio-diesel fuels
- 155.144 Tattoo establishments
- 155.145 Charitable gaming room
- 155.146 Standards for all medical marijuana facilities and recreational marijuana establishments
- 155.147 Commercial warehouse and wholesale operations
- 155.148 Medical marijuana provisioning centers
- 155.149 Temporary pop-up commercial use
- 155.149A Mobile food vending
- 155.149B Mobile food court or park
- 155.150 Medical marijuana processing facilities
- 155.150A Medical marijuana testing facilities
- 155.150B Medical marijuana transportation facilities
- 155.150C Medical marijuana cultivation facilities
- 155.150D Recreational marijuana grower establishment
- 155.150E Recreational marijuana retailer establishment
- 155.150F Recreational marijuana processing establishment
- 155.150G Recreational marijuana secure transporter
- 155.150H Recreational marijuana safety compliance establishment
- 155.150K Emergency Shelters
- Alternative Development Options**
- 155.151 Condominium development
- 155.152 Planned unit development
- 155.153 Lot averaging for one-family developments
- 155.154 Reserved through § 155.159
- Performance Standards**

- 155.161 Intent
- 155.162 Scope of application
- 155.163 Submission of additional data
- 155.164 Performance standards
- 155.165 Procedures for determining compliance
- 155.166 Continued violation
- 155.167 Appeals
- 155.168 Reserved through § 155.179

Nonconforming Uses and Structures

- 155.181 Intent
- 155.182 Nonconforming lots
- 155.183 Nonconforming uses of land
- 155.184 Nonconforming structures
- 155.185 Nonconforming uses of structures
- 155.186 Repairs and maintenance
- 155.186A Preferred class designations
- 155.187 Change of tenancy or ownership
- 155.188 Reserved through § 155.199

Regulated Uses

- 155.201 Intent
- 155.202 Establishment
- 155.203 Review and action procedures
- 155.204 Invalidation of regulated use permits
- 155.205 Massage establishments
- 155.206 Reserved
- 155.207 Appeals procedure
- 155.208 Reserved
- 155.209 Reserved

Wireless Communications Towers and Antennas

- 155.211 Intent
- 155.212 Definitions
- 155.213 Applicability
- 155.214 General requirements
- 155.215 Permitted uses
- 155.216 Special land use permits
- 155.217 Insurance obligation

Location Restrictions

- 155.218 Theaters, assembly halls, concert halls, clubs and similar organizations
- 155.219 Reserved through § 155.229

Signs

- 155.231 Intent
- 155.232 Scope of requirements
- 155.233 Definitions

- 155.234 Review, action and inspection
- 155.235 Obsolete signs
- 155.236 Nonconforming signs
- 155.237 Alteration of signs
- 155.238 Compliance with the zoning code
- 155.239 Appeal to the Zoning Board of Appeals
- 155.240 Registration of sign contractors; licensing and bonding
- 155.241 General limitations and provisions
- 155.242 Structural requirements and mounting
- 155.243 Motorist visibility
- 155.244 Illumination
- 155.245 Measurement
- 155.246 Reserved
- 155.247 Reserved
- 155.248 Reserved
- 155.249 Reserved
- 155.250 Residential district signs
- 155.251 Business and office district signs
- 155.252 Industrial district signs
- 155.253 Tables and figures
- 155.254 Reserved
- 155.255 Severability clause
- 155.256 Waiver process
- 155.257 Reserved through § 155.259
- Public Art**
 - 155.261 Murals
 - 155.262 Mural regulations
 - 155.263 Reserved through § 155.269
- Powers and Duties of Boards and Departments**
 - 155.271 City Council
 - 155.272 City Planning Commission
 - 155.273 Community Development Department
 - 155.274 Building Department
 - 155.275 Zoning Board of Appeals
 - 155.276 Reserved through § 155.279
- Administration, Enforcement and Penalties**
 - 155.281 Enforcement authority
 - 155.282 Duties of the Building Official or other official responsible for code enforcement
 - 155.283 Plot plan
 - 155.284 Permit requirements
 - 155.285 Certificate of occupancy and re-occupancy
 - 155.286 Site plan review (all districts)
 - 155.287 Standards for site plan approval

- 155.288 Procedures for special land use review
- 155.289 Standards for special land use approval
- 155.290 Special meetings
- 155.291 Public hearing notification requirements
- 155.292 Fee structure
- 155.293 Performance guarantee
- 155.294 Changes and amendments
- 155.295 Final inspection
- 155.296 Public nuisance and abatement
- 155.297 Owner's liability to punishment
- 155.298 Rights and remedies are cumulative
- 155.299 (Reserved)
- 155.300 Imposition of penalty does not exempt compliance with requirements
- 155.301 Severability
- 155.302 Savings
- 155.303 Validity
- 155.304 Time limitations on orders
- 155.305 Reserved through § 155.319
- Repeal and Effective Date**
- 155.321 Repeal
- 155.322 Effective date

- 155.999 Penalty

Table 2-1 Schedule of Land Uses by Zoning District

	Zoning Districts								
	R-1	RM	RM-1	O-1	B-1	B-2	B-3	M-1	TCD
	A, B, C								
Residential Land Use Types									
One-Family Detached Dwelling	P	P	P						P
Two-Family Dwellings/Duplexes		P	P						
Townhomes (2 story max.)		P	P			P			
Townhomes (3 story max.)		SLU							
Multiple-Family Dwellings (2 story max.)		P	P						P
Multiple-Family Dwellings (3 story max.)		SLU	P			P			P
Multiple-Family Dwellings (4+ stories)			SLU						P
Mixed-Use Residential and Business (Lofts)					SLU	SLU			SLU
Manufactured Housing Community							SLU	SLU	
Public/Quasi-Public Land Use Types									
Charitable Gaming Room						SLU	SLU	SLU	P
Emergency Shelter		SLU	SLU						
Child/Adult Foster Care (6 or less persons)	P	P	P						P
Child/Adult Foster Care (7, but fewer than twelve persons)	SLU	SLU	SLU						

Assisted Living Facilities/Elderly Housing		SLU	SLU			SLU	SLU		
Nursing and Convalescent Homes		SLU	SLU	SLU		SLU			
Transient Residential and Rooming Houses						SLU	SLU		
Publicly Owned Libraries	P	P	P	P					P
Publicly Owned Parks and Parkways	P	P	P	P					P
Publicly Owned Recreation Facilities	P	P	P	P					P
Post Offices and Similar Government Offices				P		P	P		P
Utility and Public Owned Buildings w/o storage yards	SLU	SLU	SLU	SLU	SLU	P/SLU	P	P	P
General Hospitals			SLU				SLU		
Religious institutions and Incidental Facilities	SLU	SLU	SLU		SLU	SLU	SLU		SLU
Cemeteries	P	P	P						
Private Noncommercial Recreational Areas	SLU	SLU	SLU						
Institutional or Community Recreation Centers	SLU	SLU	SLU						P
Golf Courses	SLU								
Non-Profit Public, Parochial and Private Elementary, Intermediate or High Schools	SLU	SLU	SLU			SLU	SLU		

§ 155.042 (C). RM RESTRICTED MULTIPLE-FAMILY DWELLING DISTRICT, Special Land Uses

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- (1) Religious Institutions and other facilities normally incidental thereto.
- (2) Adult Foster Care Large Group Home (three stories maximum) subject to the conditions imposed in § 155.122.
- (3) Townhomes of three stories subject to the conditions imposed in § 155.121.
- (4) Multiple-family dwellings of three stories subject to the conditions imposed in § 155.122.
- (5) Nursery schools, day nurseries, and child care centers (not including dormitories).
- (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (7) Nursing and convalescent homes.
- (8) Utility and public service buildings without storage yards.
- (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (10) Emergency shelters subject to the regulations of § 155.150K.

§ 155.043 (C). RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Nursery schools, day nurseries and child care centers (not including dormitories).
- (2) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height restrictions.
- (3) Senior housing, assisted living and other similar types of housing for the elderly.
- (4) Religious institutions Religious Institutions and other facilities normally incidental thereto.
- (5) Multiple-family dwelling units in high rise structures (four stories or greater) subject to the conditions imposed in § 155.123.
- (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (7) Nursing and convalescent homes.
- (8) Utility and public service buildings without storage yards.
- (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (10) Emergency shelters subject to the regulations of § 155.150K.

§ 155.150K EMERGENCY SHELTERS

- (A) The facility must be operated by a recognized human service agency, incorporated by the state, and which is not for profit.
- (B) Resident manager and support services must be provided 24 hours a day, 7 days a week.
- (C) No such facility may be located within 1,000 feet of a similar facility.



INKSTER CITY COUNCIL

October 5, 2020

(Virtual Meeting)

26215 Trowbridge, Inkster, MI 48141
(313) 563-4232 www.cityofinkster.com

Mayor – Patrick Wimberly
Mayor Pro Tem – Kim Howard, District V

Council Members:

George Williams, District I

La’Gina Washington, District II

Sandra K. Watley., District III

Steven Chisholm, District IV

Dennard Shaw, District VI

FELICIA RUTLEDGE
CITY CLERK

PATRICK WIMBERLY
MAYOR

TREASURER
DARIN CARRINGTON

DAVID JONES
CITY ATTORNEY

Council may be addressed during the Regular Meeting by filling out the Public Participation Form. Address Council as a whole through the Mayor. Email your comment to be read for one (1) minute into the record. frutledge@cityofinkster.com (for virtual meeting)

October 5, 2020

Orientation 6:00 PM (Virtual)

Regular City Council Agenda – 7:00 PM (Virtual Meeting)

1. Call Meeting to Order

A. Pledge of Allegiance

B. Roll Call

C. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

2. Approval of Agenda

3. Presentations/Discussion

- A. Eviction Diversion Program
- B. Inkster Firefighters

4. Public Hearing

5. Consent Agenda

- A. September 21, 2020 (Virtual) City Council Meeting Minutes.

6. Boards and Commissions

- A. Update of current list of appointments to Boards & Commissions.

7. Previous Business

8. Ordinance(s)

A. First Reading(s)

B. Second Reading(s)

- 1. Council to offer a ***second*** reading and ***approval*** of text amendments (TA 20-10) to the City's Zoning Ordinance pertaining to provisions for Emergency Shelters per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

9. New Business

- A. Discussion/Action: (Jerome Bivins) Consideration and approval to adopt resolution on behalf of the City of Inkster from Great Lake Water Authority (GLWA) to concur in the rules and regulations industrial pretreatment program as adopted by the GREAT LAKES WATER AUTHORITY.

- B. Discussion/Action: (Darin Carrington) Consideration and approval of Amendment to FY 2021 Budget to receive grant funds, transfer funds and provide additional funding for the purchase of new vehicles for the Police Department

10. Public Participation (limit to 1 minutes)

11. City Clerk

12. City Treasurer

13. Mayor and Council Communication

14. Closed Session

- Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

15. Adjournment

TA20-10

Draft Zoning Text Amendments for Emergency Shelters

City of Inkster

9/29/20

Proposed ordinance changes and additions:

- In §155.036 “Schedule of Land Uses”, create separate land use for “Emergency Shelter”.
- In §155.042 “RM Restricted Multiple-Family Dwelling District” add “Emergency Shelter” as a special land use in §155.042(C).
- In §155.043 “RM-1 Multiple Family Residential District” add “Emergency Shelter” as a special land use in §155.043(C).
- Establish new zoning ordinance section and special land use standards for §155.150K “Emergency Shelter”.

All edits are **highlighted in red** with new text **underlined** and deleted text marked with a **~~strike through~~**.

General Provisions

- 155.011 Title
- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of Interpretation and application
- 155.016 Conflicting provisions
- 155.017 Transitional provisions
- 155.018 Construction of language
- 155.019 Reconstruction of damaged properties
- 155.020 Vested rights prohibited
- 155.021 Conflict of laws and prohibited land uses
- 155.022 Reserved through § 155.028
- 155.029 Definitions

Districts and Boundaries; Maps; Schedule of Land Uses

- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
- 155.034 Zoning of vacated areas
- 155.035 Zoning of annexed areas
- 155.036 Schedule of land uses
- 155.037 Reserved through § 155.039

Zoning District Regulations

- 155.041 R-1A through R-1C One-Family Residential Districts
- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
- 155.044 O-1 Office Building District

- 155.045 B-1 Local Business District
- 155.046 B-2 Thoroughfare Mixed-Use District
- 155.047 B-3 General Business District
- 155.048 M-1 Light Industrial District
- 155.049 TCD Town Center District
- 155.050 Reserved through § 155.059

Schedule of Regulations

- 155.061 Schedule of regulations
- 155.062 Reserved through § 155.069

General Development Standards

- 155.071 Intent
- 155.072 Architectural features
- 155.073 Site design features
- 155.074 Walls
- 155.075 Waste receptacle (dumpster), storage screening, or collection bins
- 155.076 Exterior lighting and security cameras
- 155.077 Off-street parking
- 155.078 Accessible parking for physically disabled persons
- 155.079 Off-street loading and unloading
- 155.080 Parking lot landscaping
- 155.081 Use restriction
- 155.082 Height, area and use exceptions
- 155.083 Required site development

Special Land Use Standards

- 155.111 Intent
- 155.112 Reserved
- 155.113 Nursery schools, day nurseries and child care centers (not including dormitories)
- 155.114 Nursing and convalescent homes
- 155.115 Religious institutions
- 155.116 Senior housing, assisted living facility and similar types of housing for the elderly
- 155.117 Private noncommercial recreation area; institutional or community recreation centers
- 155.118 Golf courses
- 155.119 Colleges, universities and other institutions of higher learning
- 155.120 Business, trade, vocational and similar learning institutions
- 155.121 Townhomes and duplexes
- 155.122 Multiple-family dwellings and adult foster care large group home (three stories or less)
- 155.123 Multiple-family dwellings (four stories or greater)
- 155.124 Mixed-use business and residential buildings
- 155.125 General hospitals

- 155.126 Automobile service stations
- 155.127 Vehicle washing facilities
- 155.128 Minor vehicle repair facilities
- 155.129 Major vehicle repair facilities
- 155.130 Carry-out, fast food, drive-through or drive-in restaurants
- 155.131 Motels or hotels
- 155.132 Self-storage facilities
- 155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers
- 155.134 Outdoor sales of automobiles and other vehicles
- 155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials
- 155.136 Open air business
- 155.137 Research and development facilities
- 155.138 Junk yards
- 155.139 Contractors' offices and yards
- 155.140 Manufactured housing communities
- 155.141 Outdoor theaters
- 155.142 Floodplain zones; National Flood Insurance Program
- 155.143 Standards for processing bio-diesel fuels
- 155.144 Tattoo establishments
- 155.145 Charitable gaming room
- 155.146 Standards for all medical marijuana facilities and recreational marijuana establishments
- 155.147 Commercial warehouse and wholesale operations
- 155.148 Medical marijuana provisioning centers
- 155.149 Temporary pop-up commercial use
- 155.149A Mobile food vending
- 155.149B Mobile food court or park
- 155.150 Medical marijuana processing facilities
- 155.150A Medical marijuana testing facilities
- 155.150B Medical marijuana transportation facilities
- 155.150C Medical marijuana cultivation facilities
- 155.150D Recreational marijuana grower establishment
- 155.150E Recreational marijuana retailer establishment
- 155.150F Recreational marijuana processing establishment
- 155.150G Recreational marijuana secure transporter
- 155.150H Recreational marijuana safety compliance establishment

155.150K Emergency Shelters

Alternative Development Options

- 155.151 Condominium development
- 155.152 Planned unit development
- 155.153 Lot averaging for one-family developments
- 155.154 Reserved through § 155.159

Performance Standards

- 155.161 Intent
- 155.162 Scope of application
- 155.163 Submission of additional data
- 155.164 Performance standards
- 155.165 Procedures for determining compliance
- 155.166 Continued violation
- 155.167 Appeals
- 155.168 Reserved through § 155.179

Nonconforming Uses and Structures

- 155.181 Intent
- 155.182 Nonconforming lots
- 155.183 Nonconforming uses of land
- 155.184 Nonconforming structures
- 155.185 Nonconforming uses of structures
- 155.186 Repairs and maintenance
- 155.186A Preferred class designations
- 155.187 Change of tenancy or ownership
- 155.188 Reserved through § 155.199

Regulated Uses

- 155.201 Intent
- 155.202 Establishment
- 155.203 Review and action procedures
- 155.204 Invalidation of regulated use permits
- 155.205 Massage establishments
- 155.206 Reserved
- 155.207 Appeals procedure
- 155.208 Reserved
- 155.209 Reserved

Wireless Communications Towers and Antennas

- 155.211 Intent
- 155.212 Definitions
- 155.213 Applicability
- 155.214 General requirements
- 155.215 Permitted uses
- 155.216 Special land use permits
- 155.217 Insurance obligation

Location Restrictions

- 155.218 Theaters, assembly halls, concert halls, clubs and similar organizations
- 155.219 Reserved through § 155.229

Signs

- 155.231 Intent
- 155.232 Scope of requirements

155.233	Definitions
155.234	Review, action and inspection
155.235	Obsolete signs
155.236	Nonconforming signs
155.237	Alteration of signs
155.238	Compliance with the zoning code
155.239	Appeal to the Zoning Board of Appeals
155.240	Registration of sign contractors; licensing and bonding
155.241	General limitations and provisions
155.242	Structural requirements and mounting
155.243	Motorist visibility
155.244	Illumination
155.245	Measurement
155.246	Reserved
155.247	Reserved
155.248	Reserved
155.249	Reserved
155.250	Residential district signs
155.251	Business and office district signs
155.252	Industrial district signs
155.253	Tables and figures
155.254	Reserved
155.255	Severability clause
155.256	Waiver process
155.257	Reserved through § 155.259
Public Art	
155.261	Murals
155.262	Mural regulations
155.263	Reserved through § 155.269
Powers and Duties of Boards and Departments	
155.271	City Council
155.272	City Planning Commission
155.273	Community Development Department
155.274	Building Department
155.275	Zoning Board of Appeals
155.276	Reserved through § 155.279
Administration, Enforcement and Penalties	
155.281	Enforcement authority
155.282	Duties of the Building Official or other official responsible for code enforcement
155.283	Plot plan
155.284	Permit requirements
155.285	Certificate of occupancy and re-occupancy
155.286	Site plan review (all districts)

- 155.287 Standards for site plan approval
- 155.288 Procedures for special land use review
- 155.289 Standards for special land use approval
- 155.290 Special meetings
- 155.291 Public hearing notification requirements
- 155.292 Fee structure
- 155.293 Performance guarantee
- 155.294 Changes and amendments
- 155.295 Final inspection
- 155.296 Public nuisance and abatement
- 155.297 Owner's liability to punishment
- 155.298 Rights and remedies are cumulative
- 155.299 (Reserved)
- 155.300 Imposition of penalty does not exempt compliance with requirements
- 155.301 Severability
- 155.302 Savings
- 155.303 Validity
- 155.304 Time limitations on orders
- 155.305 Reserved through § 155.319
- Repeal and Effective Date**
- 155.321 Repeal
- 155.322 Effective date

- 155.999 Penalty

Table 2-1 Schedule of Land Uses by Zoning District

	Zoning Districts								
	R-1	RM	RM-1	O-1	B-1	B-2	B-3	M-1	TCD
	A, B, C								
Residential Land Use Types									
One-Family Detached Dwelling	P	P	P						P
Two-Family Dwellings/Duplexes		P	P						
Townhomes (2 story max.)		P	P			P			
Townhomes (3 story max.)		SLU							
Multiple-Family Dwellings (2 story max.)		P	P						P
Multiple-Family Dwellings (3 story max.)		SLU	P			P			P
Multiple-Family Dwellings (4+ stories)			SLU						P
Mixed-Use Residential and Business (Lofts)					SLU	SLU			SLU
Manufactured Housing Community							SLU	SLU	
Public/Quasi-Public Land Use Types									
Charitable Gaming Room						SLU	SLU	SLU	P
<u>Emergency Shelter</u>		<u>SLU</u>	<u>SLU</u>						
Child/Adult Foster Care (6 or less persons)	P	P	P						P
Child/Adult Foster Care (7, but fewer than twelve persons)	SLU	SLU	SLU						

Assisted Living Facilities/Elderly Housing		SLU	SLU			SLU	SLU		
Nursing and Convalescent Homes		SLU	SLU	SLU		SLU			
Transient Residential and Rooming Houses						SLU	SLU		
Publicly Owned Libraries	P	P	P	P					P
Publicly Owned Parks and Parkways	P	P	P	P					P
Publicly Owned Recreation Facilities	P	P	P	P					P
Post Offices and Similar Government Offices				P		P	P		P
Utility and Public Owned Buildings w/o storage yards	SLU	SLU	SLU	SLU	SLU	P/SLU	P	P	P
General Hospitals			SLU				SLU		
Religious institutions and Incidental Facilities	SLU	SLU	SLU		SLU	SLU	SLU		SLU
Cemeteries	P	P	P						
Private Noncommercial Recreational Areas	SLU	SLU	SLU						
Institutional or Community Recreation Centers	SLU	SLU	SLU						P
Golf Courses	SLU								
Non-Profit Public, Parochial and Private Elementary, Intermediate or High Schools	SLU	SLU	SLU			SLU	SLU		

Colleges, Universities and Institutions of Higher Learning, Public and Private	SLU	SLU	SLU				SLU		
Business Schools and Colleges							SLU		
Vocational Training Centers and Schools						SLU	SLU		
Private For-Profit Schools, Business Schools and Colleges						SLU	SLU		
Theaters						SLU	SLU		P
Assembly Halls						SLU	SLU		P
Concert Halls						SLU	SLU		P
Private Clubs						P	P	P/SLU	
Fraternal Organizations						P	P	P/SLU	
Lodge Halls						P	P	P/SLU	

§ 155.042 (C). RM RESTRICTED MULTIPLE-FAMILY DWELLING DISTRICT, Special Land Uses

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- (1) Religious Institutions and other facilities normally incidental thereto.
- (2) Adult Foster Care Large Group Home (three stories maximum) subject to the conditions imposed in § 155.122.
- (3) Townhomes of three stories subject to the conditions imposed in § 155.121.
- (4) Multiple-family dwellings of three stories subject to the conditions imposed in § 155.122.
- (5) Nursery schools, day nurseries, and child care centers (not including dormitories).
- (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (7) Nursing and convalescent homes.
- (8) Utility and public service buildings without storage yards.
- (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (10) Emergency shelters subject to the regulations of § 155.150K.

§ 155.043 (C). RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Nursery schools, day nurseries and child care centers (not including dormitories).
- (2) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height restrictions.
- (3) Senior housing, assisted living and other similar types of housing for the elderly.
- (4) Religious institutions Religious Institutions and other facilities normally incidental thereto.
- (5) Multiple-family dwelling units in high rise structures (four stories or greater) subject to the conditions imposed in § 155.123.
- (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (7) Nursing and convalescent homes.
- (8) Utility and public service buildings without storage yards.
- (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (10) Emergency shelters subject to the regulations of § 155.150K.

§ 155.150K EMERGENCY SHELTERS

(A) The facility must be operated by a recognized human service agency, incorporated by the state, and which is not for profit.

(B) Resident manager and support services must be provided 24 hours a day, 7 days a week.

(C) No such facility may be located within 1,000 feet of a similar facility.

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: September 28, 2020

From: Jerome Bivins, DPS Director Date for Council's Consideration: October 5, 2020

ACTION REQUESTED: Consider City Council to adopt resolution on behalf of the City of Inkster from Great Lake Water Authority (GLWA) to concur in the rules and regulations industrial pretreatment program as adopted by the GREAT LAKES WATER AUTHORITY.

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☐ Account # _____ No ☐ N/A ☐

Mayor Approval 

BACKGROUND:

In pursuant to Act 233 the GLWA and the constituent municipalities are required by state and federal law to adopt binding rules and regulations as part of an Industrial Pretreatment Program in order to comply with all applicable state and federal laws.

SCOPE OF SERVICES:

To support GLWA rules and regulations to allow them to Regulate wastes and wastewaters discharged into the collection system for all participating municipalities.

JUSTIFICATION:

To support GLWA in its effort to provide adequate wastes and wastewater treatment in the prevent pollutants to pass through and to sufficient administer regulatory activities and meet the costs of operation, maintenance, improvement and replacement of the system.

PROJECT IMPROVEMENTS:

Improve and promote the image of Inkster

COSTS:

N/A

PROJECTED TIMETABLE:

N/A

RESOLUTION:

Authorization is hereby given to City Council to adopt resolution on behalf of the City of Inkster from Great Lake Water Authority (GLWA) to concur in the rules and regulations industrial pretreatment program as adopted by the GREAT LAKES WATER AUZTHORITY.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

**RESOLUTION OF THE CITY OF Inkster
TO CONCUR IN THE RULES AND REGULATIONS CONCERNING
INDUSTRIAL PRETREATMENT PROGRAM AS ADOPTED
BY THE GREAT LAKES WATER AUTHORITY**

WHEREAS, the Great Lakes Water Authority ("GLWA") is a Michigan municipal authority and public body corporate organized and existing pursuant to the provisions of Michigan Public Act No.233 of 1955, as amended, MCL 124.281, *et seq.* ("Act 233"), for the purpose of establishing a regional sewage disposal system to operate, control, and improve the sewage disposal system leased from the City of Detroit; and

WHEREAS, pursuant to Act 233, the City of Inkster is a constituent municipality of the GLWA; and

WHEREAS, as authorized by Act 233, GLWA and the constituent municipalities are required by state and federal law to adopt binding rules and regulations (Exhibit A, attached hereto and incorporated herein by reference) as part of an Industrial Pretreatment Program (IPP) in order to comply with all applicable state and federal laws, including, without limitation, the requirements of the Federal Water Pollution Control Act, 33 USC Section 1251, *et. seq.*, the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 403, and the National Categorical Pretreatment Standards contained in 40 CFR Sections 405-471; and

WHEREAS, these rules and regulations were adopted by GLWA as a uniform code to: (1) regulate wastes and wastewaters discharged into the collection system for all participating municipalities; (2) prevent the introduction of pollutants into the wastewater systems which will interfere with the operation of the system, contaminate the resulting sludge, or pose a hazard to the health, safety or welfare of the people, the communities or to employees of GLWA; (3) prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system and into the receiving waters, the atmosphere, and the environment, or will otherwise be incompatible with the system; (4) provide for the recovery of costs from users of the wastewater collection system sufficient to administer regulatory activities and meet the costs of operation, maintenance, improvement and replacement of the system; and

WHEREAS, after a 45-day public comment period and public hearing, the Board of the GLWA approved the IPP Rules on November 13, 2019.

NOW THEREFORE BE IT RESOLVED that the governing body of City of Inkster, in compliance with Act 233 and state and federal law, hereby concur in the IPP rules and regulations attached hereto as Exhibit A; including any subsequent amendments thereto, which amendments, if any, shall not require the approval of this governing body; and

BE IT FURTHER RESOLVED that the adoption and approval of the rules and regulations contained in Exhibit A shall be contractually binding on the parties, and no governing body of City of Inkster shall be authorized or empowered to rescind or change the approval granted in this resolution without 180 days prior written notice to the GLWA.

ON MOTION OF _____ SUPPORTED BY _____ the foregoing Resolution was adopted by the following vote:

ROLL CALL: ABSENT _____ AYE _____ NAY _____

GLWA Rules

TABLE OF CONTENTS

	Preamble	2
Chapter I	Definitions	3
Chapter II	Rules Governing Implementation, Administration and Enforcement of Industrial Pretreatment Program Requirements	13
Chapter III	Surcharge Program for High Strength Wastewater	60
Chapter IV	Septage and Hauled Wastes	74
Chapter V	Revenues to Support Regulatory Programs	77
Chapter VI	Flow Metering	80
Chapter VII	Rules Governing the Wastes and Wastewater from Environmental Remediation, Groundwater & Occasional or Special Waste Sources	83
Chapter VIII	Administrative Appeal Procedures	87

GLWA Rules

PREAMBLE

WHEREAS, the GREAT LAKES WATER AUTHORITY (the "GLWA"), a municipal authority and public body corporation organized and existing under and pursuant to the provisions of Act No. 233, Public Acts of Michigan, 1955, as amended ("Act 233"), for the purpose of establishing a regional Sewage Disposal System to operate, control, and improve the Sewage Disposal System leased from the City of Detroit;

WHEREAS, the GLWA has been incorporated for the purpose of, among other things, acquiring, owning, leasing, improving, enlarging, extending, financing, refinancing, and operating a sewage disposal system, including stormwater collection and treatment system, or combination of such systems.

WHEREAS, the GLWA promulgates these rules and regulations for the protection of the environment, the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or discharged into the sewerage systems, and sewage treatment facilities under the jurisdiction of the GLWA and enabling the GLWA to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. 1251, et. seq.; the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403); and the National Categorical Pretreatment Standards at 40 CFR 405 – 471.

WHEREAS, the GLWA seeks to create a uniform code for the regulation of wastes and wastewaters discharged into the collection system for all participating municipalities; prevent the introduction of pollutants into the wastewater systems which will interfere with the operation of the system; contaminate the resulting sludge; would pose a hazard to the health or welfare and safety of people, their communities and to employees of the GLWA; prevent the introduction of pollutants into the wastewater system which will pass inadequately treated, through the system, into receiving waters, the atmosphere, the environment or otherwise be incompatible with the system; provide for the recovery of the costs from Users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system;

WHEREAS, the GLWA promulgates these rules and regulations to establish additional requirements and limitations for classes of wastewater originating from non-domestic sources, and those qualifying under one or more of the promulgated National Pretreatment Standards, establishes systems for authorizing and permitting wastewater discharges and the enforcement of the limitations and requirements stated herein.

NOW, THEREFORE, THE GREAT LAKES WATER AUTHORITY ENACTS THESE RULES AND REGULATIONS AS FOLLOWS IN CHAPTERS I – VIII:

CHAPTER I - DEFINITIONS

There are a number of regulatory phrases and terms which are used in these Rules and Regulations that warrant definition. The terms included in this Chapter apply to all successive chapters and rules that have been or may be developed by the Control Authority. Where applicable, the terms reference the applicable federal regulation. Terms that have not been listed and defined here have their standard and ordinary meaning.

The meaning of the terms used in these Rules and Regulations shall be as follows:

"Act", or "Clean Water Act" means the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217), 33 U.S.C. 1251, et seq. It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works ("POTWs") or which may contaminate sewage sludge.

"Administrator" means the Administrator of the USEPA.

"Authorized Representative" means:

(1) If the Industrial User is a corporation; (a) the president, vice-president, secretary, or treasurer 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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

(2) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor respectively; or

(3) If the Industrial User is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of activities of the government facility, or their designee.

The individual described in sub-paragraphs 1 through 3, above, may designate another 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 the environmental matters for the company; and the written authorization is submitted to the GLWA.

"Baseline Monitoring Report" or "BMR" means the report containing information required by 40 CFR 403.12(b) from any Industrial Users subject to a Categorical Pretreatment Standard.

"Best Management Practice Plan" or "BMP" means schedules of activities, prohibitions of practices,

GLWA Rules

maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical Oxygen Demand” or “BOD” means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

“Board” means the Board of the Great Lakes Water Authority.

“Bypass” means the intentional diversion of wastestreams from any portion of an Industrial User’s treatment facility.

“Categorical Significant Industrial User” or “CSIU” means a Significant Industrial User subject to a categorical pretreatment standard or a categorical standard.

“Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

“Centralized Waste Treatment Facility” or “CWT” means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer/roll-off bins, drums, barges, or any other forms of shipment including: a facility that treats industrial waste received exclusively from off-site; and a facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

“Chief Compliance Officer” means the Chief Compliance Officer for GLWA or his/her designee.

“Chief Executive Officer” means the Chief Executive Officer of the GLWA, or his or her designee.

“Code of Federal Regulations” or “CFR” means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the United States Government.

“Collection System” means the sewers, pump stations, force mains, air release valves, vacuum release valves, flow meters, sampling equipment, regulators, and other appurtenant equipment or devices used to convey sewage to the Water Resource and Recovery Facility.

“Combined Wastestream Formula” means the formulae contained in 40 CFR 403.6(e) for calculating alternative concentration limits or alternative mass limits where regulated wastewater is mixed prior to treatment with unregulated and diluting wastewater; and necessary for determining compliance with categorical pretreatment standards.

“Control Authority” means the GLWA, upon being officially designated as such by the State of Michigan under the provisions of 40 CFR 403.11, and the persons included in the designation enumerated in Chapter II, Article I.

GLWA Rules

“Cooling Water” means the noncontact water discharged from any use, including but not limited to air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

“Daily Maximum” means the arithmetic average of all effluent samples for a pollutant collected during a 24-hour period used to represent a day.

“Daily Maximum Limit” means the maximum allowable discharge limit of a pollutant during a 24-hour period used to represent a day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

“Days” mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by these Rules.

“Direct Discharge” means the discharge of treated or untreated wastewater directly into the waters of the State of Michigan.

“Discharger” means a person who, directly or indirectly, with or without intent, contributes, causes, or permits wastewater to be discharged into the POTW by means of, but not limited to, pipes, conduits, pumping stations, ditches or tank trucks and all constructed devices and appliances appurtenant thereto.

“Domestic Sewage” means the liquid and water-carried waste and wastewater typically generated from humans or household operations which is discharged to, or otherwise enters, a treatment works from sanitary activities such as kitchens, bathrooms, lavatories and toilets.

“Domestic Strength of Sewage” means the pollutant and pollutant concentrations adopted by the Board for the purpose of representing waste and wastewater contributions from Domestic Sources for the Surcharge Program for High Strength Wastewater.

“Domestic Source” means residential dwellings including single family and multifamily (regardless of size) from which only domestic sewage is discharged.

“Environmental Remediation Wastewater” means wastewater in the form of leachate or wastewaters from clean-up actions pursuant to Comprehensive Environmental Response, Compensation, and Liability Act, or sites of leaking underground storage tanks which are discharged to and commingled with sewage and conveyed to the GLWA sewerage system.

“Existing Source” means any facility that is not a “New Source.”

“Fats, Oils and Greases or “FOG” mean organic polar and non-polar compounds. Polar compounds are derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Organic non-polar fraction of oil and grease (petroleum hydrocarbons) is identified as Silica gel treated n-hexane extractable materials (SGT-HEM) in the pretreatment standards.

“Hazardous Waste” means any industrial waste, production residue, sewage or sludge which is classified as a hazardous waste pursuant to 40 CFR 261.

“High Strength Wastewater” includes any wastewater discharged from a User in excess of the

GLWA Rules

Domestic Strength of Sewage maximum level, and for which a Pollutant Surcharge has been developed and adopted.

“Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” means the Agency of the State of Michigan responsible for Environmental Protection and designated by US EPA as the Approval Authority.

“Indirect discharge” means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. § 1317(b), (c) or (d).

“Industrial User” or “TU” means a User who is a source of indirect discharge.

“Industrial Waste” means the liquid and water-carried wastes and all solid, liquid or gaseous waste components thereof, resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process or from the development, recovery or processing of natural resources, but does not include Domestic sewage.

“Industrial Waste Control Group” or “IWC” means the organizational group responsible for administration, implementation and enforcement of the Industrial Pretreatment Program, Surcharge r Program, Hauled Waste Program and similar regulatory programs on behalf of the Control Authority.

“Industrial Waste Control Operations Manager” means the Operations Manager of Industrial Waste of the Control Authority, and authorized staff of the Industrial Waste Control Group.

“Infiltration” means water entering a sewer system, including sewer service connections from the ground through such means as, but not limited to, defective pipes, porous pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

“Inflow” means water discharged into a sewer system, including service connections, from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch-basins, stormwater, surface run-off, street wash-waters, or drainage and river inflow. Inflow does not include, and is distinguished from, infiltration.

“Instantaneous Limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (ii) therefore is a cause of a violation of any requirement of the POTW'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): Section 405 of the Act, the Solid Waste Disposal Act (“SWDA”) (including Title II, more commonly referred to as the Resource

GLWA Rules

Conservation and Recovery Act (“RCRA”), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

“Member Community” means any county, township, city or village receiving wastewater services from the GLWA.

“Minor User” a User who does not meet the definition of a Significant Industrial User but is authorized to discharge to the POTW.

“Monthly Average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“National Pretreatment Standard”, “Pretreatment Standard” or “Standard” means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

“National Pollutant Discharge Elimination System” or “NPDES” means the permit and regulation system governing direct discharges into navigable waters administered by the EGLE and USEPA.

“New Source” means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 307(c) of the Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 307(c) of the Act.

“Non-detect” means the achievable laboratory testing quantification level for ascertaining the amount of a pollutant in a wastestream using analytical methods specified in or approved under 40 CFR 136, or pursuant to rules adopted by the EGLE or the USEPA.

“North American Industrial Classification System” or “NAICS” means a standard used by Federal statistical agencies to classify business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the United States business economy, as developed by the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

“Rules and Regulations” mean the Sewage and Waste Control Rules and Regulations of the Control Authority and any rules, regulations and orders adopted by the Board pertaining thereto.

“Pass-through” means a discharge which exits the 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 POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint venture, joint stock company, sole proprietorship, trust, estate, co-partnership, unit of government, school authority, or private corporation organized or existing under the laws of the State of Michigan or any other

GLWA Rules

state or country.

“PFAS Compounds” mean the list of perfluoroalkyl and polyfluoroalkyl substances that the EGLE has identified as emerging contaminants; which includes: Perfluorotetradecanoic acid (PFTeA), Perfluorotridecanoic acid (PFTriA), Perfluorododecanoic acid (PFDoA), Perfluoroundecanoic acid (PFUnA), Perfluorodecanoic acid (PFDA), Perfluorononanoic acid (PFNA), Perfluorooctanoic acid (PFOA), Perfluoroheptanoic acid (PFHpA), Perfluorohexanoic acid (PFHxA), Perfluoropentanoic acid (PFPeA), Perfluorobutanoic acid (PFBA), Perfluorodecanesulfonic acid (PFDS), Perfluorononanesulfonic acid (PFNS), Perfluorooctanesulfonic acid (PFOS), Perfluoroheptanesulfonic acid (PFHpS), Perfluorohexanesulfonic acid (PFHxS), Perfluoropentanesulfonic acid (PFPeS), Perfluorobutanesulfonic acid (PFBS), Perfluorooctanesulfonamide (PFOSA), Fluorotelomer sulphonic acid 8:2 (FtS 8:2), Fluorotelomer sulphonic acid 6:2 (FtS 6:2), Fluorotelomer sulphonic acid 4:2 (FtS 4:2), 2-(N-Ethylperfluorooctanesulfonamido) acetic acid (N-EtFOSAA), 2-(NMethylperfluorooctanesulfonamido) acetic acid (N-MeFOSAA); or as amended.

“pH” means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

“Pollution” means the man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

“Pollutant Strength Level” means the concentrations of BOD, TSS, Phosphorus and FOG determined to be present in the wastewater discharged from a User and used to calculate the Surcharge for the High Strength Wastewater contributed by the User.

“Phosphorus” means the total concentration of all forms of organic and inorganic phosphorus compounds as measured by standard methods, expressed in mg/l.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of pollutants unless allowed by an applicable Pretreatment Standard.

“Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

“Process Wastewater” means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

“Publicly Owned Treatment Works” or “POTW” means a treatment works as defined by 33 U.S.C. 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. 1362, including: Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial

GLWA Rules

wastes of a liquid nature; or sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or the municipality, as defined in 33 U.S.C. 1362, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. For these Rules and Regulations, POTWs include the Control Authority's wastewater facilities.

"Regulatory Activities" mean all programs and activities conducted by the Industrial Waste Control Group to meet its obligations under the NPDES Permit MI 0022802 and the Clean Water Act, and any rules adopted by the Board, including, but not limited to, an Industrial Pretreatment Program; Surcharge Program; Hauled Waste Program, Groundwater and Special Discharge Program.

"Septage" or "Septage Waste" means Domestic Sewage generated by sources without a direct connection to the sewerage system, including untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a wastewater system for disposal through truck or other hauling.

"Sewerage System" means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage, industrial waste or other wastes to a point of treatment or ultimate disposal.

"Significant Noncompliance" means any Significant Industrial User who violates one (1) or more of the criteria of 40 CFR 403.8(f)(2)(viii)(a)-(h); or any Industrial User who violates one (1) or more of the criteria of 40 CFR 403.8(f)(2)(viii)(c), (d) or (h). (See Article XIII).

"Significant Industrial User" or "SIU" means any User who discharges to the POTW and which:

- (1) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or
- (2) Has discharges subject to the national categorical pretreatment standards; or
- (3) Requires pretreatment to comply with the specific pollutant limitations of these Rules; or
- (4) Has in its discharge, toxic pollutants as defined pursuant to 33 U.S.C. 1317, or other applicable federal and state laws or regulations, that are in concentrations and volumes which are subject to regulation under these Rules as determined by the Control Authority; or
- (5) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this state or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or
- (6) Is found by the Control Authority to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emission generated by the POTW.

GLWA Rules

“Sludge” means liquid and precipitated or suspended solid material therein contained, generated from the treatment of water, sewage, industrial waste or other wastes.

“Slug Discharge” means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch Discharge, which has a reasonable potential to cause interference, pass-through, or in any other way to cause a violation of the Rules and Regulations, local limits or Permit conditions.

“Standard Industrial Classification or “SIC” means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

“Standard Methods” means the *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and the version(s) approved for use by 40 CFR 136.

“Storm Water” means any waste or wastewater occurring during or following any form of natural precipitation and resulting therefrom.

“Surcharge or Pollutant Surcharge” means a fee representing the cost of service determined by the Control Authority for each pollutant comprising Domestic Sewage, expressed in Dollars per pound (\$/lb.).

“Total Suspended Solids” or “TSS” means the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

“Total Phenolic Compounds” means the sum of the individual analytical results for each of the following phenolic compounds during any single sampling event: 2-Chlorophenol, 4-Chlorophenol, 4-Chloro-3-methylphenol, 2,4-Dichlorophenol, 2,4-Dinitrophenol, 4-Methylphenol (p-cresol), and phenol.

“Total Poly-Chlorinated Biphenyls” or “Total PCB” means the sum of the individual analytical results for each of the following PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level, or non-detect, being numerically treated as zero.

“Toxic Pollutant” means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the USEPA under the provisions of the Clean Water Act, being 33 U.S.C. 1317, or included in the Critical Materials Register promulgated by the EGLE, or by other federal or state laws, rules or regulations.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under these Rules or with national categorical pretreatment standards due to factors beyond the reasonable control of the Industrial User but does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

GLWA Rules

“Users” or “Nondomestic User” or “Industrial User” means an industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage; and is a source of indirect discharge.

“United States Environmental Protection Agency” or “USEPA” means the Environmental Protection Agency of the United States Government and its designated agents.

“Wastewater Treatment Facilities” mean any method, construction, device, arrangement or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial wastes or other wastes, or for the recovery of by-products from such sewage, industrial waste or other wastes and includes sewers, pipes and other conveyances if they convey wastewater to a POTW.

“Waters” mean all accumulations of water, surface and underground, natural or artificial, public or private or parts thereof which flow through the territory of the GLWA.

“Wastewater” or “Sewage” means the liquid and water-carried wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including Infiltration and Inflow water, Storm Water and Cooling Water.

“Wastewater Discharge Permits” mean a control mechanism issued by the Control Authority in accordance with these Rules specifying the Pretreatment Standards and Requirements, pollutant discharge limitations, reporting and monitoring requirements, and other conditions under which an Industrial User may discharge to the sewerage system.

“Wholesale Sewer Contract Customer” means any county, township, city or village that has contracted for sewerage services with the GLWA.

For purposes of these Rules, the following acronyms shall have the meanings designated by this section:

Term	Full Term Description	Term	Full Term Description
		EGLE	Michigan Department of Environment, Great Lakes, and Energy
BMP	Best Management Practice Plan		
BMR	Baseline monitoring report	mg/l	milligrams per liter
BOD	Biochemical Oxygen Demand	NPDES	National Pollutant Discharge Elimination System
CSIU	Categorical Significant Industrial User		
CFR	Code of Federal Regulations	POTW	Publicly Owned Treatment Works
		RCRA	Resource Conservation and

GLWA Rules

				Recovery Act, being 42 U.S.C. § 6901 et seq.)
FOG	Fats, Oils and Grease	SDP		Special Discharge Permit
GLWA	Great Lakes Water Authority	SIU		Significant Industrial User
HIW	Hauled-in Waste	SNC		Significant Noncompliance
IWC	Industrial Waste Control	SWDA		Solid Waste Disposal Act, being 42 U.S.C. § 6901 et seq.
IU	Industrial User	TSS		Total Suspended Solids
IPP	Industrial Pretreatment Program			
USEPA	Environmental Protection Agency	ug/l		Micrograms per liter

GLWA Rules

CHAPTER II – RULES GOVERNING IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT OF INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

The Board has adopted an Industrial Pretreatment Program and received approval from the State of Michigan for GLWA to be a Control Authority to implement, administer and enforce the program within the GLWA Service Area. The following rules have been adopted to describe a uniform means of carrying out the duties and obligations placed upon the GLWA as the Control Authority.

Article I CONTROL AUTHORITY RESPONSIBILITIES

The Board assigns and authorizes the Chief Executive Officer as the person responsible for carrying out the administration, duties, and enforcement responsibilities as the Control Authority, consistent with the intent of these rules.

Article II GENERAL SEWER USE REQUIREMENTS

Section II-201. Unlawful Discharges

It shall be unlawful for any Person to discharge Industrial Waste or Wastewater from non-Domestic Sources, directly or indirectly, into the Sewerage System, without authorization from the Control Authority; or to discharge any Wastewater in violation of the terms and conditions contained in these rules or contrary to any discharge authorization granted by the Control Authority.

Section II-202. Lawful Discharges

It is the duty of every Person seeking to lawfully discharge Sewage, Industrial Wastes, or other wastes or Wastewater of any kind directly or indirectly, into the Sewerage System to conform to the criteria or effluent quality standards established and/or adopted hereunder, and to seek authorization from the Control Authority in accordance with these rules; to comply with these rules, as amended from time to time; and to provide notice to the Control Authority of any substantial changes in the volume, quality, or character of their discharge.

- a) Users and Minor Users who were previously authorized, whether by permit or a letter of authorization, by the Detroit Water and Sewerage Department in its prior capacity as the Control Authority, and have and are complying with such authorization, shall be deemed authorized by the GLWA, as the new Control Authority, until (i) a subsequent survey application, permit application or Baseline Monitoring report is filed with or requested by the GLWA; or (ii) a subsequent permit or a letter of authorization is issued by GLWA.

Section II-203. General Pollutant Prohibitions

No User shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or

GLWA Rules

Wastewater which will cause Interference or Pass-through. These general discharge prohibitions shall apply to all Users of the POTW whether or not the User is subject to national categorical pretreatment standards or to any other federal, state, or local pretreatment standards or requirements. In addition, it shall be unlawful for any User to discharge into the POTW:

- a) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21; or
- b) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or
- c) Any Wastewater having a pH of less than 5.0 units or greater than 11.5 units; or
- d) Any Wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause Interference, or Pass through, or constitute a hazard to humans or animals; or
- e) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fumes within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or
- f) Any noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; or
- g) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with state criteria applicable to the sludge management method being used; or

GLWA Rules

- h) Any trucked or hauled pollutants, except at discharge points designated by the POTW and authorized by the Control Authority (see Chapter IV); or
- i) Any substance which will cause the POTW to violate the NPDES permit; or
- j) Any discharge having a color uncharacteristic of the wastewater being discharged; or
- k) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment facility to rise above 104°F (40°C); or
- l) Any pollutant discharge which constitutes a Slug; or
- m) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or state regulations; or
- n) Any floating FOG which are sufficient to create an obstruction in the collection system, cause interference with the collection system or pass through the POTW; or
- o) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half (½) inch or greater which are sufficient to cause interference with the POTW; or
- p) Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 20 percent (20%) of the Lower Explosive Limit of the meter; or
- q) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

Section II-204. Specific Pollutant Discharge Limitations

- a) **National Categorical Pretreatment Standards.** All Industrial Users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act as set forth in 40 CFR Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements. Affected dischargers shall comply with applicable reporting requirements under 40 CFR Part 403 and as established by the Control Authority. The National Categorical Pretreatment Standards that have been promulgated as of the effective date of this section are delineated in Appendix A.
- b) **Local Pollutant Discharge Limitations.** The Control Authority has developed specific Local Pollutant Discharge Limitations to protect the sewage disposal system from (pollutant) Interference, Inhibition or Pass-through, and worker health & safety in accordance with 40 CFR 403.5(c), which are to be deemed as Pretreatment Standards pursuant to Section 307(d) of the Act. The following specific Local Pollutant Discharge Limitations are adopted, and shall be enforced by the Control Authority:

GLWA Rules

1) Compatible Pollutants:

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
Biochemical Oxygen Demand (BOD)	10,000
Total Suspended Solids (TSS)	10,000
Fats, Oils, and Grease (FOG)	1,500
Total Phosphorus (P)	150

2) Metals

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
Arsenic (As)	1.0
Cadmium (Cd)	3.0
Chromium (Cr)	25.0
Copper (Cu)	3.0
Cyanide, Amenable (CNA)	1.5
Lead (Pb)	1.0
Mercury (Hg)	0.01
Nickel (Ni)	5.0
Silver (Ag)	1.0
Zinc (Zn)	12.0

3) Organic Pollutants

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
PCB, Total	Non-detect

4) Phenolic Compounds

- i) The limitation for Total Phenolic Compounds shall be 1 mg/l using the 4AAP method.
- ii) A Significant Industrial User may elect, in lieu of the limit for Total Phenolic Compounds specified in sub-paragraph i above, to substitute the specific limitations for the individual eight (8) phenolic compounds identified in the following table:

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
2-Chlorophenol	8.0
4-Chlorophenol	8.0
4-Chloro-3-methylphenol	3.0
2,4-Dichlorophenol	6.0
2,4-Dinitrophenol	30
4-Methylphenol	40.0
Phenol	86

GLWA Rules

Upon written election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and a Significant Industrial User shall be responsible for monitoring and reporting compliance with these parameters.

- c) **Non-Detectable Limitations.** For any pollutant parameter which has a Local Pollutant Discharge Limitation of Non-detect, a User will be in violation of the limitation when the measurement result exceeds by any magnitude the method detection level of the pollutant, using analytical methods authorized under 40 CFR 136, unless a higher level is appropriate because of demonstrated sample interference.

- 1) Total PCB shall not be discharged at detectable levels, based upon USEPA Method 608, and the quantification level shall not exceed 0.2 ugms/l, unless a higher level is appropriate because of demonstrated sample interference.

Any User may develop and implement a Best Management Practice Plan in accordance with Section II-1006 to demonstrate compliance with a Non-detect local pollutant discharge limitation

- d) **Applicability of most stringent limitation.** Where a National Categorical Pretreatment Standard includes a pollutant parameter that also has a Local Pollutant Discharge Limitation, the Control Authority shall apply the most stringent Daily Maximum limitation for that pollutant parameter in a permit issued to the discharger. Where a 4-day, monthly or 30-day limitation contained in a National Categorical Pretreatment Standard is greater than the Local Pollutant Discharge Limitation Daily Maximum limitation, the Control Authority shall apply the more stringent value as the applicable average.
- e) **Development of Pollutant Discharge Limitations.** The Control Authority may periodically review and re-evaluate new or existing wastewater pollutant discharge limitations in accordance with 40 CFR 403.5(c). The Control Authority reserves the right to establish additional or more stringent limitations or requirements on discharges to the POTW.
- f) **Development of Pollutant Concentration and Mass limits.** When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Significant Industrial Users. Equivalent limitations shall be calculated in accordance with Sections 40 CFR 403.6(c)(3) and/or 40 CFR 6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 USC 1317(d) and of these rules. Significant 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.

Section II-205. Net/Gross Determinations

An Industrial User, subject to a Categorical Pretreatment Standard may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

GLWA Rules

- a) **Categorical Pretreatment Standards** may be adjusted to reflect the presence of pollutants in the Industrial User's intake water. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
- b) **Criteria.**
 - 1) Either (i) the applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) the Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - 2) Credit for generic pollutants such as biochemical oxygen demand (BOD), Total Suspended Solids (TSS), and fats, oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the Industrial User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - 3) Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - 4) Credit shall be granted only if the Industrial User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

Section II-206. Prohibition of Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, an Industrial User cannot increase the use of process water, or in any other way attempt to dilute prior to discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Control Authority may impose mass limitations on Industrial Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Article III PRETREATMENT OF WASTEWATER

Section II-301. Pretreatment Facilities

- a) Industrial Users shall provide Wastewater Treatment Facilities, as necessary, to comply with these rules

GLWA Rules

and shall achieve compliance with all Categorical Pretreatment Standards, Local Pollutant Discharge Limitations, and other requirements of these rules within the time limitations specified by EPA, the State, or these rules. Any Wastewater Treatment Facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such Wastewater Treatment Facilities and operating procedures shall be submitted to the Control Authority for review, before such Wastewater Treatment Facilities are constructed. The Industrial User shall obtain any plan approvals required from any member community or Wholesale Sewer Contract Customer prior to submitting them to the Control Authority for review. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such Wastewater Treatment Facilities, as necessary, to produce a discharge that will meet any Wastewater discharge permit, or necessary to comply with these rules.

- b) **Additional Pretreatment Measures** - Whenever deemed necessary, the Control Authority may require Industrial Users through written notice, to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or to determine the Industrial User's compliance with the requirements of these Rules and Regulations. This written notice shall state the reasons for the restriction and be incorporated into an individual Wastewater discharge permit, or equivalent control mechanism.
- c) **As part of the Collection System and Combined Sewer Overflow Plans** required by NPDES Permit MI0022802, the Control Authority may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. Before such action is taken, a written notice stating the reasons for the requirements shall be given to the User and incorporated into an individual Wastewater discharge permit or equivalent control mechanism. An individual Wastewater discharge permit, or equivalent control mechanism, may be issued solely for flow equalization.

Section II-302. Pretreatment Protection Requirements

- a) **Protection from Flammable and Combustible Substances** - All Users who discharge wastewater containing a flammable and combustible substance shall install, operate and maintain a combustible gas monitoring system acceptable to the Control Authority which provides a method of early detection and recording of any discharge of a flammable or combustible substance so that preventive measures can be taken to avoid loss of life, damage to the Sewerage System, and/or damage to public and/or private property.
 - 1) Flammable and combustible substances include, but are not limited to, gasoline, benzene, naphtha, solvents, fuel oil; or any other liquid, solid, or gas that would cause or tend to cause flammable or explosive conditions to result in the Sewerage System.

GLWA Rules

- 2) **Applicability:** Petroleum refineries, gasoline storage and transfer facilities, and chemical manufacturing plants having a discharge of 25,000 gallons or more per day of process Wastewater per day shall be required to submit a plan and schedule to install and implement a combustible gas monitoring system, within ninety (90) days, and complete implementation of the plan and schedule within 6 months of these rules adoption or upon commencement of discharge,
- 3) The Control Authority may issue written notice to any User requiring the installation of a combustible gas monitoring system upon a finding of 15% or greater of the Lower Explosive Level (LEL) from the User's discharge to the POTW.
- 4) Specific requirements for a combustible gas monitoring system shall be included by the Control Authority in a Significant Industrial User's Wastewater discharge permit, and include the following basic requirements:
 - i. The system shall be continuous and fixed (permanent rather than portable) and shall be installed near the company's approved monitoring location (where applicable).
 - ii. The system shall have an indicator as well as an automatic continuous recorder capable of maintaining a permanent record of readings (i.e., chart recorder).
 - iii. The system shall be equipped with a two-stage alarm system that is adjustable. The upper alarm level must be set at 20% LEL (Lower Explosive Limit).
 - iv. The system shall be calibrated for methane detection.
 - v. The control unit for the combustible gas detection meter should be located where the alarm will be heard and acted upon promptly (i.e., control room)
- b) **pH Monitoring Plan and Monitoring Requirement.** All Significant Industrial Users, as specified below, who process acidic and/or caustic wastes and Wastewaters; or whose pH is adjusted on-site, whether done for operational or treatment purposes; shall (i) develop an approvable pH Monitoring plan, and (ii) install appropriate pH monitoring and recording devices.
 - 1) **pH Monitoring Plan** – In accordance with sub-paragraph 2) below, a pH monitoring Plan shall be provided within 90 days and complete implementation of the plan and schedule within 6 months of the adoption of these rules or included with a new permit application or Baseline Monitoring Report, which shall include the following:
 - i. A description of the location of the pH monitor(s)
 - ii. Equipment specifications identifying the manufacturer & model of the (a) pH meter; (b) pH probe; (c) pH transmitter (if applicable); and (d) the pH recorder (chart, electronic, other)
 - iii. Maintenance procedures to be used for cleaning the pH monitoring system used, including the frequency of cleaning. A step by step description of the calibration procedure used shall be maintained by the SIU

GLWA Rules

- iv. Calibration procedure information including (a) whether the probe can or cannot be removed for calibration; (b) whether the direct or indirect method is used for calibration; (c) whether the pH meter is capable of temperature compensation; (d) the pH buffers (reagents) used; and (e) the frequency of meter calibration, with weekly (as a minimum)
 - v. All records shall be retained for a minimum of three years and shall be made available to the Control Authority's representative upon request. A summary of records shall be provided with the six-month report to demonstrate compliance during the period. This may be submitted as a hard-copy or in electronic form.
- 2) pH Monitoring - shall be provided by all Significant Industrial Users as follows:
- i. The following Significant Industrial Users will provide a pH monitoring plan addressing continuous monitoring for pH consistent with USEPA method 150.2 using appropriate pH monitoring and recording devices:
 - a. All SIUs classified as a Centralized Waste Treatment facility in accordance with 40 CFR 437.
 - b. All SIUs who discharge 25,000 gpd or more of Wastewater and who process acidic and/or caustic wastes and Wastewaters; or whose pH is adjusted on-site, whether done for operational or treatment purposes.
 - ii. Significant Industrial Users who discharge less than 25,000 gpd of Wastewater will provide a pH Monitoring Plan and monitor for pH using appropriate pH monitoring and recording devices, which are representative of the period of discharge.
 - iii. The Control Authority may require any User to install pH monitoring upon finding pH levels below 5.0 or greater than 11.5, and by serving written notice to the User.
- 3) The pH monitoring plan shall be acknowledged within the Wastewater discharge permit for the SIU. The following criteria shall also be included in the permit:
- i. No individual excursion from the range of pH values shall exceed 15 minutes.
 - ii. Where continuous pH monitoring is used, the maximum and minimum pH readings will be reported. Regardless of the number of pH measurements recorded for each day, only one violation per day shall be determined.
 - iii. A summary of pH monitoring records shall be provided with the six-month report to demonstrate compliance during the period. This may be submitted as a hard-copy or in electronic form.

Section II-303. Protection from Accidental Discharges

- a) All Users shall provide protection from accidental discharge, spill or Slug discharge of materials prohibited by these rules, contained in any raw materials, chemicals and/or wastes kept on the premises.
- b) Users shall develop detailed plans against accidental discharge and/or spill discharge, and construct facilities, develop and implement measures reasonably necessary to avoid loss of life, damage to the

GLWA Rules

Sewerage System, and/or damage to public and/or private property. These shall be implemented, provided, and maintained at the owner's or User's cost or expense.

- c) At a minimum, plans against accidental discharge and/or spill discharge will be required when prohibited materials or substances are kept on the premises in a form which could readily be carried into the POTW; constitute a concentration of five (5%) percent or greater in the raw material, chemical solution or waste material; or are stored in volumes of more than fifty-five (55) gallons. Such plans shall include the following information:**
 - 1) Description of facilities and operating procedures to be implemented to provide protection against such accidental discharge, spill or slug discharge. Such facilities and measures to prevent and abate these discharges shall be implemented, provided, and maintained at the owner's or User's cost or expense.**
 - 2) Provide the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials; chemicals and/or waste therefrom and the containment capacity for each.**
 - 3) Identify facility contacts responsible for implementation and keeping the plan current.**
 - 4) Include notification procedures and post such requirements advising employees whom to contact in the event of any accidental, spill or slug discharge.**
 - 5) Include information on the secondary containment capacity available and the capacity available for containing rainfall or freeboard. Supporting calculations shall be maintained by the User and made available to the Control Authority upon request.**
 - 6) Include a certification statement signed by the facility's Authorized Representative.**
- d) Significant Industrial Users shall develop plans to control Slug discharges, as defined by 40 CFR 403.8(f)(2)(v). The Control Authority shall evaluate whether any Significant Industrial User is required to develop, modify or revise a slug discharge plan at a frequency of at least once every two (2) years.**
- e) Existing Users who are required to develop any plan under sub-section b and/or c shall complete and submit such a plan within sixty (60) days of the effective date of these rules. Users who have previously filed such plans are not required to resubmit these plans unless the information has been revised or changed. New Users shall submit plans under sub-section b and/or c prior to the time they commence discharging.**
- f) The User shall promptly notify the Control Authority of changes or modifications to the plan including, but not limited to, a change in the contact person(s), or substance inventory.**
- g) The User shall immediately notify the Control Authority of any change at its facility affecting the potential for a Slug discharge.**
- h) The Control Authority shall include as a requirement in a Wastewater discharge permit issued under these Rules, the development, revision and submittal of these plans described in sub-section b and/or c.**

Article IV CLASSIFICATION OF WASTEWATER SOURCES

Section II-401. Specific Wastewater Source Classifications

- a) The Control Authority shall recognize the following specific Wastewater source classifications for purposes of these Rules:
 - 1) Septage and waste haulers.
 - 2) Groundwater sources and occasional or special waste sources.
 - 3) Grease, oil and solid sources; and
 - 4) Utility wastes and Wastewater.
- b) The Control Authority may establish additional Industrial User classifications where necessary to efficiently carry out the intent of these Rules, or to administer the requirements of these Rules on a defined Industrial User group.

Section II-402. Septage and Waste Haulers

- a) The Control Authority has developed a program for the regulation of Septage and hauled wastes that are authorized for treatment from non-point sources. The regulatory requirements for this program are more fully described in Chapter V of these rules.
- b) Domestic Sewage and Wastewater from recreational vehicles, individual portable toilets, and vessels and ships shall also be authorized in accordance with Chapter V of these rules.
- c) The Control Authority shall not accept any waste or wastewater at its POTW on 9300 West Jefferson delivered by truck, rail or dedicated pipeline, other than Septage Wastes and the contents of domestic waste septic tanks, cesspools, seepage pits, sewage lift stations and portable toilets may be discharged to the Sewerage System by haulers authorized to unload such materials and subject to the requirements of the Chapter V rules.
- d) Hauled-in industrial wastes, other than described in paragraph b, shall not be discharged into the Sewerage System either directly or indirectly because of the risk potential to the well-being of the system and the receiving waters. Such wastes are to be disposed of in commercial facilities specializing in the reclamation, rendering, disposal, destruction or burial of non-hazardous, hazardous or potentially hazardous wastes.

Section II-403. Special Discharge Environmental Remediation, Groundwater Sources and Occasional or Special Waste Sources may not be discharged unless authorization has been granted by the Control Authority.

- a) The Control Authority has developed a program for the regulation of Environmental Remediation; Groundwater Sources and Occasional or Special Waste Sources that are authorized for treatment from non-point sources. The regulatory requirements for this program are described in Chapter V of these rules.

GLWA Rules

- b) Special wastes and Wastewaters not described by subparagraph (a) above, may be authorized for discharge if they do not pose harm or risk of harm to the sewerage system as determined by the Control Authority in its reasonable discretion. Such wastes include, but are not limited to, spoiled beer, wine, milk or other beverages, non-hazardous waste materials, and water and Wastewater from tanks or vessels, ships, freighters or barges.

Section II-404. Grease, Oil and Solids Interceptors

The contributions of FOGs and the discharge of solid or viscous pollutants can cause or contribute to obstructions in the POTW and collection system. The installation and maintenance of grease, oil, and solids interceptors can minimize these occurrences. The Control Authority will work with Member Communities and/or Wholesale Sewer Contract Customers to correct improper handling from sources found to cause or contribute to obstructions in the POTW and collection system.

- a) Grease, oil, and solids interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or solids; except that such interceptors shall not be required for Domestic Sources. All interception units shall be of a type and capacity acceptable to the User's Member Communities and/or Wholesale Sewer Contract Customers and the Control Authority.
- b) The Control Authority may require Users to provide records or other information concerning the inspection, cleaning and maintenance practices of the User.
- c) The Control Authority may require any User to install and/or repair, maintain and operate grease, oil, and solids interceptors when, in the opinion of the Control Authority, they are found to cause or contribute to obstructions in the POTW and collection system. The Control Authority shall notify the User of grease, oil and solids sources in writing of such requirement(s).
- d) All interception units shall be of a type and capacity acceptable to the local Health Department, community agency or Member Community, and the Control Authority. Such interceptors shall be regularly inspected, cleaned, and repaired by the User at their expense.

Section II-405. General Permits.

- a) The Control Authority may authorize the discharge of utility wastes and Wastewater resulting from maintenance and related activities of telephone, gas, steam, or electrical utilities, whether public or private, through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit.
- b) General Permits may be used by the Control Authority to carry out these rules, for Users other than Significant Industrial Users, to authorize the discharge from User's activities. General Permits shall authorize discharge in accordance with the terms of the permit and include appropriate reporting requirements.

Article V REPORTING AND NOTIFICATION REQUIREMENTS

The Control Authority may require any User to provide any of the reports or notifications described within this section whenever there is a reasonable potential or actual finding.

Section II-501. General Notification Requirements

- a) Notification requirements. Within one (1) hour of becoming aware of a discharge into the POTW which has the potential to cause, or does cause, the User to implement any accidental discharge, spill or Slug discharge, or to report the occurrence of an unanticipated by-pass or upset event, the User shall telephone the Control Authority at its System Control Center (313-267-6000), and notify the Control Authority of the discharge event.
 - 1) The notification shall include the name of the caller, the location and time of discharge, the type of Wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW.
 - 2) Within five (5) calendar days after the discharge, the User shall submit a detailed written report to the Control Authority describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences and, when required by the Control Authority, the User's Wastewater discharge permit may be modified to include additional measures to prevent such future occurrences.
- b) Such notification shall not relieve the User of any expense, cost of treatment, loss damages or other liability which may be incurred as a result of, among other things, damage to the POTW, fish kills, or any other environmental impairment or any other damage to persons or property.
- c) Recovery of costs. Any User discharging in violation of any of the provisions of these rules, which produces a deposit or obstruction or causes damages to or impairs the POTW, or causes the Control Authority to violate its NPDES permit, shall be liable for any expense, loss, damage, penalty or fine incurred because of said violation or discharge. Prior to assessing such costs, the Control Authority shall notify the User of its determination that the User's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the NPDES permit and the intent to assess such costs to the User. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of these rules. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under these rules, or this Code, or other statutes and regulations, or at law or in equity.

Section II-502. Specific Notification Requirements

- a) All Users, whether required to have a Wastewater discharge permit, Authorization or not, shall notify the Control Authority at its System control center (313-267-6000) of any discharge or release that is contrary to the requirements of these rules.

GLWA Rules

- b) The Control Authority may identify additional requirements for notice through a Wastewater discharge permit or authorization to discharge.

Section II-503. Hazardous Waste Notification

- a) All Industrial Users, who discharge into the Sewerage System, shall notify the Control Authority in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 CFR 261. Such notification must comply with the requirements of 40 CFR 403.12(p).
- b) At a minimum, any Significant Industrial User regulated under a Wastewater discharge permit issued by the Control Authority shall review their previous notification(s) and report any additions or other changes to the hazardous wastes discharged, in accordance with 40 CFR 403.12(j), to the POTW and provide the current information specified in paragraph (a) above at the time of seeking a Permit Renewal.
- c) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules, or any permit issued thereunder, or any applicable Federal or State law.

Section II-504. Authorized Representative.

The Authorized Representative, or a duly Authorized Representative if applicable, shall sign and certify any survey, permit application or re-application, Baseline Monitoring Report, 90-day report, or periodic report or a request for reconsideration or appeal hearing. Other documents, responses or reports may be signed by any other agent as long as the agents name, role and any limitations of the agency, are made known to the Control Authority in writing.

Section II-505. Best Management Practice Plans and Pollution Prevention Plans

The Control Authority shall allow Users to develop and to implement Best Management Practice Plans and Pollution prevention plan initiatives as a partial response to non-compliance and incorporate such plans as an enforceable part of a Wastewater discharge permit. Upon demonstration of compliance, the User may request to be relieved of the Best Management Practice Plans and Pollution prevention implementation requirement.

Section II-506. Centralized Waste Treatment Facility Requirements

A Centralized Waste Treatment Facility receive hazardous and non-hazardous materials for treatment and disposal through the local POTW and collection system.

- a) Any new or existing Industrial User who operates a Centralized Waste Treatment Facility as described by 40 CFR 437, Subpart D (Multiple Wastestream Subcategory), shall provide an Equivalent Treatment that satisfies the requirements of 40 CFR 437.2(h), and applicable certification statement to the Control Authority when applying for a new Wastewater discharge permit, when submitting its Baseline Monitoring Report, or when re-applying for a Wastewater discharge permit. The statement shall be certified by a professional engineer registered in the State of Michigan. The statement must be provided with the Baseline Monitoring Report, or Wastewater discharge permit application or reapplication form.
- b) Any new or existing Industrial User who operates a Centralized Waste Treatment Facility as described

GLWA Rules

by 40 CFR 437, Subpart A, B or C shall provide a statement that the Centralized Waste Treatment Facility has treatment processes capable of treating the Wastewater received or collected by the Centralized Waste Treatment Facility, and necessary to meet the applicable discharge limitations. The statement shall be certified by a professional engineer registered in the State of Michigan. The statement must be provided with the Baseline Monitoring Report, or Wastewater discharge permit application or reapplication form.

- c) A Centralized Waste Treatment Facility granted a permit under this section shall provide supplemental information with the periodic reports required under section II-705, that includes the volume (in gallons) of Subpart A (metal bearing wastes), Subpart B (oily wastes), and Subpart C (organic bearing wastes) received each month, held in inventory or removed off-site each month, and discharged to the sewer system each month.
- d) A Centralized Waste Treatment Facility granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the Wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Control Authority.

Article VI INSPECTION & MONITORING REQUIREMENTS

Section II-601. Right of Entry: Inspection and Monitoring.

- a) The Control Authority shall have the right to enter the premises of any User to determine through inspection and monitoring, whether that User is complying with all requirements of these rules; and any Wastewater discharge permit issued hereunder. Such rights shall also permit the Control Authority to collect independent samples at the facility and install and retrieve monitoring equipment and instrumentation. The Control Authority shall perform these activities at reasonable times, and in a reasonable manner.
- b) Users shall allow the Control Authority, or the Control Authority's representative, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties authorized by these rules. The Control Authority may access any easement, street or other public location without notice.
- c) Upon arrival at the User's premises, the Control Authority's representative shall notify and inform the User, or the User's employees, of their purpose. The Control Authority's representative shall bear proper credentials and identification, and at the User's option may be accompanied by a representative authorized by the User.
- d) Where a User has security measures in force, the User shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, the Control Authority's representative will be permitted to enter for the purposes of performing their specific responsibilities. The Control Authority shall neither refrain from, nor be prevented or delayed from, carrying-out its

GLWA Rules

inspection or sampling duties due to the unavailability of the Authorized Representative of the facility.

- e) While performing work on private property, the Control Authority shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the User.
- f) Should the Control Authority require photographs of the User's facilities, the User shall be notified, provided a consent form, and provided with electronic or printed copies of any such photographs within 48 hours. If requested by the User, these may be transmitted electronically.
- g) Upon the request of the Control Authority, Users shall furnish access to information and records relating to discharges into the POTW. The User shall be notified, provided a consent form, and the Control Authority shall be permitted to photograph or copy such records.
- h) Noncompliance with this subsection shall be addressed in accordance with the enforcement authority available through Article X of these rules.

Section II-602. Inspection, sampling and record-keeping.

- a) Significant Industrial Users shall sample and analyze their discharge in accordance with the provisions of their permit. The Control Authority may require such samples to be split for the Control Authority's independent analysis.
- b) Significant Industrial Users shall maintain records of all information from monitoring activities required by these rules, or by 40 CFR 403.12(o), for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User, or the operation of the Control Authority's Industrial Waste Program, or when requested by the Control Authority, by the State, or by the USEPA.
- c) In the event the Control Authority obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the Industrial User's Authorized Representative.
- d) When requested by the Industrial User, the Control Authority's representative shall leave with the Industrial User, a portion of any sample of the Industrial User's discharge taken from any sampling point on or adjacent to the premises for the Industrial User's independent analysis. Users must provide their own containers for receipt of such samples. Where the sampling protocol, e.g. grab-sampling, would affect the integrity of the sample, the User may be provided with a contemporaneously collected sample.
- e) In cases of disputes arising over shared samples, the portion taken and analyzed by the Control Authority shall be controlling unless proven invalid. The Industrial User may request a conference with the Control Authority to review and discuss the shared sample results in dispute, including pertinent supporting materials and documents. The Control Authority shall issue a written conference report following such discussion.

Section II-603. Sampling Plans

- a) All Significant Industrial Users shall provide a sampling plan describing the manner and form intended

GLWA Rules

for representative wastewater self-monitoring. At a minimum, the plan shall include:

- 1) A description of the sample collection method(s) based on grab, flow-proportional composite or time-proportional composite methods.
 - 2) Designate applicable requirements for batch and/or continuous discharges, including the release time.
 - 3) If applicable, the sampler settings, such as pulse, time, sample volume; and
 - 4) If applicable, the flow-measurement equipment.
- b) The sampling plan shall be submitted to the Control Authority and shall be implemented by the Significant Industrial User.

Section II-604. Sample Collection Methods

- a) Users shall collect representative samples of the waste and Wastewater discharges using sampling procedures described by 40 CFR 403, Appendix B.

Except for samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds, wastewater samples must be collected using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. A Significant Industrial User may request the use of time-proportional composite sampling or grab sampling rather than flow-proportional composite sampling by demonstrating that the use of time-proportional composite sampling or grab sampling will provide samples representative of the SIU's discharge. The User shall provide supporting documentation including any statistical analysis submitted in support of the request.

- 1) The Control Authority may authorize the use of alternative sampling methods, where such methods are representative of the Significant Industrial User's Discharge and shall document its decision in the SIU file.
- 2) If granted by the Control Authority, the authorization shall be limited to the duration of the Wastewater discharge permit. A Significant Industrial Users shall request re-authorization of a waiver request with any permit re-application form filed with the Control Authority. The Control Authority shall review any such request *de novo*.

Section II-605. Sampling & Monitoring Facilities

- a) All Significant Industrial Users, and any other Industrial User who discharge under an effective Wastewater discharge permit or other control mechanism, shall provide, operate, and maintain at their own expense a sampling and monitoring facility to enable the Control Authority to conduct such other monitoring and sampling as required for determining compliance. The sampling and monitoring facility include but is not limited to, a manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of the facility's discharge, if applicable.
- b) Consistent with Section II-603(a), the Industrial User shall provide the following technical information to the Control Authority:

GLWA Rules

- 1) A drawing or sketch showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW; and
 - 2) A flow schematic showing (i) the connections receiving each national categorical process wastestreams, (ii) connections receiving other process wastestreams, storm water, sanitary water or Cooling Water, and (iii) any conveying a combined wastestream; and
 - 3) A sampling plan in accordance with section II-603 above.
 - 4) Where flow-proportional composite sampling is performed on-site, information describing the Industrial User's flow monitoring instruments, including make and model number; recording devices used, including make and model number; and must include a non-resettable flow totalizer; and
 - 5) Where flow-proportional composite sampling is performed on-site, the specific criteria for sampling is described in Chapter VI of these rules shall also be followed.
- c) In the event the Control Authority determines that the monitoring facility identified in the permit application is inadequate, or fails to include Wastewater regulated under these rules, a new monitoring facility must be identified, or provided by the Industrial User, which shall allow for collection of a representative sample of the Wastewater discharged from the facility, by serving written notice to the Industrial User.
- d) The sampling and monitoring facility should be situated on the Industrial User's premises in a location readily accessible to the Control Authority. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.
- e) When such a location would be impractical or cause undue hardship to the Industrial User, the Industrial User may seek approval for the facility to construct the sampling manhole in the public streets, or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the Industrial User to obtain any necessary approvals which may be required from other government entities for the location and construction of monitoring facilities. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with all applicable local construction standards and specifications.
- f) The sampling and monitoring facility shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall be grounds for the Control Authority to issue a written finding that sample results are unrepresentative of the Industrial User's discharge.

Article VII WASTEWATER DISCHARGE PERMITS & OTHER CONTROL MECHANISMS

Section II-701. Survey, Permit Applications and Baseline Monitoring Reports

GLWA Rules

- a) **Duty to apply.** No User may discharge Wastewater, other than Domestic Sewage, without receiving authorization from the Control Authority. Any new or existing User who has not obtained authorization for discharge shall comply with the following:
 - 1) Any new or existing User, who does not have an effective Wastewater discharge permit but meets the definition of a Significant Industrial User after the effective date of these rules, is required to submit a complete permit application in accordance with Section II-703, to the Control Authority and obtain a Wastewater discharge permit for its discharge. The permit application must be provided by a new User at least ninety (90) days prior to the commencement of any discharge; or for an existing User (as of the effective date of these rules), within thirty (30) days of the effective date of these rules. A failure to apply is a violation of these rules.
 - 2) Any new or existing Industrial User who performs an operation covered by a National Pretreatment Standard shall file a Baseline Monitoring Report in accordance with Section II-702 to the Control Authority and obtain authorization for its discharge.
 - 3) All other new or existing Users discharging Wastewater, other than Domestic Sewage and Cooling Water, must file a survey application and receive authorization from the Control Authority for its discharge.
 - 4) Users who have previously filed a survey, permit application, or Baseline Monitoring Report with the Detroit Water & Sewerage Department or GLWA prior to the effective date of these rules and have received an effective Wastewater Discharge Permit or Letter of Authorization, are not required to resubmit their survey, permit application, or Baseline Monitoring Report.
- b) The Control Authority may require any User to complete a survey or permit application to determine whether the User is a Significant Industrial User or is subject to other regulatory requirements (described in Chapter III, IV, or VII). Users shall comply within thirty (30) days of receiving written notice. Failure of the Control Authority to so notify a User, shall not relieve the User of its duty to obtain a wastewater discharge permit as required by these rules.
- c) Upon receipt of any survey, permit application, or Baseline Monitoring Report, the Control Authority shall notify the User that:
 - 1) The User is not authorized to discharge. The notice will be in writing and shall indicate what additional information, pretreatment facilities, monitoring facilities or other requirements are necessary for authorization.
 - 2) The User is a Significant Industrial User and is authorized to discharge, conditioned upon issuance of a Wastewater discharge permit or other control mechanism; or
 - 3) The User is not a Significant Industrial User and is authorized to discharge as a Minor User under a Wastewater authorization letter.

Section II-702. Baseline Monitoring Report Requirements

- a) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard,

GLWA Rules

or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 CFR 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging into or scheduled to discharge into the POTW, shall submit to the Control Authority, a report containing the information listed in 40 CFR 403.12(b)(1-7).

- b) At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become Industrial Users after the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the Control Authority, a report which contains the information listed in 40 CFR 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment that the source intends to use to meet applicable Categorical Pretreatment Standards. New sources shall provide estimates of the information requested in 40 CFR 403.12(b)(4) and (5).
- c) The USEPA has established regulations at 40 CFR 405 through 471, National Categorical Pretreatment Standards applicable to specific industrial activities. The Control Authority adopts these by reference, as listed in Appendix A, of these rules.
 - 1) Any Industrial User subject to a National Categorical Pretreatment Standard, or any Industrial User who becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a Wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 CFR 403.12(b).
 - 2) The Control Authority may require any Industrial User to complete a Baseline Monitoring Report to determine whether the Industrial User performs an operation described by a National Categorical Pretreatment Standard. The Industrial User shall provide information demonstrating that it does not perform an operation described by a National Categorical Pretreatment Standard or provide a Baseline Monitoring report within thirty (30) days of being so notified.
 - 3) New Sources. Industrial Users who meet the New Sources criteria shall install, maintain in operating condition, and "startup" all Pollution control equipment required to meet applicable Categorical Pretreatment Standards and requirements before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable Categorical Pretreatment Standards.

Section II-703. Contents of Survey or Permit Application

- a) In support of a survey, permit application or re-application, the User shall submit, in units and terms appropriate for evaluation, the following information:
 - 1) Corporate or individual name, any assumed name(s), address, and location of the discharging facility.
 - 2) Name and title of the Authorized Representative of the User who shall have the authority to bind the User financially and legally. Where the Authorized Representative is represented by an agent,

GLWA Rules

the authorized representative shall also identify the agent and any applicable limitations or restrictions of their agency.

- 3) The Standard Industrial Classification codes of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, or the equivalent based upon the North American Industrial Classification System (NAICS), as amended.
- 4) Actual or proposed Wastewater constituents and characteristics for each parameter listed in the permit application form. At a minimum, such parameters shall include the applicable Categorical Pretreatment Standards from any applicable National Categorical Pretreatment Standard or any pollutant parameter for which there is a local Pollution discharge limitation; and any other toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Control Authority. For each parameter, the expected or experienced maximum and average concentrations during a one (1) year period shall be provided.
- 5) For industries subject to National Categorical Pretreatment Standards, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the USEPA pursuant to 33 U.S.C. 1314(g) and contained in 40 CFR. 136, as amended. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.
- 6) A listing and description of activities, facilities and plant processes on the premises, and the pollutants associated with each process. Those processes, which are subject to National Categorical Pretreatment Standards, shall be so designated.
- 7) A listing of raw materials and chemicals which are either used in the manufacturing process or could yield pollutants requiring pretreatment prior to discharge to the Sewerage System. Any User claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity.
- 8) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week.
- 9) Information on the average and maximum twenty-four (24) hour wastewater flow rate based on actual measurements, or estimated and the means of estimation, of (i) each process wastestream subject to a National Categorical Pretreatment Standard, (ii) each process wastestream not subject to a National Categorical Pretreatment Standard, (iii) non-process wastestreams including but not limited to Cooling Water, sanitary water, or any other Wastewater. This information shall include any applicable daily, monthly or seasonal variations for each wastestream.
- 10) Each combined wastestream, specifying the flow rate of regulated, unregulated and diluting

GLWA Rules

wastestreams.

- 11) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive Storm Water, sanitary water or Cooling Water; also show which lines handle each combined wastestream;
- 12) The rate of production as pertains to processes subject to production-based limits under the National Categorical Pretreatment Standards.
- 13) A statement regarding whether or not the requirements of these rules and of the National Categorical Pretreatment Standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the Industrial User to meet the applicable standards and requirements. This statement shall be reviewed and signed by the Authorized Representative and, as appropriate, certified by a qualified professional.
- 14) Basic information on the program for the prevention of accidental discharges.
- 15) Proposed or actual hours of operation of each pretreatment system for each production process.
- 16) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type.
- 17) The source of any intake water if other than through the GLWA and the basis for measurement.
- 18) The volume of any discharge water other than potable water obtained through any source and the basis of measurement.
- 19) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of these rules and the National Categorical Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional construction and/or implement the required operation and maintenance procedures.
- 20) Identify whether the Industrial User has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other wastes at the facility; and
- 21) Any other information as may reasonably be required to prepare and process a Wastewater discharge permit.

Section II-704. Permit Issuance

Upon receipt of any survey, permit application, or Baseline Monitoring Report, the Control Authority shall review the information and advise the User of:

- a) The User does not meet the definition of a Significant Industrial User and is authorized to discharge as a Minor User under a Wastewater authorization letter; or
- b) The User meets the definition of a Significant Industrial User and is authorized to discharge under a

GLWA Rules

- Wastewater discharge permit or other control mechanism; or
- c) The User meets the definition of a Significant Industrial User and is conditionally authorized to discharge under an administrative order including schedules for additional information, pretreatment facilities, monitoring facilities or other requirements are necessary for processing a Wastewater discharge permit; or
 - d) The User is not authorized to discharge. The Control Authority may withhold issuance of a permit to a Significant Industrial User, which has not submitted an adequate or timely report, or permit application, to the control authority in accordance with the reporting requirements of 40 CFR 403.12, or whose discharge is in violation of these rules. The failure of the Industrial User to cease discharging following notification shall be considered a violation of these rules.
 - e) Procedure for Permit Issuance. Only one (1) facility location shall be included in each permit. If the Control Authority determines that the User meets the definition of a Significant Industrial User, is required to have a Wastewater discharge permit, and has evaluated and accepted the data furnished, the Significant Industrial User will be notified by U.S. mail, using certified mail.
 - 1) Draft Wastewater Discharge Permit. The notification shall contain a copy of the draft permit, so marked, for review. A Significant Industrial User has thirty (30) days from the date of mailing to file comments and/or a response to the draft permit. The Control Authority will evaluate the comments and response to the draft permit and consider them for inclusion in a final Wastewater discharge permit.
 - 2) Final Wastewater Discharge Permit. Following expiration of the thirty (30) day comment period, or consideration of any comments or responses made, the Control Authority shall prepare a Final Wastewater discharge permit. The Final Wastewater discharge permit will be transmitted by U.S. Mail. The Significant Industrial User has twenty (20) days from the date of mailing to file a request for reconsideration and/or appeal hearing in accordance with Chapter VIII. During the appeal process, the SIU will comply with all uncontested terms or conditions which shall be in full force and effect. Upon disposition of any contested terms or conditions, the Wastewater discharge permit shall be issued as final.

Section II-705. Types and Contents of Wastewater Discharge Permits

- a) The Control Authority shall develop Wastewater discharge permit formats meeting the needs of Significant Industrial Users as well as the special Wastewater sources discharging to the Sewerage System. Such formats include, but are not limited to, general permits for multiple location facilities, special discharge permits, and unloading permits for hauled-in wastes and Wastewater.
- b) Every Wastewater discharge permit shall contain all requirements of 40 CFR 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of these rules, other applicable laws, rules, regulations, and charges and fees established by the Control Authority without repetition therein.
- c) A Wastewater discharge permit may also contain the following:

GLWA Rules

- 1) The Wastewater discharge permit shall specify the wastes and Wastewaters which the Control Authority authorizes an Industrial User to discharge to the Sewerage System; and identify any wastes or Wastewater for which the request to discharge is denied; and the wastes and Wastewater requiring imposition of special conditions in order to comply with the permit.**
- 2) Limits on the average and maximum Wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in these rules, or the applicable National Categorical Pretreatment Standards.**
 - i. Limits on average, and/or maximum rate and time of discharge or requirements for flow regulation and equalization.**
 - ii. Limits on the average volume, and/or maximum volume of Wastewater that is authorized for discharge. The ratio of average to maximum volume shall not exceed three (3), except where seasonal variations of the average and/or maximum volume are noted in the permit.**
 - iii. Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the Significant Industrial User.**
 - iv. Restrictions on which of the Significant Industrial User's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW.**
 - v. Specifications for Significant Industrial User monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules.**
 - vi. Requirements for the prevention of accidental discharges and the containment of spills or Slug discharges.**
 - vii. Restrictions based on the information furnished in the application.**
 - viii. Additional reporting requirements:**
 - a. All permittees shall submit a report on the form prescribed by the Control Authority, or on an alternative form approved by the Control Authority, indicating the status of compliance with all conditions enumerated or referred to in the Wastewater discharge permit, or made applicable to the permit by these rules. Unless required more frequently, the reports shall be submitted on a periodic basis (generally six months), on a schedule to be established by the Control Authority. Analytical data generated by the Control Authority shall not be submitted in lieu of the facility's own self-monitoring data as required by the Wastewater discharge permit.**
 - b. The report shall show the concentration of each substance for which there is a specific limitation in the permit. The report will include all calculations necessary to demonstrate compliance with any 4-day, 30-day or monthly average, or mass limitation that may be included in the permit.**
 - c. Permittees subject to National Categorical Pretreatment Standards shall submit**

GLWA Rules

compliance reports at the times and intervals specified by federal regulations and by the Control Authority. A compliance report shall be submitted to the Control Authority no later than ninety (90) days following the final compliance date for a National Categorical Pretreatment Standard, or in the case of a New Source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 CFR 403.12(d).

A ninety (90) day report shall also be provided where the facility's treatment system(s) are upgraded, modified or replaced so as to demonstrate compliance with applicable limitations.

- d. A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the Control Authority and incorporated into the Significant Industrial User's discharge permit. The reports shall be either on a form prescribed by the Control Authority or on an alternative form approved by the Control Authority, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by National Categorical Pretreatment Standards, or which there is a specific limitation in the permit, or which may be identified by the Control Authority. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Control Authority, provided there have been no changes to the elements composing the combined wastestream.
- e. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for Significant Industrial Users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 CFR 403, or by the Control Authority, but no less than is necessary to assess and assure compliance by the Significant Industrial User with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the Administrator.
- f. If any Significant Industrial User monitors any pollutant more frequently than

GLWA Rules

required by the Control Authority, collects the sample(s) at monitoring locations specified in the wastewater discharge permit, and analyzes such samples using approved analytical procedures, the results of this monitoring shall be included in such report.

- g. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the Significant Industrial User into compliance with the applicable pretreatment standards.
 - h. All Significant Industrial Users shall include the following certification statement with the periodic (six-month) report: *"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 a fine and/or imprisonment for knowing violations."* Said certification shall be signed by the facility's Authorized Representative. If an authorization 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 the Authorized Representative must be submitted to the Control Authority prior to, or together with, any reports to be signed by an Authorized Representative.
 - i. If sampling performed by a permittee indicates a violation, the Significant Industrial User shall notify the Control Authority within twenty-four (24) hours of the time said Significant Industrial User knows, or should have known, of the violation. In addition, the Significant Industrial User shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Control Authority within thirty (30) days after said Industrial User becomes, or should have become, aware of the violation in accordance with its Wastewater discharge permit.
- d) In the event the Control Authority determines that any Significant Industrial User is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Control Authority has the authority to develop and enforce effluent limits applicable to the Significant Industrial User. To the extent the Control Authority seeks to impose restrictions in a permit

GLWA Rules

which are more restrictive than established in these rules, the Control Authority shall provide written documentation to explain its rational basis for the greater restriction, or protection against pass through, interference, or violation of the NPDES permit, to the Significant Industrial User;

- e) Requirement for pollution prevention plan initiatives or Best Management Practice Plans; and
- f) Other requirements reasonably necessary to ensure compliance with these rules.

Section II-706. Permit Duration, Notification of Changed Conditions, Modification and Transfer

- a) **Permit duration.** Any permit issued by the Control Authority shall be issued for a specified time period, but in no case shall a permit have a term greater than five (5) years. The effective date and the expiration date shall be included in every permit issued by the Control Authority.
- b) **Notification of Changed Conditions.** It is the duty of each Significant Industrial User to promptly notify the Control Authority of (i) material or substantial changes to its facility or operation, (ii) substantial change in the volume of Wastewater discharged, or (iii) changes in the characteristics of its effluent, including the listed or characteristic Hazardous Wastes for which initial notification under 40 CFR 403.12(p) has been made. The Significant Industrial User shall notify the Control Authority by filing a completed permit application form at least thirty (30) calendar days prior to the change identifying the changes and including supporting documentation. The Control Authority will evaluate the permit application in accordance with sub-paragraph (d) below. The failure of the Significant Industrial User to so apply shall be considered a violation of these rules.
- c) **Finding of Changed Conditions.** Where the Control Authority finds or discovers (i) material or substantial changes to a Significant Industrial User's facility or operation, (ii) substantial change in the volume of Wastewater discharged, or (iii) changes in the characteristics of its effluent, including the listed or characteristic Hazardous Wastes for which initial notification under 40 CFR 403.12(p), it shall require the Significant Industrial User to provide a permit application and supporting documentation within 30 days. The Control Authority will evaluate the permit application in accordance with sub-paragraph (d) below. The failure of the Significant Industrial User to so apply shall be considered a violation of these rules.
- d) **Permit modification.** The terms and conditions of the permit may be subject to modification and amendment by the Control Authority during the term of the permit. The modification may be based upon information provided by the Significant Industrial User or discovered by the Control Authority, which includes:
 - 1) A permit application provided in accordance with Section II-706. Sub-paragraph b or c.
 - 2) Changes in the monitoring location or method of sampling.
 - 3) Typographical errors or omissions discovered in permits.
 - 4) Amendments or changes to the limitations or pretreatment standards and requirements identified in Section II-204.
 - 5) Material or substantial changes to a Significant Industrial User's facility or operation, or changes

GLWA Rules

in the characteristics of its effluent.

- 6) A Significant Industrial User's noncompliance with portions of an existing permit.
 - 7) A finding of interference or pass through attributable to the Significant Industrial User.
 - 8) A change of conditions within the POTW.
 - 9) Embodiment of the provisions of a legal settlement or of a court order.
 - 10) Change(s) in the Control Authority's NPDES permit.
 - 11) Any changes necessary to fulfill the Control Authority's role under federal or state law.
 - 12) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 CFR 403 and those delineated in Appendix A of these rules.
- e) **Permit modification Procedure.** The Control Authority shall inform the Significant Industrial User of any proposed change in its permit. The Control Authority will issue a draft permit using certified mail and provide the Significant Industrial User thirty (30) days to file a response to the draft modified permit. Thereafter, the Control Authority will issue a final permit and, unless appealed, the permit will become effective twenty (20) days after issuance.
- f) **Permit custody and transfer.** Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A Wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new Significant Industrial User, different premises, or a new or changed operation without notice to and written approval of the Control Authority and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Control Authority of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Control Authority prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it determines that an unreported change has occurred, the Control Authority may revoke a permit. If a change takes place, the Control Authority may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Control Authority allows to be retained.

Section II-707. Permit Re-application.

A Significant Industrial Users whose Wastewater discharge permit is expiring apply for reissuance of the permit by submitting a complete permit re-application form a minimum of ninety (90) days prior to the expiration date of its existing permit. The permit re-application form shall include all information specified in Section II-703, which includes, but is not limited to, updates and re-certification of the spill or Slug control plans, updates to the 40 CFR 403.12(p) Hazardous Waste notifications, and for a Centralized Waste Treatment Facility, the current equivalent treatment study or treatment statement in accordance with Section II-506. The evaluation and review of a permit re-application by the Control Authority will be *de novo*, and in accordance with Section II-705.

- a) Where a Significant Industrial Users has submitted a complete and timely re-application form, the

GLWA Rules

existing permit shall be automatically extended until a permit is issued as final by the Control Authority.

- b) Where a Significant Industrial Users has not submitted a complete or timely re-application form, the Control Authority may issue an administrative order authorizing the discharge for a period not to exceed six (6) months.
- c) Where a Significant Industrial Users fails to submit a permit re-application, or submits the re-application after the permit expiration date, the Wastewater discharge permit will be expired as of the date specified in the permit. The failure of the Significant Industrial Users to so apply shall be considered a violation of these rules.

Article VIII SIGNIFICANT INDUSTRIAL USER REQUESTS

Section II-801: Periodic Compliance Reporting Frequency

- a) Significant Industrial Users may request modification and an offset of the time period included in their periodic compliance report. Example, where a Significant Industrial User is required to submit data on the discharge for a six-month period of January through June, or July through December, the Significant Industrial User may request an offset period of December through May and June through November.
- b) The Control Authority may authorize the modifications requested by the Significant Industrial User as long as it does not violate any federal or state requirement, or court order. When authorized, the Wastewater discharge permit or permit addendum shall be issued by the Control Authority.

Section II-802. Electronic Reporting

The Control Authority may choose to receive electronic documents and notices described in these rules, upon satisfaction of the electronic reporting requirements of 40 CFR 3. The Control Authority will notify Users if electronic (digital) documents can be accepted in accordance with 40 CFR 3, and the specific requirements for submission of such documents. Users that send electronic (digital) documents must satisfy the specific requirements of the Control Authority.

Article IX. PUBLIC INFORMATION AND CONFIDENTIAL INFORMATION

Section II-901. Public information

- a) All information and data on any User obtained from a User or created by the Control Authority, from any written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections, or any other sources shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as confidential information under State law.
- b) Any person may request the above information in accordance with the written procedures and guidelines of the Control Authority found at www.glwater.org.

Section II-902. Confidential information

GLWA Rules

- a) A User claiming a submission contains confidential information must assert such claim at the time of submission of the information or data; and demonstrate that such information should be held confidential or disclosure would pose a risk to trade secrets or secret processes and mark the information and documentation accordingly. The Control Authority's Office of General Counsel shall determine whether the information requested is to be treated as confidential information and provide their decision in writing.
- b) Where the User has demonstrated that confidential information is present in the submission, those portions of the report shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.
- c) Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.
- d) A User may appeal the decision of the Control Authority's Office of General Counsel in accordance with the Michigan Freedom of Information Act.

Article X ENFORCEMENT

Section II-1001. Enforcement Response Guide

The Control Authority has developed an enforcement response guide to include a range of enforcement responses available to the Control Authority to effectively enforce the terms and conditions of its rules. The Control Authority shall implement the industrial pretreatment program and enforce these rules in accordance with the enforcement response guide approved by the EGLE.

The Control Authority, using information provided by a User or independently collected by the Control Authority's representative, shall identify any User violating these rules and initiate the remedies enumerated in the enforcement response guide to abate the violation and/or restore the User to a compliant condition through administrative and judicial enforcement remedies authorized by these rules.

Section II-1002. Test of Good Faith Effort

The Control Authority may consider the good faith of a User as a factor in determining the enforcement response(s) to invoke to an incident of noncompliance. The good faith of a User may be established by considering the cooperation and efforts made by a User in achieving and maintaining compliance with these rules; and in the promptness with which a User responds to resolution of an incident of noncompliance. If the User appears to be acting in good faith to comply with the rules, the Control Authority may choose an enforcement action on a more conciliatory level than if the User does not appear to be acting in good faith to comply with the rules.

Section II-1003. Violations

- a) Violations shall include any act or conduct by a User that includes:
 - 1) The failure of a User to provide a permit application, Baseline Monitoring Report or other

GLWA Rules

application form for any discharge of Wastewater to the Sewerage System prior to the commencement of discharge, whether from a new or existing source.

- 2) The failure of a User to completely and/or accurately report the Wastewater constituents and/or characteristics of the User's discharge.
- 3) The failure to report significant changes in the User's operations or Wastewater constituents and/or characteristics within the time frames provided in Section II-706 (b) of these rules.
- 4) The failure or refusal to grant reasonable access to the User's premises, waste discharge, or sample location for the purpose of inspection or monitoring.
- 5) Restricting, locking out or preventing, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request, reasonable access to the facility is promptly provided to the Control Authority representatives.
- 6) Restricting, interfering, tampering with, or rendering inaccurate any of the Control Authority's monitoring devices including, but not limited to, samplers.
- 7) Failing to obtain a Wastewater discharge permit prior to discharging Wastewater to the POTW.
- 8) Failing to comply with any condition or requirement of the User's Wastewater discharge permit, or other control mechanism.
- 9) Failing to provide notification of any self-monitoring violation, accidental release, or other notice required under these rules.
- 10) Failing to comply with any limitation, prohibition, or requirement of these rules, or order issued hereunder. Users acting in full compliance with wastewater discharge permits issued prior to the effective date of these rules shall be deemed to be in compliance with the requirements of these rules, and such permits shall remain in effect and be enforceable under these rules until a superseding permit is effective.
- 11) Users shall comply with applicable National Categorical Pretreatment Standards on the date specified in the Federal Regulations regardless of compliance schedules.

Section II-1004. Administrative Enforcement Actions

The Control Authority shall initiate the appropriate administrative enforcement action, except in the case of an emergency or a flagrant violation, in order to compel the User to eliminate or to remedy such violation as soon as possible. These administrative enforcement actions include:

- a) Notice of Violation - The Control Authority shall take care to enforce these rules and use reasonable efforts of on-site inspections, records review and independent authority monitoring, to identify violations of the rules. Except in the case of an actual or threatened discharge as specified in subparagraph (g) of this section, whenever the Control Authority has reason to believe that any User has violated or is violating these rules, whether as an individual event or pattern, the Control Authority shall serve a written notice upon such User, stating the nature of the violation including its date, time

GLWA Rules

and place, and the action and/or response required from the User.

- b) **Issuance of Citation of Violation** – The Control Authority is authorized to enforce these rules and issue a citation ticket to any person or User who is reasonably believed to have violated these rules. The following fines are authorized for inclusion with the citation:

Violation Type	Criteria	Event	Within a Calendar Year (per violation)	
			First Violation	Succeeding Violation
Reporting Violation	>45 days after specified due date	Any occurrence	\$ 250.00	\$ 500.00
Notification Violation	>24 hrs. beyond specified time	Any occurrence	\$ 100.00	\$ 250.00
Effluent Violation	Pollutant parameter exceeds applicable TRC (See Article XII)	Daily Maximum	\$ 100.00	\$ 250.00
Effluent Violation	Pollutant parameter exceeds applicable TRC (See Article XII)	Monthly Average	\$ 250.00	\$ 500.00
Effluent Violation	Pollutant parameter exceeds applicable chronic criteria (See Article XII)	Daily Maximum	\$ 250.00	\$ 500.00
Effluent Violation	Pollutant parameter exceeds applicable chronic criteria (See Article XII)	Monthly Average	\$ 500.00	\$ 1,000.00
Effluent Violation	Stipulated penalty as part of administrative enforcement	Daily Maximum	\$ 250.00	\$ 500.00
Effluent Violation	Stipulated penalty as part of administrative enforcement	Monthly Average	\$ 500.00	\$ 1,000.00

GLWA Rules

The Citation shall be in writing and shall specify the date, time and violation alleged, signed by the Control Authority and be served on the Authorized Representative in person or by certified mail. The User may appeal any written citation under the reconsideration and appeal procedures of these rules.

- c) **Conferences** - The Control Authority may order any person, who violates these rules, to attend a conference wherein the Control Authority may endeavor to establish a program wherein the User agrees to eliminate or remedy the violation pursuant to an enforceable compliance schedule. Any notice of violation ordering attendance to a conference, shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by the Control Authority or its designated representative. The User may present a plan and schedule for achieving compliance with these rules. Nothing contained herein shall require the Control Authority to accept or agree to any proposed plan or schedule, or to prevent the Control Authority from proceeding with a show cause hearing as set forth in subsection (4) of this section. If the attendees agree upon a compliance schedule, the User and the Control Authority may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. A User must exhibit good faith and expeditious efforts to comply with these rules and any procedures, requirements, and agreements hereunder.
- d) **Compliance schedules** - The User and the Control Authority may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a conference compliance agreement, or administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:
 - 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 upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the User to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;
 - 2) No single increment referred to in subsection (1) of this section shall exceed nine (9) months.
 - 3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Control Authority including, at a minimum, whether it has complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the User to return to the established schedule; and
 - 4) Any deviation from the compliance schedule may result in the User being found in violation of these rules or being recommended for an escalated enforcement action.

GLWA Rules

- e) **Administrative orders** - The Control Authority may order any User, who violates or continues to violate these rules or duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

- f) **Show cause hearing** - Where a conference, compliance agreement or administrative order has not been effective in remedying the violation(s), or are deemed an inadequate response to an actual or threatened discharge to the POTW, the Control Authority may order any User who violates these rules or allows such violation to occur, to show cause why a proposed enforcement action should not be taken.

A notice shall be served upon the User specifying the time and place of a hearing regarding the violation, and the reason(s) why the show cause action and proposed enforcement action is being taken. The notice of the hearing shall be served personally, or by, registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service shall be made upon the Authorized Representative, or to its agent.

- 1) **Hearing proceeding.** The hearing shall be conducted by the Control Authority's Chief Compliance Officer or his/her designee, who shall serve as hearing officer and conduct the show cause hearing and take the evidence, and may:

- i) Issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing.
- ii) Prepare a report of the evidence and hearing, including transcripts and other evidence.
- iii) Transcript. At any show cause hearing held pursuant to these rules, testimony shall be recorded by a court reporter.

- 2) **Actions.** After a show cause hearing has been conducted, the hearings officer shall issue an order directing any of the following actions:

- i) A finding that the User has demonstrated by a preponderance of the evidence that the violation(s) contained within the show cause notice did not occur.
- ii) A finding that the User has failed to demonstrate by a preponderance of the evidence that the violation(s) contained within the show cause notice did not occur, and that the following additional actions are required.
- iii) Immediate compliance with the User's Wastewater discharge permit and/or control mechanism; or with any applicable limitation, condition, restriction or requirement of these rules, or applicable local, state or federal law or regulation.
- iv) Pretreatment of wastes and Wastewater by installation of adequate treatment equipment,

GLWA Rules

- monitoring facilities, or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period.
- v) Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date.
 - vi) Control of discharge quantities or volumes.
 - vii) Payment of costs for reasonable and necessary inspection, monitoring, and administration of the User's activities by the Control Authority during compliance efforts; and/or
 - viii) Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or Wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed;
 - ix) The User may appeal the decision of the hearing officer in accordance with Chapter VIII.
- g) **Emergency suspensions and orders** - The Control Authority may order suspension of the sewer or Wastewater treatment service and/or a wastewater discharge permit where, in its opinion, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the Control Authority to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution.
- 1) In the event the Control Authority provides verbal notification under this section, written confirmation providing a detailed written statement from the Control Authority and the basis of its findings in support of its order to suspend contributions by the User, within twenty-four (24) hours of such action, and include the specific recourse available to the User. In any event, the written confirmation order shall provide the User with an opportunity for a hearing before the Control Authority, or its designated representative, within ten (10) days of such action. The User shall submit a detailed written statement at the hearing describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, or, if the hearing has been waived, a report describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be provided to the Control Authority within fifteen (15) days of the written confirmation order. Upon proof of elimination of the noncomplying discharge, the Control Authority shall reinstate the Wastewater discharge permit and/or the sewer or Wastewater treatment service.
 - 2) In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Control Authority shall take such judicial enforcement actions as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize

GLWA Rules

damage to the POTW system or danger to any individual or the environment.

- 3) Where the Control Authority has issued a show cause order, or hearing decision in paragraph (g)(1) above, calling for the suspension of the sewer or Wastewater treatment service and/or a wastewater discharge permit, and where the Control Authority has not reinstated the wastewater discharge permit and/or the sewer or wastewater treatment service, the User may exercise the appeal provision in Chapter VIII. The Show Cause order and the hearing transcript and report shall substitute for the Reconsideration statement requirement of Chapter VIII of these rules.

Section II-1005. Judicial Enforcement Actions

Where administrative enforcement actions have been unable to eliminate or to remedy the violation(s) or where in the case of emergency or flagrant violation, the Control Authority determines that the enforcement action should be escalated to compel the User to eliminate or to remedy such violation as soon as possible, the following judicial enforcement actions are authorized:

- a) **Civil action:** Whenever the Control Authority has reasonable grounds to believe that a User is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of these rules, including the failure to pay any fee, fine, charge or surcharge imposed hereby, the Control Authority may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the User from discharging, and/or to obtain appropriate legal and/or equitable relief to remedy the violations and impose the fees, fines, charges and surcharges requested. The commencement of a suit neither constitutes an exclusive election of remedies nor prohibits the Control Authority from commencing action in federal court for discharges believed to be in violation of these rules, state and federal requirements contained in the Clean Water Act, the NPDES permit, or other applicable laws or requirements. In addition, the Control Authority may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated these rules, or the orders, rules, regulations and permits issued hereunder.
- b) **Criminal action:**
 - 1) Any User, who knowingly makes any false statement, representation of certification, is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.
 - 2) Any User, who knowingly tampers with or alters a monitoring device or process, causing inaccurate readings or results, is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.
 - 3) For all other violations of a rule or regulation adopted and promulgated herein, a User shall be punished by a civil fine not to exceed one thousand dollars (\$1,000.00) for each violation

GLWA Rules

per day.

- 4) The Control Authority is hereby authorized, through its general counsel, to seek prosecution of criminal charges against any person violating any provision of these rules.
- c) Any fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the Control Authority.

Section II-1006. Supplemental Enforcement Actions

- a) **Pollution Prevention Plans and Best Management Practice Plans.** The Control Authority may require a User to develop and implement pollution prevention plans or Best Management Practice Plans, designed to eliminate or reduce pollutant contributions beyond the levels required by these rules. Where required, the plans shall be incorporated into a modified or revised Wastewater discharge permit; and include a schedule for periodically reporting implementation progress and results for the plan(s).
- b) **Local Pollutant Discharge Limitations for Total PCB.** In the event where one (1) or more of the measurements taken for Total PCB during a six (6) month period exceeds by any magnitude the method detection level of 0.2 ugms/l, the Control Authority may require a User to develop and implement Pollution prevention plan initiatives or a BMP, as part of its response to the exceedance. Upon acceptance of the Pollution prevention plan initiatives or BMP, the Control Authority will recognize continued performance under the Pollution prevention plan initiative or BMP as continued compliance. Upon approval of the Control Authority, these Pollution prevention plan initiatives or BMPs, shall be made an enforceable part of the Wastewater discharge permit.
- c) **Local Pollutant Discharge Limitations for Mercury (Hg).** In the event where one (1) or more of the measurements taken for Hg during a six (6) month period exceeds by any magnitude the limitation of 10 ugms/l, the Control Authority may require a User to develop and implement Pollution prevention initiatives or a BMP, as part of its response to the exceedance. Upon acceptance of the Pollution prevention plan initiatives or BMP, the Control Authority will recognize continued performance under the Pollution prevention plan initiatives or BMP as continued compliance. Upon approval of the Control Authority, these Pollution prevention plan initiatives or BMPs, shall be made an enforceable part of the Wastewater discharge permit.
- d) **PFAS Compounds:**
 - 1) **General Requirement:** Any User who manufactured PFAS Compounds; previously used, currently uses, or plans to use materials containing PFAS Compounds; and who has a discharge of wastes and Wastewaters to the POTW, shall be required to develop, submit and implement plans for the reduction and elimination of the PFAS Compounds.
 - i) Plans shall be submitted to the Control Authority and shall include, but not limited to, monitoring, treatment, product substitutions, BMP or other management protocols, that the User will implement.

GLWA Rules

- a) For existing Users, these plans shall be submitted to the Control Authority within ninety (90) days of the effective date of these rules.
 - b) For Users initiating discharge after the effective date of these rules, these plans shall be submitted to the Control Authority within ninety (90) days of the commencement of discharge to the POTW.
 - c) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved analytical methods in 40 CFR 136, the methods shall be specified by GLWA.
- ii) The Control Authority may require any User to conduct discharge monitoring; or the development and implementation of additional source reduction, control and elimination actions for PFAS Compound through a Wastewater discharge permit or equivalent control mechanism.
 - iii) This paragraph shall not apply to facilities classified as a Centralized Waste Treatment Facility or any active/inactive landfill.
 - iv) This paragraph does not apply to domestic sources or activities involving commercial maintenance activities for carpet & upholstery cleaning.
- 2) Centralized Waste Treaters & Landfills: Any Centralized Waste Treatment Facility or an active/inactive landfill who either (i) accepts wastes and Wastewater containing PFAS Compounds for treatment and/or disposal, or (ii) who identifies PFAS Compounds in any wastes or Wastewaters received in accordance with paragraph II-1006-d)(2)(i), or (iii) who becomes or is made aware of PFAS Compounds present in the wastes and Wastewaters from any source, and discharges to the POTW, or (iv) who is notified by the Control Authority that its discharge contains PFAS Compounds; shall, develop, submit and implement a comprehensive "PFAS Compound Program" describing methods and procedures to identify, control, reduce, dispose of, eliminate and/or treat wastes and Wastewaters containing PFAS Compounds. At a minimum, the PFAS Compound Program shall include the following information, as appropriate:
- i) The PFAS Compound Program must describe the method(s) and procedures used for screening and monitoring program for PFAS Compounds that may be present in any wastes or Wastewaters received for treatment or disposal.
 - a) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved

GLWA Rules

analytical methods in 40 CFR 136, the methods shall be specified by GLWA.

- b) The screening and monitoring program shall include a protocol for notifying the Control Authority when wastes and Wastewaters containing PFAS Compounds are identified.
 - c) All results and information from the screening and monitoring program shall be available to the Control Authority and copies of such information shall be made available upon written request.
- ii) The PFAS Compound Program must describe the waste and Wastewater treatment or disposal protocols and practices used, and any disposal and/or treatment technologies used to remove and/or treat wastes and Wastewaters containing PFAS Compounds.
- a) This information shall be supported by technical documentation defining the effectiveness of such treatment protocols and/or practices used, including the removal efficiency based on mass loadings (lbs.) of PFAS Compounds before and after treatment, and account for dilution effects resulting from the combination of other waste streams, if applicable. Such demonstration may be made through bench-scale testing or site-specific data. Where site-specific data is used, a minimum of one (1) week of data must be collected.
 - b) The facility shall assess or re-assess, the removal efficiency of its operations for PFAS Compounds at least annually.
- iii) The PFAS Compound Program must describe a self-monitoring program acceptable to the Control Authority. This self-monitoring program shall include the discharge to the POTW and may include samples within the treatment process. The self-monitoring program shall identify the sampling protocols and methods of analysis used, and the authority for such methods or analysis (if other than the State of Michigan or USEPA).
- iv) The PFAS Compound Program must describe a Recordkeeping Program that at a minimum, documents the volume(s) of PFAS Compounds wastes and Wastewaters received; the mass of PFAS Compounds in pounds received by the facility and any mass (in pounds) removed by treatment, discharged to the POTW and disposed of through any other off-site source. Such information shall be summarized for each calendar month and submitted to the Control Authority by the 10th of the succeeding month.
- v) The PFAS Compound Program may include BMP or other management protocols that will be used to control, reduce or eliminate PFAS Compounds from their discharge. Where a User develops BMP or other management protocols, it may submit such plans to the Control Authority for acceptance and incorporation into the facility's Wastewater discharge permit.
- vi) The requirements of subparagraphs (i) – (v) shall be submitted as a Material and Substantial

GLWA Rules

change and request for Permit Modification within ninety (90) days of the effective date of these rules or ninety (90) days from the commencement of discharge.

- vii) The Control Authority may require any Centralized Waste Treatment Facility or an active/inactive landfill to conduct discharge monitoring; or to develop a PFAS Compound Program; or the development and implementation of additional source reduction, control and elimination actions for PFAS Compound through a Wastewater discharge permit or equivalent control mechanism.

Following acceptance of the facility's PFAS Compound Program, the Control Authority shall review and incorporate its PFAS Compound Program into a Wastewater discharge permit or equivalent control mechanism, as an enforceable part of the permit.

- 3) **Perfluorochemical Fire-fighting Foams and Agents** – Any user who stores or uses Firefighting foams using Perfluorochemicals with a carbon chain of 6 or more, shall develop and implement the following plans:

- i) Specific reference and controls for contained in a spill/Slug control plan and submit this to the Control Authority. At a minimum, such plans shall identify areas where the Fire-fighting Foams and Agents would be contained and have no potential to reach a drain or sewer; and areas that are not contained and have a potential to reach a drain or sewer and shall be reviewed and updated as necessary but shall not exceed three (3) years.
- ii) **Training Operations and Exercises** – Plans for the proper use and storage and use of firefighting foams during the exercise and shall employ best environmental and public health practices for the use of Perfluorochemical Fire-fighting Foams and Agents in training including but not limited to containment, and proper disposal.
- iii) **Fire or Emergency Events** – (Potential to drain to sewer) – For those areas where there is a potential for the Fire-fighting Foam and Agents to reach a drain or sewer, the User shall provide notice to the POTW within forty-eight (48) hours of a Fire or other emergency event where Perfluorochemical Fire-fighting Foams and Agents were used including:
 - a) Purpose for use of foam or agent.
 - b) Physical address where foam or agent was used.
 - c) Actual or estimated quantities of foam or agent concentrate used, and quantity of water used to produce foam
 - d) Name(s) of water bodies potentially affected by foam and agent or other firewater to storm or combined sewer
 - e) Practices employed for cleanup and disposal of materials contaminated by the foam or firewater.

GLWA Rules

- iv) Fire or Emergency Events (No potential to drain to sewer) – For those areas where there is no potential for the Fire-fighting Foam and Agents to reach a drain or sewer, the User shall collect, clean-up and dispose of the Fire-fighting Foam and Agents and any fire-fighting water, in accordance with their BMP. A report shall be provided to the POTW addressing the completion of the clean-up and disposal of the materials within 5-days of the event and, as applicable, include a schedule for completion of the clean-up and disposal.
- v) A BMP or other management program shall be established and implemented for the collection and disposal of Perfluorochemical Fire-fighting Foams and Agents with a carbon chain of six or greater. The plan shall include any efforts to identify alternative products.
- vi) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved analytical methods in 40 CFR 136, the methods shall be specified by GLWA.

Copies of these plans shall be submitted to the Control Authority within ninety (90) days of the effective date of these rules.

- 4) The GLWA may assign any User who has previously used or received, or will use or receive PFAS Compounds, to a User Class for reimbursement of costs incurred by GLWA to monitor and enforce this requirement, and for which the Board determines costs should be assigned.
- 5) The GLWA reserves the right to take enforcement action for any violations as described in Section II-1003, and as described in Sections II-1004 and II-1005.
- f) The Control Authority may require any User to implement Pollution prevention plan initiatives, or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.
- g) A User may seek to terminate a BMP when it has demonstrated compliance for a twelve (12) month period supported by a minimum of four (4) analytical test results and a report describing the management and operating procedures used to support the compliance status. Upon acceptance of this demonstration of compliance, the User shall be relieved of this implementation requirement.

Section II-1007. Remedies Nonexclusive

The remedies provided for in these rules are not exclusive. Enforcement of pretreatment violations will generally be in accordance with the Control Authority's enforcement response plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

Article XI AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section II-1101. Upsets.

GLWA Rules

An upset shall constitute an affirmative defense to an action brought for noncompliance with National Categorical Pretreatment Standards where the requirements of subsection (a) of this section are met.

a) An Industrial User who wishes to establish an upset as an applicable affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- 1) An upset occurred and the Industrial User can identify the cause(s) of the upset.
 - i. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - ii. The Industrial User has submitted the following information to the Control Authority, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and, where this information is provided orally, a written submission must then be provided within five (5) days:
 - a) A description of the discharge and cause of noncompliance.
 - b) The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- 2) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.
- 3) The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with these rules upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Section II-1102. Bypass.

A bypass includes any intentional diversion of a wastestream from any portion of an Industrial User's treatment facility. A bypass shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards and/or local pollutant discharge limitations where the requirements of subsection (a) of this section are met.

- a) The affirmative defense of bypass may be claimed where:
- 1) The bypass is for essential maintenance to ensure efficient operation of the treatment system and does not cause a violation of pretreatment standards or requirements.
 - 2) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - 3) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise

GLWA Rules

of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- 4) The Industrial User properly notified the Control Authority as described in subsection (2) of this section.
- b) Notice of Bypass Event. An Industrial User shall have properly notified the Control Authority as follows:
 - 1) Anticipated bypass. Any Industrial User anticipating a bypass shall submit notice to the Control Authority at least ten (10) days in advance of the anticipated date.
 - 2) Unanticipated bypass. The Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the Industrial User becomes, or should have become, aware of the bypass.
 - 3) For any bypass event, a written submission shall be provided to the Control Authority within five (5) days of the time the Industrial User becomes, or in the case of an unanticipated bypass, should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- c) Bypass approval. Where it meets all conditions in subsections (1) and (2) of this section, the Control Authority shall recognize the affirmative defense. However, the Industrial User may still be held liable for costs and fees incurred by the Control Authority as a result of the bypass, including treatment costs, charges and surcharges.

Article XII PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

Section II-1201. Public notification of significant noncompliance.

The Control Authority shall publish in the largest daily newspaper published in the jurisdictional limits of the Control Authority, a list of all Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

Section II-1202. Significant Noncompliance Criteria.

A Significant Industrial User (or any Industrial User which violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- a) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

GLWA Rules

- b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge.
- e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- g) Failure to accurately report noncompliance.
- h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Section II-1203. Publication Process.

Any User who is identified for publication as being in Significant Noncompliance shall be notified in writing at least thirty (30) days before the proposed publication; provided with a copy of the proposed notice to be published; the proposed time frame for the publication; and allowed an opportunity to comment. The Control Authority shall incorporate any comments with the proposed publication, or incorporate any comments with a revised publication, but may exercise its discretion to summarize any comments where space or word count is deemed excessive. In addition, the Control Authority may place this information on its web page at www.glwater.org.

Article XIII FEES AND CHARGES

Fees and charges may be established by the Board to meet the costs of the operation, maintenance, improvement or replacement of the system and regulatory programs, or as provided by law or by Board action. The specific fees and charges are discussed more fully in Chapter V of these rules.

GLWA Rules

Article XIV APPEAL PROCEDURES

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the industrial pretreatment program requirements are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The appeal procedures recognized under these rules are described in Chapter VIII.

Article XV STATUTES, LAWS AND REGULATIONS

Section II-1501. Unless otherwise provided, any reference in these rules to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any government or private organization, or by any element or organization of government other than the Control Authority shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of these rules.

Section II-1502. The National Categorical Pretreatment Standards defined in 40 CFR Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof.

Section II-1503. The Board may amend these rules or adopt additional rules necessary and proper for carrying out the conditions and intent of these rules.

Section II-1504. Nothing in these rules shall be deemed to limit the Control Authority from developing explanatory policies, guidance, or opinions to carry out the terms of the industrial pretreatment program which is not in conflict or otherwise prohibited by these rules.

GLWA Rules

Appendix A – National Categorical Pretreatment Standards (NCPS) Categories

NCPS Category	CFR Reference	NCPS Category	CFR Reference
Aluminum Forming	40 CFR Part 467	Meat Products	40 CFR Part 432
Asbestos Manufacturing	40 CFR Part 427	Metal Finishing	40 CFR Part 433
Battery Manufacturing	40 CFR Part 461	Metal Molding and Casting	40 CFR Part 464
Builder's Paper and Board Mills	40 CFR Part 431	Metal Products and Machinery	40 CFR Part 438
Canned and Preserved Fruits and Vegetables	40 CFR Part 407	Mineral Mining and Processing	40 CFR Part 436
Canned and Preserved Seafood Processing	40 CFR Part 408	Nonferrous Metals Forming	40 CFR Part 471
Carbon Black Manufacturing	40 CFR Part 458	Nonferrous Metals Manufacturing I	40 CFR Part 421
Cement Manufacturing	40 CFR Part 411	Nonferrous Metals Manufacturing II	40 CFR Part 421
Centralized Waste Treatment	40 CFR Part 437	Ore Mining and Dressing	40 CFR Part 440
Coal Mining	40 CFR Part 434	Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR Part 414
Coil Coating	40 CFR Part 465	Paint Formulating	40 CFR Part 446
Copper Forming	40 CFR Part 468	Paving and Roofing Materials	40 CFR Part 443
Dairy Products Processing	40 CFR Part 405	Pesticide Chemicals	40 CFR Part 455
Dental Office (Mercury Amalgam)	40 CFR Part 441	Petroleum Refining	40 CFR Part 419
Electrical and Electronic Components I & and II	40 CFR Part 469	Pharmaceutical	40 CFR Part 439
Electroplating	40 CFR Part 413	Phosphate Manufacturing	40 CFR Part 422
Explosives Manufacturing	40 CFR Part 457	Photographic	40 CFR Part 459
Feed Lots	40 CFR Part 412	Plastics Molding and Forming	40 CFR Part 463
Ferroalloy Manufacturing	40 CFR Part 424	Porcelain Enameling	40 CFR Part 466
Fertilizer Manufacturing	40 CFR Part 418	Pulp, Paper, and Paperboard	40 CFR Part 430 and 431

GLWA Rules

Glass Manufacturing	40 CFR Part 426	Rubber Manufacturing	40 CFR Part 428
Grain Mills	40 CFR Part 406	Soap and Detergent Manufacturing	40 CFR Part 417
Gum and Wood Chemicals Manufacturing	40 CFR Part 454	Steam Electric	40 CFR Part 423
Hospital	40 CFR Part 460	Sugar Processing	40 CFR Part 409
Ink Formulating	40 CFR Part 447	Textile Mills	40 CFR Part 410
Inorganic Chemicals Manufacture (I & and II)	40 CFR Part 415	Timber products	40 CFR Part 429
Iron and Steel	40 CFR Part 420	Transportation Equipment Cleaning	40 CFR Part 442
Landfills	40 CFR Part 445	Waste Combusters	40 CFR Part 444
Leather Tanning & finishing	40 CFR Part 425		

**CHAPTER III: SURCHARGE PROGRAM FOR HIGH-STRENGTH
WASTEWATER DISCHARGES**

The Control Authority's POTW receives Wastewater from residential, commercial and industrial sources for treatment and discharge under its NPDES Permit MI0022802. The sewer charge rate charged to Member Communities is based upon the Domestic Strength of sewage. A Surcharge program for High Strength Wastewater discharges has been established to capture the additional treatment and operations costs incurred for Wastewater conveying additional pollutants to the Control Authority's POTW for specific Users.

The purpose of these rules are to establish an orderly and fair system whereby the operations, maintenance, and replacement costs incurred by the Control Authority in treating and disposing of the sewage, Industrial Wastes, and other wastes generated by each User is charged to that User for its use of the Control Authority's POTW, as required by the Federal Water Pollution Control Act Amendments of 1972 and the Clean Water Act of 1977 (33 U.S.C. 1251-1387) and the rules of the USEPA, promulgated pursuant thereto. These rules are promulgated pursuant to the statutory authority contained in Act No. 233, Public Acts of Michigan, 1955, as amended ("Act 233").

Article I Domestic Strength of Sewage

The Control Authority has established the following Domestic Strength levels for wastewater discharged to the POTW.

Domestic Strength Levels	
Biochemical Oxygen Demand (BOD)	275 mg/l
Fats, Oils & Grease	100 mg/l
Phosphorus (P)	12 mg/l
Total Suspended Solids (TSS)	350 mg/l

Article II: High Strength Wastewater Sources

Section III-201. Applicability : Domestic Sources

Domestic Sources shall not be subject to a surcharge for High Strength Wastewater where a property is used for the exclusive purpose of a residential dwelling, including but not limited to single or multi-family units or apartments.

Section III-202. Applicability : Users

Users and any source who does not qualify as a Domestic Source under section III-201 of these rules, are subject to the Surcharge program for High Strength Wastewater sources, as follows:

GLWA Rules

- a) Users, who as of the date of adoption of these rules have been previously assigned Pollutant Strength Levels (or "Surcharge basis") by the Detroit Water and Sewerage Department, or the GLWA, shall retain these Pollutant Strength Levels, until changed under Article IV.
- b) All other Users will be assigned the Pollutant Strength basis equivalent to the Domestic Strength Levels of Article I, until changed under Article IV.

Article III. Surcharge and Surcharge Formula

Section III-301. Domestic Strength Levels.

As part of the annual rate-making process, a surcharge fee will be established for each pollutant included in the Article I Domestic Strength Level, which reflects the actual cost of treating the pollutant by the Control Authority. The Control Authority, through the Board, shall approve the Surcharge Rates as part of its annual Rate-making process.

Section III-302. Surcharge Fee Calculation.

The Surcharge fee will be calculated for each User in accordance with the following formula:

Total Surcharge Fee =

$$0.0624 \times \text{Volume} \times [a (\text{BOD-275}) + b (\text{TSS-350}) + c (P - 12) + d (\text{FOG-100})]$$

Where the terms constituting the total surcharge fee shall have the following meaning:

TERM	Description	Units of Measurement
0.0624	Conversion factor	
Volume	Volume of Wastewater Discharged for a billing period	Thousand Cubic Feet (Mcf)
BOD	BOD Strength Level	Milligrams/liter (mg/l)
TSS	TSS Strength Level	Milligrams/liter (mg/l)
P	Phosphorus Strength Level	Milligrams/liter (mg/l)
FOG	The Fats, Oils & Grease Strength Level	Milligrams/liter (mg/l)
a, b, c, d	The Surcharge Rate	\$ per pound

Note: Where the difference between the pollutant strength level and domestic strength level is less than zero (0), the difference shall be deemed zero (0).

Article IV. Determination of Pollutant Strength Levels of High Strength Wastewater

Following the adoption of these rules, the Pollutant Strength Levels of High Strength Wastewater may be established or revised in accordance with any of the following methods. The Control Authority or User

GLWA Rules

shall not seek to revise the Pollutant Strength Levels of High Strength Wastewater more frequently than every 12-months.

Section III-401. Pollutant Strength Levels from Historical Data Records

A User, or the Control Authority, may use historical data to establish or revise its Pollutant Strength Levels. The Pollutant Strength Level will be determined using a numerical average of the self-monitoring and Control Authority monitoring data for the surcharge pollutant parameters that have been collected in a 12-month period.

a) User Initiated use of Historical Data

- 1) Where the User performs this calculation, it shall complete a Waste Strength Determination Form and provide it to the Control Authority, with all supporting data and calculations.
- 2) No data shall be excluded from the above calculation unless the User or the Control Authority can demonstrate that the data is non-representative of the facility's discharge and actual operations.
- 3) Within fifteen (15) days of receiving the report, the Control Authority will review all data and the User's detailed report and accept or reject the report. If rejected, the Control Authority will provide the reasons for rejection in writing. If not rejected, the new values shall be applied to the next billing cycle following receipt of the User information.

b) Control Authority use of Historical Data

- 1) Where the Control Authority performs this calculation, it shall notify the User in writing of the calculated Pollutant Strength Levels. The User has thirty (30) days to file a waste strength determination form and propose a Sample Test (see Section III-402), and unless rejected, the results shall be used for billing purposes.

Section III-402. Pollutant Strength Levels from Sample Test Period Data

a) A User may, on its own initiative, or upon receipt of written notice under section II-401(2) above, file a waste strength determination form and propose a sample test and sampling plan. The sampling plan shall be based upon a 5-day, 6-day or 7-day operating week for all Pollutant Surcharge parameters.

- 1) The sampling plan must be provided in writing to the Control Authority no less than fourteen (14) calendar days prior to commencement of the sampling program.
- 2) The sampling plan must include the following:
 - i) Locations of sampling
 - ii) Method(s) of sampling at each location
 - iii) Date(s) of sampling
 - iv) Measurement or determination of volume of Wastewater discharged during the testing period
 - v) Sample collection for all Pollutants Surcharge (BOD, FOG, P, and TSS).

b) The sampling plan shall be submitted to the Industrial Waste Control Group by one of the following methods:

- 1) U.S. mail addressed to the Industrial Waste Control Group.

GLWA Rules

- 2) Facsimile transmission sent to 313-297-5860; or
 - 3) PDF sent via electronic mail to IWC@GLWATER.org.
- c) These submittals shall be considered "not received" if deficient or incomplete, including for any of the following reasons:
- 1) The sampling plan has not been signed and dated by the User.
 - 2) The User has failed to enclose all supporting documents necessary to aid in the Control Authority's review of the sampling plan.
- d) The User shall be authorized to implement the Sampling Plan unless it receives a written notice from the Control Authority specifying whether the sampling plan is deficient or incomplete.
- e) The Control Authority shall have the right to observe the User's sampling techniques, sample preservation, flow measurements, and other sampling protocols during the sampling program.
- f) Within sixty (60) calendar days of completion of the sampling plan, the User shall forward the findings and supporting documentation to the Control Authority; including field sample collection logs/notes, chain of custody reports, certified laboratory reports, daily incoming meter readings, daily direct discharge meter readings, and any other supporting documentation.
- 1) If the User fails to notify the Control Authority prior to the sampling or fails to submit the report within the sixty (60) day period the use of the User's data for purposes of User charge calculation will be rejected, and the findings will not be allowed.
 - 2) The User shall provide a calculation of the numerical average for each Pollutant Surcharge which shall be applied as the Pollutant Strength Level for purposes of billing.
 - 3) If an User considers any self-monitoring data inappropriate for inclusion in calculating its User charges, the User must submit such data with its Report, together with a written report detailing the basis for the User's assessment that such data were not representative for purposes of inclusion when calculating its User charges. The Control Authority will accept or reject the inclusion or exclusion of the data.
 - 4) Within fifteen (15) days of receiving the report, the Control Authority will review all data and the User's detailed report and accept or reject the report. If rejected, the Control Authority will provide the reasons for rejection in writing. If not rejected, the new values shall be applied to the next billing cycle following receipt of the User information.

Section III-403. Pollutant Strength Levels Using Table Values.

The Control Authority has adopted Table A to assign average Pollutant Strength Levels for commercial or industrial groups performing operations known to produce High Strength Wastewater.

- a) A User who performs a commercial or industrial activity identified in Table A based upon (i) the Standard Industrial Classification Code (SIC); and/or (ii) North American Industrial Classification System (NAICS); or (iii) consistent with the Description of an SIC or NAICS code shall be subject to the applicable Surcharge for the High Strength Wastewater.

GLWA Rules

- b) The Control Authority will notify the User in writing of their classification, and the assignment of the average Pollutant Strength Levels as described in Table A. The new values shall be applied to the next billing cycle unless the User files a waste strength determination form and performs the sample test in accordance with Section III-402 within thirty (30) days of receiving the written notice.
- c) Where the User files a waste strength determination form under Section III-403, the Control Authority will evaluate and process it in accordance with Section III-402.
 - 1) If the waste strength determination form is accepted, the new values shall be applied to the next billing cycle following receipt of the User information.
 - 2) If the waste strength determination form is rejected, the Table A values shall be applied to the User until an acceptable pollutant strength test is performed.
- d) A User who does not have an existing monitoring location and discharges less than 25,000 gallons of wastewater per day may elect to use the values specified in Table A in lieu of performing self-monitoring. The election shall be in writing.

Section III-404. Control Authority Test Data

- a) The Control Authority may, on its own initiative, conduct sampling at a User location, to establish the actual Pollutant Strength Level of a User's wastewater. Where this action is taken, the sampling shall be based upon a 5-day, 6-day or 7-day operating week, applicable to the User, for all Pollutant Surcharge parameters. The Control Authority shall review the results of the sampling program and determine whether a revision of the Pollutant Strength Levels is required. Upon such determination, the Control Authority will notify the User in writing.
- b) The new values shall be applied to the next billing cycle unless the User files a waste strength determination form and performs the sample test in accordance with Section II-402 within thirty (30) days of receiving the written notice.
- c) Where the User files a waste strength determination form under Section III-404, the Control Authority will evaluate and process it in accordance with Section III-402.
 - 1) If the waste strength determination form is accepted, the new values shall be applied to the next billing cycle following receipt of the User information.
 - 2) If the waste strength determination form is rejected, the Control Authority's findings will be applied to the User until an acceptable pollutant strength test is performed.

Section III-405. Periodic Review of User and Control Authority Sampling Data

The Control Authority shall periodically review the User's self-monitoring data and its own sampling data, to assess whether a change or revision in the Pollutant Strength Levels is warranted. The Control Authority shall provide written notice to the User where these findings determine a revision of the Pollutant Strength Levels is warranted.

GLWA Rules

Section III-406. Sampling and Analytical Methods

The measurement and determination of the Pollutant Strength Levels shall be in accordance with 40 CFR 136 and the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by The American Public Health Association, The American Water Works Association, and the Water Environment Federation.

Article V. Appeal

Section III-501. The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Surcharge of High Strength Wastewater program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2011	Meat Packing Plants	311611	Animal (except Poultry) Slaughtering	1200	800	*	400
2013	Sausages & Other Prepared Meat Products	311612	Meat Processed from Carcasses				
		311613	Rendering and Meat Byproduct Processing	800	700	*	150
2022	Natural, Processed, and Imitation Cheese	311513	Cheese Manufacturing	2000	500	50	*
2023	Dry, Condensed, and Evaporated Dairy Products	311511	Fluid Milk Manufacturing				
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	1000	500	20	*
2024	Ice Cream and frozen Desserts	311520	Ice Cream and Frozen Dessert Manufacturing	*	*	25	*
2026	Fluid Milk	311511	Fluid Milk Manufacturing				
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	1100	500	*	500
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings	311421	Fruit and Vegetable Canning				
		311941	Mayonnaise, Dressing and Other Prepared Sauce Manufacturing	1000	500	*	*
2037	Frozen Fruits, Fruit Juices, and Vegetables	311411	Frozen Fruit, Juice, and Vegetable Manufacturing	1000	500	*	*
		311412	Frozen Specialty Food Manufacturing	1000	500	*	*
2041	Flour and other Grain Mill Products	311211	Flour Milling	1600	*	*	*
2043	Cereal Breakfast Foods	311230	Breakfast Cereal Manufacturing				
		311920	Coffee and Tea Manufacturing	1600	*	*	*
2044	Rice Milling	311212	Rice Milling	1600	*	*	*
2045	Prepared Flour Mixes and Doughs	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour	1600	*	*	*
		311221	Wet Corn Milling	1600	*	*	*
2046	Wet Corn Milling	311225	Fats and Oils Refining and Bleeding	1600	*	*	*
		311111	Dog and Cat Food Manufacturing	1600	*	*	*
2047	Dog and Cat Food	311111	Dog and Cat Food Manufacturing	1600	*	*	*

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2048	Prepared Feed and Feed Ingredients for Animals and Fowl, except Dogs & Cats	311119	Other Animal Food Manufacturing	1600	*	*	*
2051	Bread and other Bakery products, except Cookies and Crackers	311822	Commercial Bakeries	3800	1100	*	260
2052	Cookies and Crackers	311822	Commercial Bakeries	800	*	*	*
		311821	Cookie and Cracker Manufacturing				
		311919	Other Snack Food Manufacturing				
2053	Frozen Bakery Products, except Bread	311813	Frozen Cakes, Pies, and Other Pastries Manufacturing	800	*	*	*
2076	Vegetable Oil Mills, except Corn, Cottonseed, and Soy bean	311224	Soybean and other Oilseed Products	650	2000	*	500
2077	Animal and Marine Fats and Oils	311225	Fats and Oils Refining and Blending	650	2000	*	500
		311613	Rendering and Meat Byproduct Processing				
		311710	Seafood Product Preparation and Packaging				
2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not elsewhere classified	311224	Soybean and other Oilseed Products	1000	*	*	200
		311225	Fats and Oils Refining and Blending				
2082	Malt Beverages	312120	Breweries	1400	600	*	*
2086	Soft Drinks	312111	Soft Drink Manufacturing	600	*	*	*
		312112	Bottled Water Manufacturing				
2090	Miscellaneous Food Products						
2091	Canned and Cured Fish and Seafoods	311710	Seafood Products Preparation and Packaging	1000	500	*	150
2092	Prepared Fresh or Frozen Fish and Seafoods	311710	Seafood Products Preparation and Packaging				
2095	Roasted Coffee	311920	Coffee and Tea Manufacturing	1000	500	*	150

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2096	Potato Chips, Corn Chips, and Similar Snacks	311919	Other Snack Food Manufacturing				
2097	Manufactured Ice	312113	Ice Manufacturing				
2098	Macaroni, Spaghetti, Vermicelli and Noodles	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour				
2099	Food Preparations, Not Elsewhere Classified	111998	All Other Miscellaneous Crop Farming				
		311212	Rice Milling				
		311340	Non-chocolate Confectionery Manufacturing				
		311423	Dried and Dehydrated Food Manufacturing				
		311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour	1000	500	*	150
		311830	Tortilla Manufacturing				
		311911	Roasted Nuts and Peanut Butter Manufacturing				
		311920	Coffee and Tea Manufacturing				
		311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing				
		311942	Spice and Extract Manufacturing				
		311991	Perishable Prepared Food Manufacturing				
		311999	All other Misc. Food Manufacturing				
2620	Paper Mills	322121	Paper (except Newsprint) Mills	*	480	*	*
		322122	Newsprint Mills				
2640	Converted Paper Products			300	1500	*	*

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2810	Industrial Inorganic Chemicals						
2812	Alkalis and Chlorine	325180	Other Basic Inorganic Chemical Manufacturing				
2813	Industrial Gases	325120	Industrial Gas Manufacturing				
2816	Inorganic Pigments	325130	Synthetic Dye and Pigment Manufacturing				
		325180	Other basic Inorganic Chemical Manufacturing				
		211112	Natural Gas Liquid Extraction				
		325130	Synthetic Dye and Pigment Manufacturing	*	2000	*	*
2819	Industrial Inorganic Chemicals, Not elsewhere classified	325180	Other basic Inorganic Chemical Manufacturing				
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing				
		331311	Alumina Refining				
2830	Drugs						
2833	Medicinal Chemicals and Botanical Products	325411	Medicinal and Botanical Manufacturing				
2834	Pharmaceutical Preparation Manufacturing	325412	Pharmaceutical Manufacturing				
		325412	Pharmaceutical Preparation				
2835	In Vitro and In Vivo Diagnostic Substances	325413	In-Vitro Diagnostic Substance Manufacturing	500	500	*	*
2836	Biological Products, except Diagnostic Substances	325414	Biological Product (except Diagnostic) Manufacturing				

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2840	Soaps & Detergents						
2841	Soap and Other Detergents, except Specialty Cleaners	325611	Soap and Other Detergent Manufacturing				
2842	Specialty Cleaning, Polishing, and Sanitation Preparations	325612	Polish and Other Sanitation Good Manufacturing	600	*	*	200
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants	325613	Surface Active Agent Manufacturing				
2844	Perfumes, Cosmetics, and other Toilet Preparations	325620	Toilet Preparation Manufacturing				
2850	Paints & Allied Products						
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	325510	Paint and Coating Manufacturing	*	*	15	200
2860	Industrial Organic Chemicals						
2861	Gum and Wood Chemicals	325194	Cyclic Crude, Intermediate and Gum and Wood Manufacturing				
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments	325110 325130	Petrochemical Manufacturing Synthetic Dye and Pigment Manufacturing				
2869	Industrial Organic Chemicals, not elsewhere classified	325120 325180 325193 325199	Industrial Gas Manufacturing Other Basic Inorganic Chemical Manufacturing Ethyl Alcohol Manufacturing All Other Basic Organic Chemical Manufacturing	500	500	20	150

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2890		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	500	500	20	150
2891	Miscellaneous Chemical Products						
2892	Adhesives and Sealants	325520	Adhesive Manufacturing				
2893	Explosives	325920	Explosives Manufacturing				
2895	Printing Ink	325910	Printing Ink Manufacturing				
	Carbon Black	325180	Other Basic Inorganic Chemical Manufacturing	400	*	*	*
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified	325199	All Other Basic Organic Chemical Manufacturing				
		325510	Paint and Coating Manufacturing				
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing				
3010/1	Tire & Inner Tubes	326211	Tire Manufacturing (except Retreading)	*	500	*	*
3060							
3061	Fabricated Rubber Products						
	Molded, Extruded, and Lathe cut Mechanical Rubber Goods	326291	Rubber Product Manufacturing for Mechanical Use				
		313320	Fabric Coating Mills				
		314910	Textile Bag Mills				
		315280	Other Cut and Sew Apparel Manufacturing	*	500	*	*
3069	Fabricated Rubber Products, Not Elsewhere Classified	315990	Apparel Accessories and Other Apparel Manufacturing				
		326199	All other Plastics Products Manufacturing				
		326299	All other Rubber Products Manufacturing				

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
					* Signifies Domestic Strength Level		
		339113	Surgical Appliance and Supplies Manufacturing				
		339920	Sporting and Athletic Goods Manufacturing	*	500	*	*
		339930	Doll, Toy and Game Manufacturing				
5085	Drums & Barrels - Reconditioning			1200	800	16	1500
5090	Miscellaneous Durable Goods						
		423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers				
5091	Sporting and Recreational Goods and Supplies	425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
		451110	Sporting Goods Stores				
		423920	Toy and Hobby Goods and Supplies Merchant Wholesalers				
5092	Toys and Hobby Goods and Supplies	425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers	400	500	*	150
		451120	Hobby, Toy, and Game Stores				
		423930	Recyclable Material Merchant Wholesalers				
5093	Scrap and Waste Materials	425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
5094	Jewelry, Watches, Precious Stones, and Precious Metals	423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers				

GLWA Rules

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
		448310	Jewelry Stores				
		423990	Other Miscellaneous Durable Goods Merchant Wholesalers				
		425110	Business to Business Electronic Markets	400	500	*	150
5099	Durable Goods, not elsewhere classified	425120	Wholesale Trade Agents and Brokers				
		444190	Other Building Material Dealer's				
		451110	Sporting Goods Stores				
		451120	Hobby, Toy, and Game Stores				
7213	Linen Service	812331	Linen Supply	500	*	*	200
7218	Industrial laundries	812332	Industrial Launderers	600	600	*	400

GLWA Rules

CHAPTER IV: SEPTAGE AND HAULED WASTES

The majority of wastes and Wastewater treated at the Control Authority's POTW are discharged to and conveyed by the Sewerage System through point-source connections from Domestic and User Sources. However, additional wastes may be conveyed to designated locations via rail, truck, ship or vessel or other equivalent means; hauled to the Control Authority POTW from locations within and outside of the Service Region of the Control Authority. These rules address these sources of *Hauled Wastes*.

Article I General Provisions

Section IV-101. It shall be unlawful for any Person to discharge any waste or Wastewater, directly or indirectly, by rail, truck, ship or other similar means, without authorization from the Control Authority; or to discharge any Wastewater in violation of the terms and conditions contained in these rules or contrary to any discharge authorization granted by the Control Authority.

Article II Authorized Unloading Locations

Section IV-201. The Control Authority's POTW shall not receive or accept any wastes or Wastewater that are directly transported via rail, truck, dedicated pipeline, ship or vessel, or other similar means, at the Control Authority's POTW located at 9300 West Jefferson, Detroit Michigan 48209, except those identified in Section IV-202.

Section IV-202. The Control Authority's POTW shall accept wastes or Wastewater that are directly transported via truck from Septage Waste Hauler with a valid permit. Mobile Food Trucks, Recreation Vehicles and Individual Portable Toilets are not permitted to use the Control Authority's POTW and must use public or private facilities to dispose of their wastes.

Section IV-203. The Control Authority will only accept wastes and Wastewater transported to Authorized Unloading Locations specified in these rules or that may be added upon authorization by the Control Authority.

Section IV-204. The usage of any Authorized Unloading Location shall be restricted to authorized Users who possess a hauled in waste permit issued by the Control Authority, in accordance with the terms and conditions of the permit.

Article III Categories of Authorized and Unauthorized Hauled Wastes

Section IV-301. Authorized Wastes

The following groups of waste and Wastewater may be authorized by the Control Authority.

- Septage Waste and Wastewater

GLWA Rules

- Sanitary Wastewater from Vessels and Ships

The procedures for obtaining authorization are enumerated in Article IV below.

Section IV-302. Unauthorized Waste Sources

The following sources of waste and Wastewater are not authorized by the Control Authority and will not be accepted unless there is an exigent condition or public health concern for which the Control Authority shall authorize disposal.

- Grease Trap Wastes
- Industrial and Commercial Wastes
- Municipal Sludge
- Collection System Solids and Cleanings

Article IV Procedures for Authorization – Septage Waste Hauler

Section IV-401. A Septage waste hauler seeking authorization from the Control Authority to discharge at the Control Authority's POTW or other authorized unloading location shall require the owner/operator of the vehicle to (i) possess a valid Septage hauler license issued by the EGLE; and (ii) obtain a valid Control Authority Septage hauler permit.

Section IV-402. A Septage waste hauler seeking authorization from the Control Authority to discharge at the Control Authority's POTW or other authorized unloading location shall complete an application for a HIW permit. Information will be provided including the vehicles, tank capacities and applicable vehicle licenses for each vehicle; the general area being serviced, and which authorized unloading sites the septage hauler is requesting access.

Section IV-403. The Septage hauler shall letter the vehicles or affix the truck number shown on their HIW permit on each side and rear of the hauling vehicle covered by their permit in clearly visible locations in black numerals and letters six (6) inches high on a white background of at least eight (8) inches in height. The line width of each letter shall be three-fourths of an inch.

Section IV-404. Upon receipt of a Septage hauler application form, the Control Authority will process the application and accept or reject the application. Permits issued by the Control Authority shall contain information including, but not limited to, that specified in Section II-704. A Septage waste hauler seeking authorization from the Control Authority to discharge at the Control Authority's POTW or other authorized unloading location shall only discharge the contents from domestic waste septic tanks, cesspools, seepage pits, sewage lift stations and portable toilets; after receiving a permit.

Section IV-405. The Control Authority shall have the unrestricted right to observe loading, hauling and unloading of Septage hauling vehicles; to obtain representative samples of the vehicle's contents at the unloading site prior to or during the unloading activity; to examine the vehicle operator's EGLE service seal and business license and the unloading permit. The vehicle operator shall cooperate with the request

GLWA Rules

of any properly credentialed the Control Authority's employee and assist in providing a sample of the tank's contents.

Article V Procedures for Authorization – Recreational Vehicle and Individual Portable Toilets

Section IV-501. Mobile Food Trucks, Recreation Vehicles and Individual Portable Toilets are not permitted to use the Control Authority's POTW and must use public or private facilities to dispose of their wastes.

Article VI Procedures for Authorization – Vessels and Ships

Section IV-601. The Control Authority may accept Domestic Sewage from vessels and ships at authorized locations, or from firms servicing vessels and ships traversing the Great Lakes. Individuals or firms shall request authorization from the Industrial Waste Control Group before discharging any Wastewater, and discharge at an authorized unloading location.

Article VII Other Conditions

Section IV-701. Any Person authorized under these rules for Septage and hauled waste or wastewater is subject to the requirements for permits, inspection, monitoring and enforcement, as enumerated in Chapter II.

Section IV-702. Any permit or authorization granted by the Control Authority shall also include the following conditions:

- a) Applicable terms and conditions, surcharges, fees or rates as established by the Board.
- b) The specific unloading facility location designated by the Control Authority for discharge.
- c) As necessary, additional specific limitations and requirements necessary to protect the wastewater treatment plant and collection system.
- d) Any applicable surcharge for High Strength Wastewater applicable to the specific contents being hauled under Authorization by the Control Authority; and
- e) Any charges or fees established by the Board.

Article VIII. Appeal

The Decisions and Actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Septage and hauled waste Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

CHAPTER V: REVENUES TO SUPPORT REGULATORY PROGRAMS

The Control Authority has promulgated these rules for the protection of the environment, the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or discharged into the sewerage system. The Control Authority seeks to provide for the recovery of the costs from Users of the Wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the Sewerage System.

Fees and charges may be established by the Board to meet the costs of the operation, maintenance, improvement or replacement of the Sewerage System and regulatory programs, or as provided by law or by Board action.

- a) The Board shall adopt charges and fees which shall include, but not be limited to:
 - 1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the industrial waste control and pretreatment programs (See Article I below); and
 - 2) User fees (surcharges) based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal (See Article II); and
 - 3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
 - 4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

Article I Industrial Waste Control Charges

Section V-101. The Control Authority is required to implement and enforce an Industrial Pretreatment Program and perform other related duties as required by the NPDES Permit MI 0022802 and the Clean Water Act. To accomplish these duties and requirements, the Control Authority must have a revenue source which insures adequate funding. The Control Authority hereby adopts the following method of funding these regulatory activities:

- a) An IWC water meter charge shall be established by the Board to recover the costs incurred in administering, implementing and enforcing the regulatory activities and obligations under the NPDES Permit MI 0022802 and the Clean Water Act, and any rules adopted by the Board.
- b) The IWC water meter charge shall be based on the size of the water meter on a proportional basis and assessed on any non-residential water meter with the following exceptions:
 - 1) The IWC water meter charge shall not be assessed on any meter dedicated for Fire Protection

GLWA Rules

purposes only.

- 2) The IWC water meter charge shall not be assessed on any meter dedicated for Irrigation purposes only.
 - 3) The IWC water meter charge shall not be assessed on any meter from a multi-family residential dwelling; public and private elementary and secondary school which are part of a government school district; colleges, universities, professional schools, junior colleges and technical institutes; and local, state and federal government facilities.
- c) Member Communities shall periodically report the quantity, number and size of non-residential meters, and any exempt meters (as described in paragraph 2).
 - d) The Control Authority shall prepare a bill to each Member Community using the information provided in paragraph 3 and forward the bill for payment either through the Wholesale Sewer Contract Customer (if applicable) and/or Member Community, indicating the terms and conditions of payment.
 - e) Each Member Community is responsible for assessing these fees on applicable Users and collection thereof in accordance with the delegation and service agreements; and for reporting changes in the number of meters reported in paragraph 3.
 - f) The Control Authority reserves the right to collect any and all outstanding amounts in accordance with applicable law.

Article II Pollutant Surcharges

Section V-201. The Control Authority has adopted rates necessary to recover the cost of service based upon the unit volume of Wastewater discharged; and has adopted Pollutant Surcharges applicable to High-Strength Wastewater discharges from Users which will be assessed to these Users so that the proportional share of the cost of service may be recovered.

- a) The specific rules and procedures for establishing High Strength Wastewater levels, and administering a program thereof is included in Chapter II of these rules.
- b) Member Communities shall report the applicable water and/or sewage meter information to the Control Authority who shall prepare a bill based upon the established High-Strength Wastewater level of a User.
- c) The Control Authority shall prepare a bill to each Member Community using the information provided in paragraph 2 and forward the bill for payment either through the Wholesale Sewer Contract Customer (if applicable) and/or Member Community, indicating the terms and conditions of payment.
- d) Each Member Community is responsible for assessing these fees on applicable Users and collection thereof in accordance with the delegation and service agreements.
- e) The Control Authority reserves the right to collect any and all outstanding amounts in accordance with applicable law.

GLWA Rules

Article III Other Fees

Section V-301. The Appeal Procedures described in Chapter VIII will incur costs for hearings officers, court reporters, and transcriptions. The cost of conducting these appeal procedures shall be equally shared between the Control Authority and the User(s). A deposit may be requested by the Control Authority to cover a portion of these expenses. Where a User fails to pay all fees incurred, the Control Authority shall recover these fees through direct invoicing and using all means authorized by law.

Section V-302. Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

CHAPTER VI: FLOW-METERING

The Control Authority requires Users to employ accurate and valid methods for measuring and reporting the volume of water consumed and discharged from their properties to satisfy regulatory and monitoring requirements. Each Member Community may establish its own criteria for metering the wastewater discharged into the Sewerage System which is not in conflict with these rules.

Article I General Requirements

The Control Authority recognizes the role of the respective Member Community in prescribing the water and/or sewage meters installed at a User's property. The Control Authority will recognize a User's use of these methods to represent the water usage and/or wastewater discharge as follows:

Section VI-101. Users obtaining all of their water supply from the GLWA shall, unless modified or changed by contract, base the volume of water consumed upon one or more water meters installed at the User's property. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and the Member Community

Section VI-102. Users obtaining all, or any portion, of their water supply from sources other than the GLWA and who discharge water, wastes and wastewater inclusive of these foreign sources to the GLWA for conveyance and Wastewater treatment, shall base the volume of Wastewater discharged through gauging, metering or using any other equitable method of measuring, the volume of all Wastewater discharged. Acceptance of the Wastewater discharged shall be conditioned upon the acceptance of such methods by the Member Community. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and the Member Community

Section VI-103. Users obtaining all, or any portion, of their water supply from the GLWA, but also receiving other wastes and Wastewater via truck, rail, vessel or ship, dedicated pipeline, or any other means of transportation shall base the volume of Wastewater discharged through gauging, metering or using any other equitable method of measuring the discharge volume. Acceptance of the Wastewater discharged shall be conditioned upon the acceptance of such methods by the Member Community. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and the Member Community.

Article II Sub-metering of Water or Sewage Volumes

Section VI-201. Any owner of a premise or User of the system may install, at their own expense, a water sub-meter for determining the utility services used by certain areas or processes. Such meter will not be

GLWA Rules

recognized for purposes of usage, addition or reduction, billing or other regulatory purpose, unless the meter complies with section VI-202.

Section VI-202. Where a Member Community has recognized and accepted a User's sub-meter(s) to gauge the volume of water, for determining the utility services used by certain areas or processes,), the GLWA shall recognize the purpose and readings of the sub-meter for purposes of usage, addition or reduction, billing or other regulatory purpose described by these rules.

Article III Requirements for Water or Sewerage Metering

Section VI-301. Where the GLWA, in conducting its regulatory responsibilities described by these rules, identifies an unmetered water or sewerage source, a non-functioning water or sewerage meter or sub-meter, or requires other gauging or metering to fulfill the requirements of its NPDES permit, it shall notify the User in writing of its findings and requirements as well as the Member Community.

Section VI-302. Any water or sewer meter installed by a User must be periodically calibrated by the User and maintained by the User at its own expense. All records of calibration or maintenance shall be provided to the GLWA upon its request.

Article IV Sewage Metering Requirements for Flow-proportional Sampling

Section VI-401. All Significant Industrial Users shall provide, operate, and maintain at their own expense a sampling and monitoring facility which complies with Section II-605.

Section VI-402. Significant Industrial Users required to collect wastewater samples using 24-hour flow-proportional composite sampling techniques, shall provide the Control Authority with a sampling plan in compliance with section II-603 and the following information about the flowmeter and other devices used:

- a) The specifications and information describing the flow monitoring instruments, including make and model number.
- b) The recording devices used, including make and model number; and
- c) Specifications indicating that the meter is equipped with a non-resettable flow totalizer.

Section VI-403. Significant Industrial Users required to collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, shall provide the appropriate interface hardware and cable sufficient to reach the sampler location from the flow metering system's contact point, as follows:

- a) Ensure that the flow metering system using an analog output signal, furnish the Control Authority with a flow meter to sampler 4-20 mA input interface: ISCO Part # 60-5314-281, or equivalent.
- b) Ensure that the flow metering system using a pulse output signal, furnish the Control Authority with a signal specification of 5 to 15 VDC pulse, with 25 millisecond isolated contact closure using a sampler connection interface cable ISCO Part # 60-1394-077, or equivalent.
- c) The Significant Industrial User shall provide an interface port for 6 pin military spec amphenol

GLWA Rules

connector and a parallel or Y-connector for simultaneous sampling event.

- d) In the event that an equivalent or new technology is available which permits the Control Authority to collect a Flow-composite based sampling from the User's facility using equipment other than or different then that enumerated in sub-paragraphs a-c above, the Control Authority will permit such technology to be implemented and used at the User's site. User's must, however, notify the Control Authority in writing.

Article V Appeal

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Flow Metering Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

**CHAPTER VII: RULES GOVERNING THE WASTES AND WASTEWATER
FROM ENVIRONMENTAL REMEDIATION, GROUNDWATER AND
OCCASIONAL OR SPECIAL WASTES SOURCES**

The purpose of these Rules is to regulate and control the quality and quantity of wastes and Wastewater derived from Environmental Remediation, Groundwater and Occasional or Special Wastes Sources occurring within the sewer Area under the jurisdiction of the Control Authority to ensure that these sources are not discharged into the local environment without authorization and in quantity and/or concentrations as may cause or contribute to adverse impact upon the environment or the status of the Control Authority's POTW with regard to environmental regulations impacting those facilities.

Article I General Requirements

Section VII-101. The Control Authority may authorize the discharge of wastes and Wastewater derived from Environmental Remediation, Groundwater and Occasional or Special Wastes Sources from facilities located in areas served by the Control Authority's Sewerage System.

Section VII-102. Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources from facilities located in areas not served by the Control Authority's Sewerage System will not be accepted except where a public health or similar exigent condition exists. In response to such public health or exigent condition, the Control Authority may accept and evaluate an application, and will notify the Board of its findings and determination prior to authorizing the discharge.

Article II Prohibitions

Section VII-201. Unlawful Discharges

It shall be unlawful for any Person to cause or allow the discharge of Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources from combined sewered areas into the Control Authority's Sewerage System, unless such person has been authorized by the Control Authority and is in possession of a current and valid permit authorizing the discharge of the Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources.

Section VII-202. Pollutant Discharge Limits

The Control Authority shall apply or develop pollutant discharge limitations necessary to protect the Control Authority's Sewerage System, and at a minimum include:

- a) The General Pollutant Prohibitions (Chapter II, Article II) shall be applied to all permit authorizations.
- b) The Specific Pollutant Prohibitions (Chapter II, Article III) shall be applied to all permit authorizations.

GLWA Rules

- c) For Underground Storage Tank and *Petroleum* clean-up projects, the additional discharge limitations shall be applied:

Benzene	20 ug/l
Toluene	20 ug/l
Ethylbenzene	20 ug/l
Xylene	20 ug/l

- d) As necessary, the Control Authority may develop special pollutant discharge limitations in concentration or mass necessary to carry out the intent of these rules. The determination of any such special pollutant discharge limitations shall be attached to any permit granted under these rules.

Article III Special Discharge Permits

Section VII-301. Special Discharge Permit Application

Any Person seeking permission to discharge Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources wastewater shall complete and submit to the Control Authority (on forms supplied by the Control Authority) a Special Discharge Permit Application (SDP Application). At a minimum, the application shall include the following information:

- a) The address, or other description of the location, which is the source or origin of the proposed discharge.
- b) The name and address of the (i) officers or principal owners of the real property; (ii) name of the person who will be responsible for operation of the facilities; (iii) any agents for these parties; and; (iv) any other persons seeking the special discharge permit.
- c) The applicant shall provide at least one sample analysis which includes the 126 priority pollutants. Additional samples may be tested for pollutants above detection levels or which are present or expected to be present in the discharge.
- d) Any information concerning the nature of operations conducted, or previously conducted at the property.
- e) Any additional information or documentation necessary to support the application.
- f) The SDP Application shall be executed by an Authorized Representative of the person.
- g) Acceptance by Member Community. Applications shall be reviewed by the municipality or other unit of local government having jurisdiction over the geographical location for which the SDP is requested and must be certified acceptable to such municipality or other unit of local government prior to submittal to the Control Authority. The certification shall be inclusive of any metering or payment requirements. This acceptance must be in writing.

Within 30 days of receipt of a completed SDP Application, the Control Authority shall notify, in writing, the person submitting the application of its approval or denial, and the reason(s) for denial. If approved, the special discharge permit shall be issued by the Control Authority to the owner of the real property from

GLWA Rules

which the Wastewater originates as permittee and to the agents of the owner as co-permittees who will be responsible for operation of the facilities.

Section VII-302. Special Discharge Permit

The Control Authority shall develop a special discharge permit form that shall contain, at a minimum, the following conditions:

- a) Statement of duration, which for special discharge permits shall not exceed one (1) year. The one (1) year term may be renewed upon receipt of an SDP Application petitioning renewal of the permit for an additional one (1) year term if submitted ninety (90) days prior to the expiration date of the existing special discharge permit.
- b) A provision against non-transferability of the special discharge permit.
- c) Effluent discharge limitations authorized under Section II-202 of these rules.
- d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including identification of the pollutants to be monitored, sampling points, sampling frequency and sample type. Sample collection and analysis shall conform to the requirements specified by the Control Authority.
- e) Requirements for specific treatment, if applicable, including best available technology. Justification for such treatment shall be made in writing and attached to the special discharge permit.
- f) Acknowledgement from Member Community.
- g) Other requirements including those specified in Section II-704.

Section VII-303. Monitoring of Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources

- a) Each person subject to the terms of these rules shall install and maintain, at its own expense, a control manhole or sampling site, including sampling and flow measurement operations applicable to the discharge.
- b) All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 CFR 136 and amendments thereto.
- c) Any Flow Monitoring installation shall conform to the requirements and specifications of Chapter VI.

Article IV. Other Provisions

Section VII-401. Representatives of the Control Authority may enter upon the premises for which the special discharge permit has been issued, during reasonable hours, to perform gauging and sampling operations, for inspecting or examining facilities, premises, installations and processes, for inspection and copying of records, and for reviewing pretreatment operating procedures and to determine compliance with the terms and conditions of special discharge permit.

Section VII-402. Fees

GLWA Rules

- a) Persons subject to the provisions of these rules are responsible for payment of applicable sewer charges, including any applicable Surcharges.
- b) Where the volume of Wastewater discharged under a special discharge permit exceeds 1,000,000 gallons per annum, the Industrial Waste control fee shall be assessed and paid prior to commencement of the discharge.

Article V Enforcement

The Control Authority shall enforce compliance with the special discharge permit in accordance with Chapter II, including a temporary suspension of the special discharge permit or revocation of the special discharge permit. Where the Control Authority has revoked the special discharge permit, the special discharge permit holder may appeal the revocation order in accordance with Article VI of these rules.

Article VI Appeal

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources Wastewater Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

CHAPTER VIII: ADMINISTRATIVE APPEAL PROCEDURES

The following rules describe the Administrative Appeals Procedures developed and adopted by the Control Authority to resolve disputes with the technical subject matter of these rules or resolve disputes on the meaning of these rules. A User who believes it is aggrieved of the actions of the Authority in enforcing these Rules may appeal to the Control Authority for the relief of that dispute. An appeal shall be made as follows:

Article I APPEAL PROCEDURE

Section VIII-101. Appeal Request

- a) The appeal request must be in writing, directed to the Chief Compliance Officer and received within 21 days of the decision or act that is the subject of the appeal. The appeal request shall be made in triplicate and shall set forth the specific act or matter complained of and in dispute. Additionally, the appeal request shall include all documentation which supports the User's position.
- b) The Chief Compliance Officer shall within thirty (30) days of receipt of a written appeal request, acknowledge such receipt in writing to all interested parties. Thereafter, the Chief Compliance Officer shall arrange for a hearing to be held in accordance with Section 3 of this Chapter, or if appropriate, direct a representative of the IPP Program (IPP Representative) to schedule a conciliation meeting with the appellant as soon as practicable, at the mutual convenience of the parties to resolve the dispute.

Article II CONCILIATION MEETING

Section VIII-102. Conciliation Meeting Procedure

- a) If a conciliation meeting is held, it shall be open to all interested parties and their representatives. The meeting may be adjourned to a mutually acceptable date or dates.
- b) If the User or IPP Representative determines that the dispute cannot be resolved through the conciliation meeting process, the parties shall so inform the Chief Compliance Officer in writing and request a hearing in accordance with Section 3 of this Chapter. If future conciliation meetings are no longer needed, the Chief Compliance Officer shall notify the parties involved and issue a decision within fifteen (15) days, in writing, by mail, to the interested parties to the dispute.
- c) If it is determined by all interested parties and the IPP Representative that the dispute has been satisfactorily resolved through the conciliation meeting process, within thirty (30) days of the last conciliation meeting, the IPP Representative shall reduce such resolution to the form of a written agreement or order for signature by the interested parties.

GLWA Rules

Article III HEARING PROCEDURE

Section VIII-103. Hearing Procedure

- a) In the event a hearing is required pursuant to Sections 1 or 2(b) of this Chapter, the Chief Compliance Officer shall promptly appoint a disinterested hearing officer with suitable qualifications to conduct an administrative hearing and to receive testimony and evidence presented by the aggrieved party. The hearing officer shall also receive testimony and evidence from the Control Authority or others as he or she deems necessary.
- b) The hearing officer shall conduct the hearing and file a written report of said hearing with the Chief Compliance Officer or his designee within thirty (30) days of his/her appointment. The hearing officer shall have the right to extend this thirty-day period for good cause. However, in such event, his/her report will be submitted to GLWA Chief Compliance Officer within fifteen (15) days of the conclusion of the hearing and the taking of testimony and evidence.
- c) The hearing officer's report shall include a brief statement of factual matters at issue, the nature of the testimony and evidence received and shall include a recommendation to either uphold or modify the decision or action in question on such terms as the hearing officer deems equitable.
- d) Upon receipt of the hearing officer's report, the Chief Compliance Officer shall render his/her decision in writing within fifteen days of the receipt of the report. In any event, the Chief Compliance Officer shall not be bound by the recommendation of the hearing officer. The decision of the Chief Compliance Officer shall be final and enforceable at law, unless the appeal involves a citation and a subsequent appeal is made within sixty (60) days and the Authority grants a review of the Chief Compliance Officer's decision. The decision of the Authority shall be final.
- e) A person or Member Community aggrieved by a final decision of the Chief Compliance Officer or the Authority may petition to the Wayne County Circuit Court for judicial review. The petition shall be filed not later than sixty (60) days following the receipt of the final decision. An aggrieved person or municipality shall exhaust all administrative remedies provided in this Section before seeking judicial review.
- f) With respect to the hearing conducted, the hearing officer shall not be bound strictly by the rules of evidence which would apply in a court of competent jurisdiction. The hearing officer shall have the authority to receive such evidence as he/she deems relevant and material and to give the evidence received such weight and probative value as, in the hearing officer's discretion, is deemed proper.

SAVINGS CLAUSE

If any provision, paragraph, section or article of these rules are invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

GLWA Rules

Approved: 11/13/2019

Published:

Effective:

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: September 30, 2020

From: Darin Carrington

Date for Council Consideration: October 5, 2020

ACTION REQUESTED: Consideration and approval of Amendment to FY 2021 Budget to receive grant funds, transfer funds and provide additional funding for the purchase of new vehicles for the Police Department

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☐ Account # ☐ No ☐ N/A ☒

Mayor's Approval 

BACKGROUND INFORMATION

The Administration is requesting a Budget Amendment for the Police Department to allow for the department to purchase new vehicles. There are two separate purchases that are being proposed. The first purchase is for three new Ford SUVs that cost a total of approximately \$100,000. This purchase would be funded by an FDCVT grant from the state. The second purchase would be for four Dodge Durangos, one Ford SUV and one Ford pick-up truck. The total cost is approximately \$380,000. This purchase would be financed over four years at an annual cost of approximately \$98,000.

The first part of this request is related to \$100,000 that was awarded to the City under the FDCVT grant program. These funds were accepted and approved previously by Council. Additionally, Council approved these funds in the FY20 budget. Due to delay in receiving the vehicles from the manufacturer, these vehicles were not received until FY21. As a result, the Administration is requesting that \$100,000 be added to the FY21 Budget. This request would add \$100,000 in Revenue from the FDCVT grant and \$100,000 in expense for the purchase of three vehicles.

The second part of this request is related to the receipt by the City of approximately \$238,000 from the State. These funds were received on September 29, 2020 as part of the Public Safety Public Health Reimbursement grant that the State provided from funds that were made available under the federal CARES Act. These funds need to be added to the FY21 budget. We are requesting that these funds be added to the FY21 budget with an increase of \$238,000 to the FY21 Revenues. Additionally we request that \$50,000 of these funds be directed towards the Police Department's budget for the purchase of new vehicles.

SCOPE OF SERVICES

N/A

JUSTIFICATION

PROJECT OR IMPROVEMENT TASKS

N/A

COSTS

PROJECT TIME TABLE

Transaction would close in approximately 90 days.

RESOLUTION

Resolved by _____

Seconded by _____

Yes:

No:

Absent: