

REGULAR MINUTES
PERE MARQUETTE DEPOT
Tuesday, June 16, 2009

A meeting of the City Council of the City of Belding, Michigan was convened in open and public session at 7:00 p.m. on Tuesday, June 16, 2009.

The Acting Clerk took the roll call:

Members Present: Council Members Bunce, Wills, Satterlee and Husted.
Members Absent: Council Member Stout.

Council Member Satterlee made a motion to excuse Council Member Stout per Section 4.5(f) of the City Charter supported by Council Member Bunce.

The question on the motion was called and the result on the voting is as follows:

Ayes: Council Members Bunce, Wills, Husted, and Satterlee.
Nays: None.

Council Member Wills delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

The Mayor called for the City Manager's Report – noted and filed.

The Mayor called for the Consent Agenda.

Council Member Bunce asked for Consent Agenda Item A to be voted on separately.

A. APPROVAL OF MINUTES 6-2-09

The question on Consent Agenda Item A was called and the result of the voting is as follows:

Ayes: Council Members Wills, Husted, and Satterlee.
Nays: None.
Abstain: Council Member Bunce.

- B. BUILDING AUTHORITY APPOINTMENT – MICHAEL HAMP
- C. DDA APPOINTMENT – JOHN LEPPINK
- D. HOUSING COMMISSION APPOINTMENT – DOROTHY WILLIAMSON
- E. AMERICAN LEGION POST – SPECIAL LIQUOR PERMIT

Council Member Satterlee made a motion to approve the consent agenda, supported by Council Member Wills.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Wills, Satterlee and Husted.
Nays: None.

Following are the resolutions contained in the Consent Agenda.

B. BUILDING AUTHORITY APPOINTMENT – MICHAEL HAMP

RESOLUTION NO. 2009-06-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPOINTING MICHAEL HAMP TO THE BUILDING AUTHORITY.

WHEREAS, the term of office for Michael Hamp on the Building Authority will expire
on June 30,
2009; and

WHEREAS, Michael Hamp has indicated that he is interested in serving another term
on the authority; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan
that Michael Hamp be appointed to the Building Authority with a term to
expire on 06/30/12.

C. DDA APPOINTMENT – JOHN LEPPINK

RESOLUTION NO. 2009-06-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPOINTING JOHN LEPPINK TO THE DDA BOARD.

WHEREAS, the term of office of Robert Leppink on the DDA Board will expire on
June 30, 2009; and

WHEREAS, John Leppink has been attending meetings of the DDA Board in the
absence of his father, and has indicated his willingness to serve a term on
the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan
that John Leppink be appointed to the DDA Board with a term of office to
expire on June 30, 2013.

D. HOUSING COMMISSION APPOINTMENT – DOROTHY WILLIAMSON

RESOLUTION NO. 2009-06-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
APPOINTING DOROTHY WILLIAMSON TO THE BELDING HOUSING COMMISSION.

WHEREAS, the term of office of Dorothy Williamson on the Belding Housing Commission expired on June 15, 2009; and

WHEREAS, Ms. Williamson has indicated her willingness to serve another term on the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Dorothy Williamson be appointed to the Belding Housing Commission with a term of office to expire on June 16, 2014.

E. AMERICAN LEGION POST – SPECIAL LIQUOR PERMIT

RESOLUTION NO. 2009-06-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
GRANTING PERMISSION FOR SPECIAL BEER, LIQUOR AND WINE LICENSES TO THE
AMERICAN LEGION HUGO FALES POST #203.

WHEREAS, a request has been received from the American Legion Hugo Fales Post #203 for the City Council's permission to apply for a special beer, liquor and wine license for September 5-7, 2009; and,

WHEREAS, the purpose of the license is for the sale of beer, liquor and wine on the premises of the American Legion Hugo Fales Post #203, located at 121 S. Broas in the City of Belding, County of Ionia, Michigan; and,

WHEREAS, this activity will be held during the Labor Day Weekend Festival; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan, that permission is hereby granted to the American Legion Hugo Fales Post #203 to apply for special beer, liquor and wine licenses.

BE IT FURTHER RESOLVED that Police Chief Dale Nelson is hereby authorized to execute the special license applications which shall be submitted to the Michigan Liquor Control Commission.

The Mayor called for Business Agenda Item A – **MASTER PLAN APPROVAL**

The Acting Clerk read the preamble to the resolution.

Council Member Satterlee moved the passage of the resolution and the motion was supported by Council Member Wills.

CITY OF BELDING
RESOLUTION NO. 2009-06-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
ADOPTING A MASTER PLAN FOR THE CITY OF BELDING.

WHEREAS, the Michigan Planning Enabling Act of 2008 requires that a planning commission make and approve a master plan as a guide for development within the planning jurisdiction; and

WHEREAS, the Planning Commission has developed and approved a Master Plan for the City of Belding, and recommends it for adoption by the city council; and

WHEREAS, the Michigan Planning Enabling Act of 2008 states that the legislative body is the final approving body of the Master Plan, after receiving the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the Master Plan, as recommended by the Planning Commission, be adopted for the City of Belding.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Satterlee, Bunce, Wills, and Husted.
Nays: None.

The Mayor called for Business Agenda Item **B – BUDGET AMENDMENTS FY 2008/09**

The Acting Clerk read the preamble to the resolution.

Council Member Bunce moved the passage of the resolution and the motion was supported by Council Member Satterlee.

RESOLUTION NO. 2009-06-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
AMENDING THE FISCAL YEAR 2008/09 BUDGET.

WHEREAS, on the 20th day of May, 2008, the Council of the City of Belding, Michigan adopted its 2008/09 Fiscal Year Budget for the administration of all funds and activities; and,

WHEREAS, unanticipated revenues and expenditures are projected which may exceed budget appropriations listed in said budget; and,

WHEREAS, the Fiscal Year 2008/09 Budget must be changed to reflect these adjustments;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the Fiscal Year 2008/09 Budget be amended pursuant to the attached worksheet.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Wills, Husted, and Satterlee.
Nays: None.

The Mayor called for Business Agenda Item **C – CITY COUNCIL PETITION FILING DATE**

The Acting Clerk read the preamble to the resolution.

Council Member Wills moved the passage of the resolution and the motion was supported by Council Member Bunce.

CITY OF BELDING
RESOLUTION NO. 2009-06-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPROVING THE CITY COUNCIL PETITION FILING DEADLINE AS ESTABLISHED BY MICHIGAN ELECTION LAW.

WHEREAS, the filing deadline for city council petitions is currently set by City Charter; and

WHEREAS, the filing deadline for city council petitions may be set to the date established by Michigan Election Law; and

WHEREAS, the earlier filing deadline would allow sufficient time to meet the absentee ballot availability requirement and optical scan programming timeline.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the filing deadline for city council petitions be set as established by Michigan Election Law.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Wills, Husted, Satterlee, and Bunce.
Nays: None.

The Mayor called for Business Agenda Item **D – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

The Acting Clerk read the preamble to the resolution.

Council Member Satterlee moved the passage of the resolution and the motion was supported by Council Member Wills.

CITY OF BELDING
RESOLUTION NO. 2009-06-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING THE PURCHASE OF EQUIPMENT FROM FUNDING THROUGH THE RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.

WHEREAS, the City of Belding may receive grant funding through the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$10,405.00; and

WHEREAS, the funding could be used for technology within the Police Department and would allow for the purchase of tasers and a surveillance camera and recorders; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that funding received through the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program be used for the purchase of tasers and a surveillance camera and recorders in an amount not to exceed \$10,405.00

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Husted, Satterlee, Bunce, and Wills.
Nays: None.

The Mayor called for Business Agenda Item **E – MDOT SMALL URBAN PROGRAM GRANT APPLICATION – STIMULUS**

The Acting Clerk read the preamble to the resolution.

Council Member Wills moved the passage of the resolution and the motion was supported by Council Member Bunce.

RESOLUTION NO. 2009-06-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN SUPPORTING THE CITY OF BELDING'S SUBMISSION OF AN APPLICATION FOR STIMULUS GRANT FUNDS THROUGH THE SMALL URBAN PROGRAM ADMINISTERED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Small Urban Area Selection Committee for the City of Belding, consists of representation made up of the City, City Manager; the transit provider, Dial-A-Ride; and the county road agency, the Ionia County Road Commission; and

WHEREAS, the Small Urban Area Selection Committee has determined that the milling and filling of Hall Street between M-44 and Center and also Alderman Street between Main and Washington to be of the highest priority; and

WHEREAS, the City of Belding desires to secure financial assistance from MDOT Small Urban Program funds to defray the cost of construction; and

WHEREAS, the total cost of this project is estimated at \$135M, with the local match from the City of Belding estimated at \$35M and utilizing the maximum program funds available of \$110M.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan supports the City of Belding's submission of a grant application to the Small Urban Program for Stimulus funds.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Satterlee, Bunce, Wills, and Husted.
Nays: None.

The Mayor called for Business Agenda Item **F – MERS CONTRACT**

The City Clerk read the preamble to the resolution.

Council Member Satterlee moved the passage of the resolution and the motion was supported by Council Member Bunce.

RESOLUTION NO. 2009-06-38

**UNIFORM RESOLUTION ADOPTING THE MERS
HEALTH CARE SAVINGS PROGRAM**
(Excluding Plans Governed by Internal Revenue Code Section 401(h))

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); MCL 38.1536(2)(a));

WHEREAS, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax-qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS defined benefit programs, Health Care Savings Program, the Retiree Health Funding Vehicle, and the Investment Services Pool Program, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 45; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the

MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Pool Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the Annual meeting under Plan Section 45; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution and Participation Agreement (the “Uniform Resolution”) by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended;

- **It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the Trust Plan Document, the Trust Agreement, and their administration or interpretation.**
- **In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Trust; or to continue administration by the Program Administrator or by MERS directly.**

WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust by the Program Administrator;

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) the MERS HCSP as provided below.

SECTION 1. HCSP PARTICIPATION

EFFECTIVE _____, 20____, the MERS HCSP is hereby adopted by the _____

(MERS municipality or court or other eligible employer)

CONTRIBUTIONS. Basic Employer contributions, Mandatory Salary Reduction Contributions, Mandatory Leave Conversion Contributions, and Post-tax Employee Contributions, shall be remitted pursuant to MERS by the Eligible Employer, and credited to the Eligible Employer’s separate fund within the MERS Trust Fund. Employer contributions may be made as a percentage of salary and/or by a specified dollar amount.

INVESTMENT of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to

the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of the HCSP, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS HCSP INVESTMENT FIDUCIARY AND TRUSTEE

- (A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, pursuant to PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.
- (B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.
- (C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.
- (D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under HCSP shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963.
- (E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this HCSP Resolution those who are "Eligible Employees as defined in the HCSP Participation Agreement under this HCSP.
- (F) _____ (Use title of official, not name) shall be the Eligible Employer's HCSP Coordinator; shall designate in writing the "qualified persons" on whose behalf trust fund monies shall be made available under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP, or MERS Premier Health; receive necessary

reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

(G) Fees and Expenses for the MERS HCSP are contained in Addendum A to this Resolution.

SECTION 3. EFFECTIVENESS OF THIS HCSP UNIFORM RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's HCSP Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Wills, Husted, and Satterlee.
Nays: None.

The Mayor called for Business Agenda Item **G – INDUSTRIAL PRETREATMENT PROGRAM ORDINANCE AMENDMENT**

ORDINANCE NO. 507

AN ORDINANCE TO AMEND AND REVISE CHAPTER 86 OF THE CODIFIED ORDINANCES OF THE CITY OF BELDING BY AMENDING ARTICLE V, DIVISION 2, WHICH REGULATES DISCHARGES TO THE POTW

THE CITY OF BELDING ORDAINS:

Section 1. Amendment of Section 86-234.

Section 86-234 of the City Code is hereby amended to read in its entirety as follows:

Sec. 86-234. Abbreviations.

The following abbreviations shall have the designated meanings:

TABLE INSET:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
ERP	Enforcement response plan
l	Liter
LOD	Level of detection
MAIL	Maximum allowable industrial loading
MAC	Michigan Administrative Code
mg	Milligrams
mg/l	Milligrams per liter
MRP	Mercury reduction plan
NPDES	National Pollutant Discharge Elimination System
PCBs	Polychlorinated biphenyls
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids
WWTP	Wastewater treatment plant

Section 2. Amendment of Section 86-246.

Section 86-246 of the City of Belding Code of Ordinances ("City Code") is hereby amended to read in its entirety as follows:

Sec. 86-246 Discharge Prohibitions

- (a) *General prohibition.* No user shall contribute or cause to be contributed, directly or indirectly, to the POTW, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. This general prohibition and the specific discharge prohibitions which follow in this section shall apply to every user whether or not the user is subject to other pretreatment standards or requirements.
- (b) *Specific Prohibitions.* No user shall contribute any of the substances listed below in this section to the POTW. This Section sets forth the minimum requirements for users' discharges to the POTW. Additional or more restrictive requirements may be required of particular users under a Wastewater Discharge permit, or as otherwise authorized or required by this Chapter or other applicable laws and regulations. Specific limitations for individual industrial users are available for public review at the City of Belding WWTP during normal business hours.

(1) Specific local limits for conventional pollutants.

- (A) No User shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the daily maximum or monthly average concentrations below in this subsection.
- (B) At the discretion of the Superintendent, a surcharge may be applied to discharges above the Surcharge Threshold and up to the Daily Maximum. If allowed by the Superintendent, discharges exceeding the Surcharge Threshold, but less than Daily Maximum limits (and which do not violate any other applicable prohibitions, limitations, or requirements), are not considered violations of this Chapter, but are subject to surcharges as provided by this Chapter. All exceedances of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements shall constitute a violation of this Chapter, subject to applicable fines, penalties, and other enforcement actions. In no event shall the imposition of a surcharge for a discharge which does not meet the user applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this chapter.

<i>Parameter</i>	<i>Surcharge Threshold Concentration (mg/l)</i>	<i>Daily Maximum Concentration (mg/l)</i>
Ammonia – N	20	65 (or 40 lbs/day)*
BOD ₅	300	1,500 (or 290 lbs/day)*
Total Suspended Solids	300	1,000 (or 180 lbs/day)*
Fats, Oils, & Grease	N/A	150
Total Phosphorus as P	10	25 (or 7.6 lbs/day)*

Special Discharge Allocation: A non-domestic user may, at the time of application for an IPP discharge permit, request that the uniform concentration limits for BOD₅, Total Suspended Solids, Ammonia Nitrogen, and Total Phosphorus be increased for that permit. Such Special Discharge Allocation is expressed as a total daily pound limitation. Approval of a Special Discharge Allocation shall be subject to the following provisions:

1. The user requests a special Discharge Allocation through the permit application process, and this request must include a written acknowledgement whereby the user consents to comply with all terms and conditions which may be imposed by the POTW.
2. The POTW makes a determination that adequate treatment capacity allowing for the Special Discharge Allocation exists within the City of Belding Maximum Allowable Industrial Loading (MAIL) shown below:

<i>Parameter</i>	<i>MAIL</i>
Biochemical Oxygen Demand (BOD ₅)	2,963 lbs/day
Ammonia Nitrogen (NH ₃ -N)	200 lbs/day

Total Phosphorus (TP)	76 lbs/day
Total Suspended Solids	1,808 lbs/day

3. The Special Discharge Allocation is within the MAIL as found above and would not result in the POTW receiving pollutants in excess of its ability to treat. Notwithstanding the forgoing, the Special Discharge Allocation does not confer any right to any particular amount of capacity in future periods. In addition, the POTW reserves the right to institute a review of any previously permitted Special Discharge Allocation at any time, pursuant to which the POTW in its discretion, upon notice and the opportunity for a hearing, may reduce or eliminate a user's previously permitted or approved Special Discharge Allocation.
4. The Special Discharge Allocation for any one industrial user may not exceed 20% of the MAIL for the City of Belding WWTP.

(2) Specific local limits for nonconventional and organic pollutants.

No industrial user under the City of Belding Industrial Pretreatment Program shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the daily maximum concentrations below in this subsection:

<i>Nonconventional Pollutants</i>	<i>Daily Maximum Concentration (mg/l)</i>
Arsenic	0.071
Cadmium (Cd)	0.092
Chromium (total)	1.71
Copper (Cu)	2.07
Cyanide (Cn) (total)	0.223
Lead (Pb)	0.43
Mercury (Hg)	LOD*
Nickel (Ni)	1.60
Silver (Ag)	0.027
Zinc (Zn)	1.48

<i>Organic Pollutants</i>	<i>Daily Maximum Concentration (mg/l)</i>	<i>Monthly Average Concentration (mg/l)</i>
1, 1 – Dichloroethane	1.0	-
1, 1 – Dichloroethene	1.0	-
1, 1, 1 – Trichloroethane	1.0	-
Carbon Tetrachloride	1.0	-
Chloroform	1.0	-
cis-1,2 – Dichloroethane	1.0	-
Tetrachloroethane	0.83	-

Toluene	1.0	-
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* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the POTW. Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The LOD developed in accordance with the procedure specified in 40 CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

1. A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
2. A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
3. A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

(3) Mercury reduction plans.

To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the POTW may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required by permit if the nondomestic user has not violated the local limit for mercury, but the POTW has determined that a reasonable potential for such a violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

- a. A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the LOD within three (3) years of the MRP's original approval date;
- b. Within 60 days of notification by the POTW that a MRP is required, the nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;
- c. Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified LOD within three (3) years;

- d. A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with EPA Method 245.1;
- e. A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified LOD. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are near LOD), the demonstration should incorporate the following:
 1. Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g. A program of regular monitoring of sink traps where mercury-containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds);
 2. Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods referenced in applicable U.S. EPA Federal Register Notices. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 **and** collected at the appropriate compliance measurement location.
 3. Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- f. A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall:
 1. identify compliance or noncompliance with specific reduction commitments in the MRP;
 2. summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;
 3. provide all applicable analytical data;
 4. provide an evaluation of the effectiveness of actions taken to date;
 5. provide updates to the initial list of mercury-containing compounds discharged to the sanitary sewer; and
 6. propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.
- g. Any other conditions that the POTW deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant noncompliance in accordance with this Section, and will result in publication as a significant violator.

A MRP may be evaluated for adequacy at any time by the POTW. If such an evaluation determines that the MRP is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes noncompliance. In the event of violations, the POTW will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

A nondomestic user may request a release from MRP requirements if:

1. All samples of the discharge for a period of one year are less than the specified LOD;
2. The nondomestic user has complied with the minimum monitoring frequency of quarterly sampling events; and
3. The POTW deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation.

The POTW shall notify the nondomestic user of any release from MRP requirements in writing.

If the MRP requirement is waived by the POTW, the nondomestic user remains subject to the local limitations for mercury in accordance with the requirements of this Section.

Re-discovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

- (c) Solvent extractibles, including, without limitation, oil, grease, wax, or fat, whether emulsified or not, in excess of 100 mg/l (daily maximum or monthly average); or other substances that may solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit in amounts that may cause obstruction to the flow in sewers or other interference with the operation of the POTW.
- (d) Any wastewater having a pH less than 6.5 or greater than 9.5 (instantaneous minimum and maximum limitation), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (e) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees Fahrenheit (40 degrees Centigrade). No discharge to the POTW shall have a temperature less than 32 degrees Fahrenheit or greater than 150 degrees Fahrenheit.
- (f) Any liquids, solids or gases which, by reason of their nature or quantity, may either alone or by interaction with other substances create a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the POTW, including, without limitation, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which may create a fire or explosion hazard or otherwise be injurious to the system.

- (g) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise result in interference with the operation of the POTW such as, but not limited to, grease; garbage with particles greater than one-half inch (1/2") in any dimension; animal guts or tissues; paunch manure; bones; hair; hides or fleshings; entrails; whole blood; feathers; ashes; cinders; sand; spent lime; stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; wastepaper; wood; plastics; gas; tar; asphalt residues; residues from refining or processing of fuel or lubricating oil; mud; or glass grinding or polishing wastes.
- (h) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (i) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (j) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (k) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or otherwise interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; under the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as 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; the Marine Protection, Research, and Sanctuaries Act; or any more stringent State or local regulations, as applicable.
- (l) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- (m) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (n) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration (including a slug load) which will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the user's average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (o) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by applicable State or Federal regulations.

- (p) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (q) Trucked or hauled pollutants, except those introduced into the system at discharge points designated by the POTW, subject to the prior approval of the WWTP Superintendent and issuance of a wastewater discharge permit.
 - (1) The WWTP Superintendent shall determine whether to allow the discharge of trucked or hauled pollutants based on the particular nature or quantity of the proposed discharge in accordance with the discharge prohibitions, limitations and requirements provided by this Chapter.
 - (2) The WWTP Superintendent may impose any conditions on the discharge determined necessary to ensure compliance with this Chapter, including, without limitation, conditions regarding the time, place, and manner of discharge, restrictions on the quantity and quality of the discharge, and sampling requirements.
 - (3) The discharge shall not commence without prior notice to, and authorization from, the WWTP Superintendent, and a representative of the POTW shall be present at all times during the discharge.
 - (4) All trucked or hauled wastes to be discharged to the POTW must be accompanied by a completed waste manifest form signed by the permittee and the hauler as provided by the minimum requirements of this section. The permittee shall certify in writing on the manifest as to the source of all wastes in the load proposed to be discharged and that the wastes have been pretreated as required by applicable pretreatment standards and requirements. The hauler shall certify in writing on the manifest that no wastes other than those listed on the manifest have been accepted by the hauler. The manifest must be reviewed by the WWTP Superintendent prior to commencing discharge of the load. Failure to accurately record every load, falsification of data, or failure to transmit the form to the WWTP Superintendent for review prior to discharge shall constitute a violation of the permit and may result in revocation of the permit and/or the imposition of fines and penalties as provided by this Chapter.
 - (5) The permittee's discharge of hauled wastes shall be subject to sampling by the POTW at any time, including, without limitation, prior to and during discharge. The WWTP Superintendent may require the permittee to refrain from, or suspend, discharging until the sample analysis is complete.
 - (6) Trucked or hauled pollutants will be accepted only if transported to the POTW in compliance with state and federal hazardous waste and liquid industrial waste laws.
 - (7) Each discharge of trucked or hauled pollutants will be accepted only after payment to the city treasurer of a trucked or hauled pollutant discharge fee to cover the city's administrative expenses and any additional treatment, handling or inspection expenses incurred by the POTW in connection with the discharge. The fee shall be established, paid, and collected as provided by Section 86-272 of this Chapter. This discharge fee shall be in addition to any fees otherwise required by this Chapter.

- (r) Any pollutant that results in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Superintendent, is a nuisance in the treatment process.
- (s) Any unpolluted water, non-contact cooling water, storm water, surface water, groundwater, roof runoff or subsurface drainage (except to a storm sewer or a combined sewer as authorized by this Chapter and other applicable laws and regulations and subject to the prior approval of the Superintendent).
- (t) Any medical or infectious wastes, as defined by part 138 of the Public Health Code, Act No. 368 of the Public Acts of 1978, MCL 333.13801 to 333.13831.
- (u) Any wastewater containing polychlorinated biphenyls (PCBs).
- (v) Any contaminated groundwater or landfill leachate determined by the Superintendent to have a reasonable potential to adversely affect the operation of the POTW, to result in pass through or interference, or to violate any pretreatment standard or requirement.
- (w) Any pollutant, substance, or wastewater that, either directly or indirectly:
 - (1) Creates a chemical reaction with any materials of construction to impair the strength or durability of sewer structures;
 - (2) Causes a mechanical action that will damage or destroy sewer structures;
 - (3) Impedes or restricts the hydraulic capacity of the POTW;
 - (4) Interferes with normal inspection or maintenance of sewer structures;
 - (5) Places unusual demands upon the wastewater treatment equipment or processes by biological, chemical or physical means; or
 - (6) Causes a hazard to human life or creates a public nuisance.

Section 3. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Effective Date.

This Ordinance becomes effective ten (10) days after its adoption and upon publication in a newspaper of general circulation.

The DEQ did a preliminary review and made a few changes. Under Daily Maximum Concentration BOD 1,500 (or 590 lbs/day)

Total Suspended solids 1,000 (or 360 lbs/day)

Total Phosphorus as P 25 (or 15.2 lbs/day)

The Mayor called for Citizen Comments.

There were no citizen comments

The Mayor called for Council Comments.

Council Member Wills stated that he appreciated the city's support for the Ionia County Community Foundation; it was nice to see participation. Belding is the only one that has an official entry. Also, there is going to be a party Sunday at the Belrockton for his retirement from 2 p.m. to 4 p.m.

Mayor Husted stated that he would be out of town on July 7th for the next meeting.

The Mayor called for a motion to adjourn the meeting.

ADJOURNMENT

Council Member Satterlee moved to adjourn the meeting, supported by Council Member Bunce.

Ayes: Council Members Bunce, Wills, Husted, and Satterlee.

Nays: None.

Mayor Husted adjourned the meeting at 8:19 p.m.

Shane T. Husted, Mayor

Elizabeth A. Wilson, Acting Clerk