

CHARTER TOWNSHIP OF WATERFORD
5200 CIVIC CENTER DRIVE
WATERFORD, MICHIGAN 48329

July 27, 2020
6:00 PM
-AGENDA-

NOTICE OF REGULAR TOWNSHIP BOARD MEETING TO BE HELD ELECTRONICALLY

Please take notice that a regular meeting of the Waterford Township Board will be held on July 27, 2020, at 6:00 p.m. by electronic remote access.

The meeting will be held electronically by remote access as authorized by and in accordance with Michigan Governor Executive Order 2020-129, issued in response to the COVID-19 state of emergency. The public may participate in the meeting through GoToMeeting by computer, tablet or smart phone using the following link: <https://global.gotomeeting.com/join/450686053>

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/450686053>

You may also dial in using your phone:
United States (Toll Free): +1 866 899 4679
- United States: +1 (669) 224-3319

Access Code: 450-686-053

Members of the public will only be able to speak during the public comment portion of the meeting and such comment will be limited to three minutes per person. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Township Supervisor. The Supervisor will recognize all persons wishing to speak during public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Township Board members through Kim Markee, Township Clerk, by email to publiccomments@waterfordmi.gov, or by mail at 5200 Civic Center Drive, Waterford, Michigan 48329. A copy of the meeting material may be found on the link on the Township's homepage at www.waterfordmi.gov.

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72-hour advance notice by contacting Kim Markee, Township Clerk, by email, phone, or mail at the below.

Kim Markee, Township Clerk
Charter Township of Waterford
5200 Civic Center Drive, Waterford, Michigan 48329
Phone (248) 674-6266 or Email: publiccomments@waterfordmi.gov

1. Approve Agenda
2. Announcements

2.1. Absent Voter Ballots

Absent Voter Ballots have been mailed to residents that have requested an absent voter's ballot. You may return your ballot via U.S. Mail, or the Election Drop Box located in the rear parking lot between the Police Department and the 2nd floor entrance to Town Hall. If you have any concerns, please contact the Clerk's Office on

248-674-6266 or email elections@waterfordmi.gov

Documents:

[HOW TO RETURN YOUR ABSENT VOTERS BALLOT.PDF](#)

2.II. Temporary Polling Locations For The August 4, 2020, State Primary

Due to summer construction, at three (3) polling locations, the following are temporary polling locations for the August 4, 2020, Primary Election Only.

- Precinct 1 – Schoolcraft Elementary voters will vote at the Recreation Center, 5640 Williams Lk Rd
- Precinct 4 – Grayson Elementary voters will vote at Mason Middle School, 3835 W Walton Blvd
- Precinct 16 – Beaumont Elementary voters will vote at Knudsen Elementary School, 5449 Crescent Rd.

Keep in mind this change is only for the August 4, 2020, Election. If you have any questions, please contact the Clerk's Office on 248-674-6266 or email elections@waterfordmi.gov

2.III. August 4, 2020, State Primary Election

The State Primary Election will be held in the Charter Township of Waterford, County of Oakland on Tuesday, August 4, 2020, from 7 a.m. to 8 p.m. Voters wishing to obtain an absentee ballot may do so by contacting the Township Clerk's office. The Clerk, or their designee, will be available in the Clerk's Office, Monday through Friday between the hours of 7:30 p.m. and 4:30 p.m. In addition, the Clerk's office will be open the Saturday preceding the election, August 1, 2020, 8:00 a.m. to 4:00 p.m. for those wishing to register to vote and obtain an absentee ballot. For sample ballots and full text of proposals or any other information, please contact the Charter Township of Waterford Clerk's Office at 248-674-6266 or visit www.waterfordmi.gov/elections.

2.IV. Census 2020

Have you responded to the 2020 Census yet? By this time, all Waterford residents should have received multiple communications from the U.S. Census Bureau inviting you to complete the Census questionnaire online, by phone, or mail. If you haven't responded yet, please visit the official Census website at www.2020census.gov or call 800-923-8282 to respond by phone. There are only 9 questions and responding takes less than 10 minutes for most. Did you know the census provides critical data that lawmakers, business owners, teachers, and many others use to provide daily services, products, planning, and support for you and our community? Every year, \$675 billion in federal funding go to hospitals, fire departments, schools, roads, and other resources based on census data. Waterford's goal for 2020 Census response is at least 90%. Your action today helps shape Waterford's future for the next 10 years. Visit Waterford Township's Census information page at www.waterfordmi.gov/census for details, resources, videos and more! And remember our Waterford 2020 Census Slogan – I count, You count, We count, Everyone counts. Get counted, It counts!

2.V. Real ID Compliant

Starting Oct. 1, 2020, you'll need a REAL ID-compliant document to fly in the U.S. and enter some federal facilities per federal law. You can obtain a REAL ID-compliant driver's license or state ID from the Michigan Secretary of State's Office. Learn more at Michigan.gov/REALID. Schedule an appointment to get your REAL ID at any Secretary of State office and get in and out in less than 30 minutes. Michigan.gov/SOSAppointments.

3. Consent Agenda

Board Members may remove items from the Consent Agenda for discussion purposes or for the purpose of voting in opposition. Public comment for items

removed from the consent agenda may be received in the same manner immediately following the Consent Agenda.

3.I. July 13, 2020, Meeting Minutes

Documents:

[M07-13-20.PDF](#)

3.II. July 27, 2020, Bill Payment

Documents:

[BILL PAYMENT JULY 27.PDF](#)

4. Board Liaison Reports (Verbal)

5. Open Business

5.I. Possible Adoption Of Zoning Ordinance Amendment 2020-Z-002 - Single Family Attached (R-M1, R-M2)

Documents:

[ORD NO 2020-Z-002 - ZONING ORDINANCE AMENDMENT - SINGLE FAMILY ATTACHED R-M1 R-M2.PDF](#)

5.II. Possible Adoption Of Ordinance No. 2020-Z-003 - Zoning Ordinance Amendment – Commercial Outdoor Storage (M-1)

Documents:

[ORD NO 2020-Z-003.PDF](#)

5.III. Possible Adoption Of Ordinance No. 2020-Z-004 - Zoning Ordinance Amendment – Banquet Halls (C-1, C-UB)

Documents:

[ORD NO 2020-Z-004 ZONING ORDINANCE AMENDMENT BANQUET HALLS C1 CUB.PDF](#)

5.IV. Zoning Ordinance 2020-Z-005; Proposed Map Adoption From The June 23, 2020, Planning Commission Meeting Case No. 20-06-01 Re-Adoption Of The Official Zoning Map

Documents:

[ORD NO 2020-Z-005 ZONING ORDINANCE AMENDMENTS UPDATED ZONING MAP MEMO.PDF](#)

5.V. Zoning Ordinance 2020-Z-006; Rezoning Case No. 20-02-02, Southeast Corner Of Dixie Highway And Waterford Road, Accessible From Rockcroft Blvd, From R1-A, PL To C-3

Documents:

[ORD. NO. 2020-Z-006 REZONING R1-A PL TO C-3.PDF](#)

6. New Business

- 6.I. Consider Resolution Approving Deed And Termination Agreement For Perry Drug Stores, Inc. Property At 5400 Perry Drive

Documents:

[LTR TO BD RE RES APPROVING DEED AND TERM AGMT.PDF](#)
[RES APPROVING DEED AND TERM AGMT.PDF](#)

- 6.II. Appointment Of Dawn Cito To The Position Of Payroll And Benefits Clerk

Documents:

[DAWN CITO.PDF](#)

- 6.III. Public Hearing On Waterford Township's 2020/2021 (46th Program Year) Community Development Block Grant (CDBG) Program

- 6.IV. Waterford Township's 2020/2021 (46th Program Year) Community Development Block Grant Program Annual Action Plan

Documents:

[MEMO TO BOARD AND RESOLUTION AND BRIEFING INFORMATION FOR 2020-2021 CDBG PROGRAM ANNUAL ACTION PLAN.PDF](#)

- 6.V. Consideration Of Administrative Denial Of Lot Split Request For 13-16-426-014 (1991 Crescent Lake Road)

Documents:

[BOARD MEMO WITH APPLICATION SURVEY FOR LOT SPLIT OF PARCEL 13-16-426-014.PDF](#)

- 6.VI. Purchase Of Body Cameras, Accessories, And Extended Warranty

Documents:

[BODY CAMERA PURCHASE REQUEST.PDF](#)

- 6.VII. Purchase Of Wearable Technology For Police Personnel To Self-Monitor Individual Health Data And Help Prevent Organizational Spread Of COVID-19.

Documents:

[PURCHASE OF WEARABLE TECHNOLOGY FOR POLICE PERSONNEL.PDF](#)

- 6.VIII. Great Lakes Water Authority Industrial Pretreatment Program Rules And Regulations

Documents:

[GREAT LAKES WATER AUTHORITY INDUSTRIAL PRETREATMENT PROGRAM RULES AND REGULATIONS 20200715.PDF](#)

- 6.IX. Perceptive Controls Inc. Proposal For 2020 Water Treatment Site Supervisory Control And Data Acquisition (SCADA) Updates

Documents:

[TWP BOARD MEMO - SCADA UPDATES 20200720 2.PDF](#)

6.X. CARES Act Interlocal Agreement

Documents:

[REVSIED CARES ACT AND OAKLAND COUNTY CVT PROGRAM WITH RESOLUTION AND AGREEMENT 7.2020.PDF](#)

6.XI. Gastroparesis Awareness Month - August 2020 Proclamation

Documents:

[GASTROPARESIS AWARENESS AUGUST 2020.PDF](#)

6.XII. Public Comments Limited To Three (3) Minutes Per Speaker

In conformance with the Americans with Disabilities Act, large-print agendas and minutes are available upon request. Barrier-free parking and access are also available at town hall. For the hearing impaired, there are four available headsets on a first come basis. Minutes are available upon request at the clerk's department, and on the Township's web site.

How to return your absent voter's ballot:

Place your voted ballot into the Official Ballot Return Envelope

Voter must sign the envelope

Return via the secure drop box in the rear parking lot of Town Hall or mail via the U.S. Mail, UPS, Fed Ex, etc.



IMPORTANT! DID YOU...

- Sign in the box below in your own handwriting?
- Put your ballot in the envelope?
- Return to the local clerk by 8 p.m. on Election Day?

FOR CLERK'S USE ONLY

Returned: _____ Precinct No. _____
Date and Time _____ Ballot No. _____
 Voter signature verified (Initials) _____
 Rejected? Reason _____

I assert that:

- I am a United States citizen.
- I am qualified and registered to vote at the address listed.
- I am voting in conformity with state election law.
- I marked my ballot and placed it in this envelope without showing it to anyone.
- I am returning my ballot to the clerk's office by delivering it myself or a member of my immediate family or household, or sending it by public postal, express mail, or parcel post service, or other common carrier.

I understand that knowingly making a false statement is a misdemeanor.

VOTER sign here in ink. Power of attorney is not acceptable.

X _____ Date ____/____/____
Signature of Absent Voter
This box must be signed or your vote will not be counted.

If someone assists you or helps you mark your ballot, they must sign and identify themselves.
I assisted the voter who is disabled or unable to mark their ballot according to their directions and without showing it to another person.

Signature of Person Assisting Voter

Print Name of Person Assisting Voter

Address of Person Assisting Voter City State Zip

A person who assists an absent voter and who knowingly makes a false statement is guilty of a felony.

Keep your ballot secure.

It is a felony for anyone to be in possession of an absent voter ballot except authorized election officials, employees of postal services or other common carriers during the normal course of their job handling mail, or a member of the voter's immediate family or household who the absent voter has asked to return the ballot.

▼ Voter's Name, Address, City, State, Zip ▼



Official Ballot Return Envelope

To be opened only by the
Precinct or Absent Voter
Ballot Counting Board

Don't forget to sign on the back

Drop off or mail your ballot
so that it is returned
by 8 p.m. on Election Day.

Track your ballot at mi.gov/vote

FORM #695 www.PrintingSystems.us
(R 10/19) (P 12/19)

**SIGN BACK
OF ENVELOPE**



CLERK'S OFFICE
CHARTER TOWNSHIP OF WATERFORD
5200 CIVIC CENTER DRIVE - 2ND FLOOR
WATERFORD, MI 48329-3773



(1) 1st Class Stamp
FIRST CLASS POSTAGE REQUIRED
\$0.55

BOARD MEMBERS PRESENT:

Gary Wall, Supervisor
Kim Markee, Clerk
Margaret Birch, Treasurer
Anthony Bartolotta, Trustee
Art Frasca, Trustee
Steven Thomas, Trustee

BOARD MEMBERS ABSENT

Karen Joliat, Trustee

OTHERS PRESENT via GoToMeeting 506-527-509

Gary Allison	Russ Williams	Gary Dovre
Matt Covey	Boomer Dale	Caller 1
Josh Bowren	Derek Diederich	Melody Sugden-Colgan
Jeffrey Polkowski	Shelly Schloss	

Supervisor Gary Wall called the meeting to order at 6:01 p.m. and asked for a moment of silence for the brave men and women who have served our Country and then lead the Pledge of Allegiance.

Roll call vote was taken. All Board members were present except Trustee Joliat.

1. **APPROVE AGENDA**

1.1 July 13, 2020

Moved by Birch,

Seconded by Markee; RESOLVED, to approve the July 13, 2020 agenda, as printed. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

2. **ANNOUNCEMENT**

2.1 Absent Voter Ballots have mailed to residents that have requested an absent voter's ballot. You may return your ballot via U.S. Mail, or the Election Drop Box located in the rear parking lot between the Police Department and the 2nd floor entrance to Town Hall. If you have any concerns, please contact the Clerk's Office on 248-674-6266 or email elections@waterfordmi.gov.

2.2 Due to summer construction, at three (3) polling locations, the following are temporary polling locations for the August 4, 2020, Primary Election Only.

- Precinct 1 – Schoolcraft Elementary voters will vote at the Recreation Center.
- Precinct 4 – Grayson Elementary voters will vote at Mason Middle School.
- Precinct 16 – Beaumont Elementary voters will vote at Knudsen Elementary School.

Keep in mind this change is only for the August 4, 2020, Election. If you have any questions, please contact the Clerk's Office on 248-674-6266 or email elections@waterfordmi.gov

- 2.3 Summer is here and it's time to spruce up our yards, homes, and outside structures. The Township would like to recognize homeowners, neighborhoods, condominiums, apartment complexes, schools, churches, and businesses that take pride in making their exteriors beautiful. If you are interested in participating, please submit a form and a before picture (optional) by Friday, July 17, 2020. The form can be found on the Township's website at waterfordmi.gov/clerk; the Clerk's Office; or by emailing kmarkee@waterfordmi.gov. Award signs will be placed on the winners' property from August 15, 2020 to August 31, 2020. Call Clerk Kim Markee on 248-674-6211 with any questions.
- 2.4 Curbside Holds Pick-up Service is now available from the Library. Place holds on titles you want to borrow. When they are available you can pick them up curbside at the Library. Hours: Monday – Thursday, 1:00 p.m. - 6:00 p.m. and Saturday, 1:00 p.m. - 5:00 p.m.
- 2.5 Have you responded to the 2020 Census yet? By this time, all Waterford residents should have received multiple communications from the U.S. Census Bureau inviting you to complete the Census questionnaire online, by phone, or mail. If you haven't responded yet, please visit the official Census website at www.2020census.gov or call 800-923-8282 to respond by phone. There are only 9 questions and responding takes less than 10 minutes for most. Did you know the census provides critical data that lawmakers, business owners, teachers, and many others use to provide daily services, products, planning, and support for you and our community? Every year, \$675 billion in federal funding go to hospitals, fire departments, schools, roads, and other resources based on census data. Waterford's goal for 2020 Census response is at least 90%. Your action today helps shape Waterford's future for the next 10 years. Visit Waterford Township's Census information page at www.waterfordmi.gov/census for details, resources, videos and more! And remember our Waterford 2020 Census Slogan – I count, You count, We count, Everyone counts. Get counted, It counts!
- 2.6 Online Summer Reading Programs from June 1, 2020, through August 1, 2020. Children's (ages 3-12), Teens (6th through 12th grades) and Adults programs have separate registrations. Visit our website at www.waterfordmi.gov/Library and check the listings under Library News on the homepage.
- 2.7 Starting Oct. 1, 2020, you'll need a REAL ID-compliant document to fly in the U.S. and enter some federal facilities per federal law. You can obtain a REAL ID-compliant driver's license or state ID from the Michigan Secretary of State's Office. Learn more at Michigan.gov/REALID. Schedule an appointment to get your REAL ID at any Secretary of State office and get in and out in less than 30 minutes. Michigan.gov/SOSAppointments.
- 2.8 Like so many events in 2020, Waterford Township's 5th Annual Earth Day Township Cleanup Event had to be cancelled due to the COVID-19 pandemic limiting our ability to conduct gatherings. But that's won't stop our community from our dedication to the annual cleanup efforts! We've regrouped, made some changes, and we're taking this event virtual for 2020!
- 2.9 Join us for 5th Annual Township Cleanup event July 15 & July 26th. You choose the date, time and location. As long as it's on public property in Waterford Township, it's your choice where you would like to clean up. For a list of suggested areas that need a little TLC, please visit www.waterfordmi.gov/earthday. Supplies are available during regular business hours at the front entrance of Township Hall through Friday, July 17th. Don't forget to email your cleanup photos to supervisor@waterfordmi.gov or post them to the Facebook event page so we can share our collective efforts with each other.

3. Consent Agenda

Board Members may remove items from the Consent Agenda for discussion purposes or for the purpose of voting in opposition. Public comment for items removed from the consent agenda may be received in the same manner immediately following the Consent Agenda.

- 3.1 June 22, 2020, Special Meeting Minutes
- 3.2 June 22, 2020, Regular Meeting Minutes
- 3.3 July 2, 2020, Special Meeting Minutes
- 3.4 July 13, 2020, Bill Payment
- 3.5 Receive the Clerk's Office May 2020 Report
- 3.6 Receive the Library's May 2020 Report
- 3.7 Banner Request – Waterford School District

Moved by Markee,

Seconded by Thomas; RESOLVED, to approve Consent Agenda items 3.1 through 3.7. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

4. Board Liaison Reports (Verbal)

Trustee Bartolotta

VanNorman Lake will have a treatment on July 16th. The Planning Commission tabled the site plan for Redwood Residential until July 28th allowing residents to attend a public hearing. A Mud Slingers conceptual plan was approved.

Supervisor Wall

Supervisor Wall provided a COVID-19 update: At the June 22, 2020, Board meeting there were 365 total cases and 27 deaths. As of July 13, 2020, there are 391 total cases and 29 deaths. There has been a small spike. Please wear your mask when going out, stay well and stay safe.

Clerk Markee,

Parks and Recreation is now having soccer events. Please visit their web-page at waterfordmi.gov/parks.

Please return your absent voter ballot application as soon as possible. Postage requirement is one (1) \$0.55 (one forever) stamp.

Trustee Frasca

Hess-Hathaway Advisory Committee Meeting

There are currently 104 total animals at the park. The following events are scheduled to take place: 50+ Fitness in the Park, Movies in the Park are scheduled to be held on August 1st and August 22nd. There are 400+ bales of hay to feed the animals and Harvest Happening has been canceled. All events are available on the parks and recreation web-site.

5. Introduction**5.1 Zoning Ordinance Amendment 2020-Z-002 - Single Family Attached (R-M1, R-M2)**

The following memo was received from Jeffrey Polkowski, Superintendent of Planning and Zoning.

The following memo was received by Jeffrey Polkowski, Superintendent of Planning and Zoning. Attached for your review and consideration, please find two (2) proposed Zoning Ordinance Text Amendments.

The evaluation of the most recent site plan for the proposed Redwood Living residential development at 2455 Richardson Court revealed inconsistencies in the Zoning Ordinance with respect to levels of intensity for Multiple Family Residential Districts.

The proposed ordinance amendment would allow for lower density multiple family options to be developed in both the R-M1 Low Density Multiple Family Residential District and the R-M2 Multiple Family Residential District. I have attached a map highlighting the affected parcels within the Township.

Currently, attached single-family dwellings are allowed in the R-1E, Single-Family Attached Residential District. The R-1E Zoning District is a significantly less intense Zoning District than either the R-M1 or R-M2 Zoning District.

Section 1-007 of the Zoning Ordinance defines single family attached dwelling units as “a single-family dwelling unit constructed as part of a series of single-family dwelling units, all of which are attached by common walls, and where each dwelling unit possesses an independent entrance directly to the exterior.”

Motion

If the Township Board concurs with the Planning Commission’s favorable recommendation for this, a motion to “introduce” the case should be made which would then provide for consideration of “final adoption” of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-Z-002
TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) R-M1, Low Density Multiple-Family Residential District and R-M2, Multiple-Family Residential District text to allow attached single-family dwellings.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-403.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the R-M1, Low Density Multiple-Family Residential District, is amended to read as follows:

3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the R-M1 district:

A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).

Zoning Ordinance Amendment 2020-Z-002 - Single Family Attached (R-M1, R-M2) Continued.

- B. Attached single-family dwellings containing no more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
- C. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
- D. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).
- E. Child family day care homes (*See Child Day Care Facilities in Section 1-007*).
- F. Child foster family homes (*See Foster Care Facilities in Section 1-007*).
- G. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
- H. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

Section 2 of Ordinance

Section 3-403.4 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the R-M1, Low Density Multiple-Family Residential District, is amended to read as follows:

- 4. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
- A. Attached single-family dwellings containing more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
 - B. Child group day care (*See Child Day Care Facilities in Section 1-007*), when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
 - C. Elder care facilities (*See Elder Care Facilities in Section 1-007*).
 - D. Regional public utility facilities (*See Public Utility in Section 1-007*), provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.

Section 3 of Ordinance

Section 3-404.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the R-M2, Multiple-Family Residential District, is amended to read as follows:

- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M2 district:
- A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).
 - B. Attached single-family dwellings (*See Dwelling, Single-Family Attached in Section 1-007*).
 - C. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
 - D. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).

Zoning Ordinance Amendment 2020-Z-002 - Single Family Attached (R-M1, R-M2) Continued.

- E. Child family day care homes (See **Child Day Care Facilities** in **Section 1-007**).
- F. Child foster family homes (See **Foster Care Facilities** in **Section 1-007**).
- G. Neighborhood public utility facilities (See Public Utility in Section 1-007) and public utility hardware (See Public Utility in Section 1-007).
- H. Area public utility facilities (See Public Utility in Section 1-007), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

Section 4 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2020.

Date

Kimberly Markee, Township Clerk

Mr. Polkowski addressed the Board regarding Zoning Ordinance Text Amendment 2020-Z-002.

Moved by Bartolotta,
Seconded by Frasca; RESOLVED, to introduce Zoning Ordinance Text Amendment 2020-Z-002, and place on the July 27, 2020, regular Board of Trustee meeting for possible adoption. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas
Nays: None
Absent: Joliat

Motion carried unanimously.

5.2 **Ord. No. 2020-Z-003 - Zoning Ordinance Amendment – Commercial Outdoor Storage (M-1)**

The following memo was received by Jeffrey Polkowski, Superintendent of Planning and Zoning.

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment removes commercial outdoor storage establishments as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the M-1 Light Industrial District. This would establish the Planning Commission as the review and approval authority for commercial outdoor storage establishments within the M-1 Light Industrial District in accordance with Section 4-006 of the Zoning Ordinance.

Ord. No. 2020-Z-003 - Zoning Ordinance Amendment – Commercial Outdoor Storage (M-1) Continued.

After due consideration, Planning Staff has recognized an abundance of commercial outdoor storage establishments. Although necessary, these uses are considered unattractive and undesirable to the community when developed in large concentrations.

In an effort to incentivize more desirable industrial developments, this ordinance amendment upholds the intent of the 2003-2023 Master Plan vision for Industrial Districts in order to *“create an economic climate conducive to the attraction, retention, and expansion of business within Waterford,”* and *“improve the physical appearance and functional character of the commercial corridors.”*

Modifying commercial outdoor storage establishments to be a Permitted Uses after Special Approval within the M-1 zoning district also ensures that the public be notified and that effective site development practices are established so that the quality of life in adjacent residential areas are not adversely affected.

Motion

If the Township Board concurs with the Planning Commission’s favorable recommendation for this, a motion to “introduce” the case should be made which would then provide for consideration of “final adoption” of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

Mr. Polkowski addressed the Board regarding Zoning Ordinance Text Amendment 2020-Z-003.

Moved by Frasca,

Seconded by Bartolotta, RESOLVED, to introduce Zoning Ordinance Text Amendment 2020-Z-003, and place on the July 27, 2020, regular Board of Trustee meeting for possible adoption. A roll call vote was taken. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

5.3 Ord. No. 2020-Z-004 - Zoning Ordinance Amendment – Banquet Halls (C-1, C-UB)

The following memo was received by Jeffrey Polkowski, Superintendent of Planning and Zoning.

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment allows Banquet halls within the C-2 Small Business Zoning District to operate with a Special Use Approval granted by the Planning Commission.

Township Staff has recently identified small banquet halls to be in demand within the community. Although banquet halls are available in larger, more intense, lots that are zoned C-3 General Business Zoning District and C-4 Extensive Business Zoning District. There are few options for smaller banquet halls that would be rented out for bridal showers, parties, small weddings, religious gatherings, etc.

Ord. No. 2020-Z-004 - Zoning Ordinance Amendment – Banquet Halls (C-1, C-UB) Continued.

Due to the nature of this development, Township Staff feels that it would be appropriate to establish this use as a Special Use, where a proposed development would be reviewed by the Township Planning Commission to ensure the development is appropriately sized and will operate harmoniously with all adjacent land uses.

The C-2 Small Business Zoning District is the only district within the Township that does not offer any Special Use approvals and is generally considered to be an underutilized district that offers limited development options when compared to the other commercial Zoning Districts that are designed to increase with incremental intensity ranging from C-1 Neighborhood Business to C-4 Extensive Business District.

Additionally, this Zoning Ordinance Text Amendment clarifies a discrepancy within Section 3-707.3 and Section 3-707.5 of the Zoning Ordinance. Within the C-UB Urban Business District, 'banquet and food preparation establishments' are listed as both a Permitted Principal Uses and a Permitted Uses after Special Approval.

Township Staff recommends maintaining 'banquet and food preparation establishments' as a Permitted Principal Use within the Urban Business District due to the intention of the Waterford Township Master Plan 2023 to utilize this Zoning District to "reflect and promote the urban neighborhood area" and to "create an economic climate conducive to the attraction, retention, and expansion of business within Waterford."

Section 1-007 of the Zoning Ordinance defines a Banquet And Food Preparation Establishment as "*A commercial service establishment in which food and beverages are prepared for catered consumption off the zoning lot on which preparation occurs, and for the purposes of on-premise catering to large groups of people for special occasions such as banquets, weddings, receptions or similar functions when the zoning lot possesses the capacity for a banquet facility.*"

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for this, a motion to "introduce" the case should be made which would then provide for consideration of "final adoption" of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-Z-004

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A ("Zoning Ordinance") C-2, Small Business District text to allow banquet and food preparation establishments as a permitted use after special approval, and to correct the C-UB, Urban Business District text by removing banquet and food preparation establishments from the list of permitted uses after special approval because they are also listed as a permitted principal use.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Ord. No. 2020-Z-004 - Zoning Ordinance Amendment – Banquet Halls (C-1, C-UB) Continued.

Section 3-704 of the Waterford Township Zoning Ordinance for the C-2, Small Business District, is amended to add a new subsection 5 to read as follows:

- 5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-2 District, subject to review and approval of the use in accordance with Section 4-006 and any conditions hereinafter imposed for each such use:
 - A. Banquet and food preparation establishments (See **Commercial Service Establishments** in **Section 1-007**).

Section 2 of Ordinance

Section 3-707.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-UB, Urban Business District, is amended to delete banquet and food preparation establishments that was subsection B, and now read as follows:

- 5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-UB District, subject to the review and approval of the use in accordance with Section 4-006 and any conditions hereinafter imposed for each such use:
 - A. The uses permitted under Section 3-707.3.l with outdoor dining patios (See **Structure** in **Section 1-007**)conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
 - B. Veterinary clinics (See Veterinary Establishments in Section 1-007). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
 - C. Funeral home establishments (See Funeral Home Establishments in Section 1-007).
 - D. Precious metal and gem dealers (See Section 1-006) in conformance with Section 2-602.

Section 3 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2020.

Date

Kimberly Markee, Township Clerk

Ord. No. 2020-Z-004 - Zoning Ordinance Amendment – Banquet Halls (C-1, C-UB) Continued.

Mr. Polkowski addressed the Board regarding Zoning Ordinance Text Amendment 2020-Z-004.

Moved by Frasca,

Seconded by Markee; RESOLVED, to introduce Zoning Ordinance Text Amendment 2020-Z-004, and place on the July 27, 2020, regular Board of Trustee meeting for possible adoption. A roll call vote was taken. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

5.4 Zoning Ordinance 2020-Z-005; Proposed Map Adoption for the July 27, 2020, Planning Commission Meeting Case No. 20-06-01 Re-Adoption of the Official Zoning Map

The following memo was received by Jeffrey Polkowski, Superintendent of Planning and Zoning.

The Official Zoning Map adopted March 10, 2010, as amended, has generally been considered difficult to read and not user friendly by those who chose to live or invest in the Township. As a response to this, Township Staff has been circulating an unofficial map that uses a different organizational structure and color scheme in an attempt to provide more clarity.

Planning Staff is comfortable with proposing that this map be established as the Official Zoning Map for Zoning Ordinance No. 135-A. Attached with this memo, for your review, is both the existing Official Zoning Map and the Proposed Zoning Map. Both of which, include the following amendments (rezonings) as per Section 4-009.2.J of the Zoning Ordinance:

Case No.	Date	Parcel ID	Address	Previous Zoning	Changed Zoning
2012-02-02	12-02-02	13-18-353-019, through 022	7720 & 7732 HIGHLAND RD.	C-2	C-3
2012-04-01	12-04-01	13-35-179-028 through 032	90 S. CASS LAKE RD.	O-1	C-2
2012-04-02	12-04-02	13-35-179-039	3532 CASS ELIZABETH RD.	O-1	HT-1
2012-04-03	12-04-03	13-35-179-036	960 S. CASS LAKE RD.	R-1C	C-2
2012-04-04	12-04-04	13-04-151-013	4269 STEFFENS RD.	R-1B	C-1
2012-04-06	12-04-06	13-13-300-201	1580 SCOTT LAKE RD	R-1A	PL
2013-03-02	13-03-02	13-33-180-001	VACANT PARCEL	R-1E	R-1A
2013-05-02	13-05-02	13-23-353-002	592 SHARON STREET	O-1	R-1A
2014-02-01	14-02-01	13-13-426-034	VACANT PARCEL	C-4	R-M2
2014-09-02	14-09-02	13-14-227-027	VACANT PARCEL	R-1A	O-1
2015-02-01	15-02-01	13-10-402-006,010,009	4265 DIXIE HIGHWAY	C-2	C-3
2015-03-01	15-03-01	13-16-451-023,027	BALIAN DRIVE	C-3	C-4
2015-08-03	15-08-03	13-22-227-013	4212 HIGHLAND SUITE 100	C-4	C-3
2016-03-01	16-03-01	13-18-451-023	7313 HIGHLAND ROAD	C-4	C-3
2016-04-02	16-04-02	13-21-101-021	VACANT PARCEL	PL	R-1B
2017-03-01	17-03-01	13-20-101-001	VACANT-PROPERTY ASSEMBLAGE	R-1A, C-2, C-3	C-4
2017-05-01	17-05-01	13-13-426-032	2100 DIXIE HIGHWAY	C-4	C-3
2017-05-02	17-05-02	13-34-427-003	VACANT PROPERTY	C-1	R-1C
2017-06-01	17-06-01	13-20-101-007	6929 HIGHLAND RD.	C-2	C-4
2017-06-03	17-06-03	13-21-202-001	5385 HIGHLAND RD. - VACANT	O-1	C-1
2017-10-01	17-10-01	13-12-105-005	2946 WALTON BLVD.	O-1	R-1A
2017-11-03	17-11-03	13-35-301-001	3965 CASS ELIZABETH RD.	C-2	CR
2017-11-04	17-11-04	13-04-253-013,014	VACANT PROPERTY	R-1	R-1B
2018-03-03	18-03-03	13-24-176-009 through 024	VACANT PROPERTY	C-1	R-1C
2018-04-01	18-04-01	13-16-401-023	5341 TUBBS RD.	PL	R-1A
2018-10-01	18-10-01	13-19-200-004	7488 PONTIAC LAKE RD.	R-1A	R-M2

Zoning Ordinance 2020-Z-005; Proposed Map Adoption for the July 27, 2020, Planning Commission Meeting Case No. 20-06-01 Re-Adoption of the Official Zoning Map Continued.

Although there is no national standard for a color scheme adopted by the American Planning Association, the proposed color scheme used to represent the Township Zoning Districts is more typically seen in zoning maps used by municipalities nation-wide. After circulating this map for over a year, making minor adjustments as they have been identified.

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for this, a motion to "introduce" the case should be made which would then provide for consideration of "final adoption" of the Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

Mr. Polkowski addressed the Board regarding Zoning Ordinance Text Amendment 2020-Z-005.

Moved by Markee,

Seconded by Frasca; RESOLVED, to introduce Zoning Ordinance 2020-Z-005; Proposed Map Adoption for the July 27, 2020, Planning Commission Meeting Case No. 20-06-01 Re-Adoption of the Official Zoning Map, and place on the July 27, 2020, regular Board of Trustee meeting for possible adoption. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

5.5 Zoning Ordinance 2020-Z-006; Rezoning Case No. 20-02-02, Southeast Corner of Dixie Highway and Waterford Road, Accessible From Rockcroft Blvd, From R1-A, PL to C-3

The following memo was received by Jeffrey Polkowski, Superintendent of Planning and Zoning.

Current Zoning: R-1A, Single Family Residential and PL, Public Land District

Proposed Zoning: C-3 General Business District

Master Plan: Public and Open Space: Public Lands

Prior to acquisition by the applicant, the property was utilized as vehicle storage area for the volunteer fire department and has currently been operating as a minor vehicle service facility. The current owner is seeking to rezone the property to C-3, General Business, to bring the use into conformity and the zoned in conformance with the surrounding area. Upon approval, of rezoning, the applicant will petition for a special approval use for an outdoor storage establishment in a C-3, General Business District.

The Master Plan indicates that these parcels are designated as Public and Open Space: Public Lands. This is due to its previously functioning use as vehicle storage for the Volunteer Fire Department. The Master Plan designation of all surrounding parcels are listed as Commercial

Zoning Ordinance 2020-Z-006; Rezoning Case No. 20-02-02, Southeast Corner of Dixie Highway and Waterford Road, Accessible From Rockcroft Blvd, From R1-A, PL to C-3 Continued.

Office: Community Business. Therefore, Township Staff recommends analyzing this parcel through the lens of the Commercial Office: Community Business Master Plan designation.

Motions

Based upon the Planning Commission’s favorable recommendation at the June 23, 2020 regular meeting for this rezoning case, should the Board want to consider adopting the requested rezoning to C-3 General Business District, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the July 27, 2020 meeting.

However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

Staff will be available at Monday’s meeting for any questions on this case. However, if you have any questions in advance of the meeting, please contact this office.

STATE OF MICHIGAN
COUNTY OF OAKLAND
ORDINANCE NO. 2020-Z-006

ZONING ORDINANCE MAP AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property and amending the Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The parcels of property that are assigned tax parcel numbers 13-04-126-008, and 13-04-126-009, legally described below, with current addresses of 4525 Rockcroft Blvd. are rezoned from **Rezone from R-1A, Single-Family Residential and PL, Public Land District to C-3, General Business District**, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101, to be changed and amended to reflect this rezoning.

Section 2 of Ordinance

The effective date of this ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Map Amendment Ordinance was adopted by a majority vote of the members of the Board of Trustees of the charter Township of Waterford at a meeting duly called and held on _____.

CHARTER TOWNSHIP OF WATERFORD

Date

Kimberly F. Markee, Township Clerk

Mr. Polkowski addressed the Board regarding Zoning Ordinance Text Amendment 2020-Z-006.

Trustee Bartolotta stated that this is located on a dead-end street. Boomer does excellent work at his facilities.

Zoning Ordinance 2020-Z-006; Rezoning Case No. 20-02-02, Southeast Corner of Dixie Highway and Waterford Road, Accessible From Rockcroft Blvd, From R1-A, PL to C-3 Continued.

Moved by Bartolotta,
 Seconded by Thomas, RESOLVED, to introduce Zoning Ordinance 2020-Z-006; Rezoning Case No. 20-02-02, Southeast Corner of Dixie Highway and Waterford Road, Accessible From Rockcroft Blvd, from R1-A, PL to C-3, and place on the July 27, 2020, regular Board of Trustee meeting for possible adoption. A roll call vote was taken. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas
 Nays: None
 Absent: Joliat

Motion carried unanimously.

6. New Business
6.1 Approval of Rental Agreement 2303 Crescent Lake Road

The following agreement was received by Supervisor Wall.

PROPERTY RENTAL AGREEMENT

(1) This Property Rental Agreement (“Agreement”) shall be effective as of the date of the last signature and is by and between the Charter Township of Waterford, a Municipal Corporation, whose address is 5200 Civic Center Drive, Waterford, Michigan 48329, hereinafter designated as the “**Landlord**”, and R&L Produce by Van Houtte Farms, LLC, a Michigan limited liability company whose address is 11360 35 Mile Road, Romeo, Michigan 48065, hereinafter designated as the Tenant.

(2) Description of Rental Area and Purpose: The Landlord, in consideration of the rents to be paid and the covenants and agreements to be performed by the Tenant, does hereby rent to the Tenant the portion of the premises situated at the Parking Lot on the property known as 2303 Crescent Lake Road, Waterford Township, MI 48329 as depicted on that attached plot plan (“Premises”) for the purpose of seasonal retail sales of fresh produce as a transient merchant.

(3) Term and Rent: This Agreement shall be for up to four (4) months per year (July, August, September, and October) beginning in calendar year 2020 and continuing through calendar year 2024, with the Tenant’s rent payments to Landlord to be in the amounts listed below. The payments for August, September, and October shall be made by the first day of those months. If Tenant commences use of the Premises in July, the payment shall be made on the date of that commencement, with the amount to be based on the number of use days in the month at the daily rate.

	YEAR	MONTHLY RATE	DAILY RATE
a)	2020	\$1,290.00	\$42.00
b)	2021	\$1,330.00	\$43.00
c)	2022	\$1,370.00	\$44.00
d)	2023*	\$1,410.00	\$45.00
e)	2024*	\$1,450.00	\$46.00

(*) In calendar years 2023 and 2024 the Landlord has the option to discontinue this rental agreement for any reason. The Landlord agrees to exercise this option and notify the Tenant by

Approval of Rental Agreement 2303 Crescent Lake Road Continued.

March 1st in each of those years. Failure to provide notice to the Tenant by March 1st shall be considered a forfeiture of the Landlords right to discontinue this rental agreement in that given calendar year.

Electricity: Tenant is responsible for any and all cost including all metered electrical billings.

Water: Tenant is responsible for an initial \$400.00 pre-paid temporary water source as well as all subsequent metered billings.

(4) Insurance: Although the Landlord may insure the Premises on its general liability insurance coverage, Tenant shall have no right to or expectation of coverage under any insurance policies of the Township. During periods of occupancy the Tenant shall be required to provide commercial general liability insurance covering all operations including occupancy and/or use of the property with a minimum liability limit of one million dollars per occurrence. It is understood and agreed that the following shall be Additional Insured: The Landlord, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, employees and volunteers. It is understood and agreed by naming the Landlord as additional insured, coverage afforded is considered to be primary and any other insurance the Landlord may have in effect shall be considered secondary and/or excess.

(5) Assignment: The Tenant covenants not to assign or transfer this rental agreement or sublet said premises or any part thereof without the written consent of the Landlord. Any assignment, transfer, hypothecation, mortgage or subletting without said written consent shall give the Landlord the right to terminate this rental agreement and to reenter and repossess rented premises.

(6) Use and Occupancy: It is understood and agreed between parties hereto that said premises during the continuance of this rental agreement shall be used and occupied by Tenant only for the retail sale of fresh produce and purposes incidental thereto. The Tenant will not use the premises for any purpose in violation of any law, municipal ordinance or regulation, or its Transient Merchant License from the Township, and that on any breach of this agreement the Landlord may at its option terminate this rental agreement forthwith and reenter and repossess the rented premises.

(7) Tenant to Indemnify: The Tenant agrees to indemnify and hold harmless the Landlord from any liability for damages to any person or property in, on or about said rented premises due to negligence or other actions or omissions of Tenant or its employees, agents, and vendors.

(8) Repairs: The Tenant further covenants and agrees that it will, at its own expense, during the continuation of this agreement, keep the said premises clean and every part thereof in as good repair and at the expiration of the term yield and deliver up the same in like condition as when taken, reasonable use and wear thereof and damage by the elements excepted. The tenant shall not make any alterations, additions or improvements to said premises without the Landlord's written consent. The Tenant agrees to remove all market related items at the end of each use period in a calendar year, as well as, repair or fill in all holes in dirt and/or asphalt from market tent stakes or other market related use.

(9) Reservation: The Landlord shall have the right of inspection of the rented premises and a right of entry onto said rented property when such entry is necessary and incidental to the operation of the Township of Waterford.

(10) The Tenant further acknowledges that it has examined the said rented property prior to signing this rental agreement, and knows the condition thereof, and that no representations as to the condition or state of repairs thereof have been made by the Landlord which are not herein

Approval of Rental Agreement 2303 Crescent Lake Road Continued.

expressed, and the Tenant hereby accepts the rented property in its present condition at the date of the execution of this agreement.

(11) It is further agreed that the Tenant may seek a temporary sign permit from the Waterford Township Development Services Department for all signage used on the property for the duration of this rental agreement.

(12) In case any rent shall be due and unpaid or if default be made in any of the covenants herein contained, or if said rented premises shall be deserted or vacated, then it shall be lawful for the Landlord to reenter and repossess the said premises and to remove and dispose of any property of the Tenant that remains on the premises.

(13) One or more waivers of any covenant or condition by the Landlord shall not be construed as a waiver of a further breach of the same covenant or condition.

(14) Whenever under this agreement, a provision is made for notice of any kind it shall be deemed sufficient notice and service thereof if such notice to the Tenant is in writing addressed to the Tenant at the address in this Agreement or at the rented premises and deposited in the mail with postage prepaid and if such notice to the Landlord is in writing addressed to the address of the Landlord to the Attention of the Township Supervisor and deposited in the mail with postage prepaid.

IN WITNESS WHEREOF, the parties have signed this Agreement on the dates indicated next to their signatures.

CHARTER TOWNSHIP OF WATERFORD

Gary Wall, Township Supervisor Date

Kimberly F. Markee, Township Clerk Date

R&L PRODUCE BY VAN HOUTTE FARMS, LLC

Rene Van Houtte, Manager/Member Date

Larry Van Houtte, Manager/Member Date

Attached Plot Plan is part of this Agreement

Approval of Rental Agreement 2303 Crescent Lake Road Continued.

Moved by Bartolotta,

Seconded by Markee; RESOLVED, to approve the Rental Agreement 2303 Crescent Lake Road. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

6.2 Recommendation to Partially Pre-Pay OMI Series 2020-A

The following memo was received by Derek Diederich, Budget Director and DPW Administrative Superintendent, Russell Williams, DPW Director, Barb Miller, Assistant Budget Director and Accounting Manager.

Waterford Township was recently notified by the Oakland County Water Resource Commissioner's (WRC) Office that Series 2020-A of the Oakland Macomb Interceptor (OMI) Drainage District Assessment Roll was certified in June-2020.

Waterford Township is a member community of the Oakland Macomb Interceptor (OMI) Drainage District. The attached memo from OMI details the sewer project not to exceed \$84-million. Waterford's share of this public improvement is estimated at: 7.6159%, or \$6,397,356. The memo from OMI, attached here for your convenience, outlines the large rehabilitation of the Northeast Pumping Station (constructed in the 1970's) and 7-miles of 8' to 13' diameter sewer main that will be repaired as well. These assets are considered 'common to all' and Waterford, like the other Oakland and Macomb County Communities outlined in the memo, have been apportioned their respective share. As you know, Waterford does not have a sewer treatment plant so that is why the community belongs to OMI and is financially involved with paying for identified 'downstream' repairs, maintenance and construction.

The recommendation from the authors of this memo is to partially prepay \$2-million of the apportioned \$6,397,356 dollars. This will help reduce the amount of debt being placed on Waterford's Long Term Debt Schedule, as well as save the Waterford Sewer Rate Payer an estimated ~ \$515,768 in interest over the 20-year life of this public debt. We recommend the board authorize the attached resolution approving the recommended \$2-million partial prepayment. This resolution needs to be delivered to OMI by July 22, 2020. The funds would need to be transferred to OMI prior to September 1, 2020.

Another item to keep in mind is that since the public debt in this case involves multiple communities, there is only one chance to prepay, unlike a debt that Waterford would exclusively undertake for its own capital item. The Water-Sewer Enterprise Fund ended 2019 at \$18,997,640 in cash and equivalents. 2019 also saw \$24,220,161 in annual expenses for the same fund. This equates to a 78% cash and equivalents to annual expenses ratio. Paying down \$2-million would bring this same metric to an estimated 70%. An Enterprise Fund similar to Waterford's Water-Sewer Fund having a 75 to 100% Cash to Annual Operating Expenses is considered healthy. As you can see as outlined above, the cash balance has to be tempered with the cost of public infrastructure improvements which are frequently measured in hundred thousand and million dollar increments.

Recommendation to Partially Pre-Pay OMI Series 2020-A Continued.

If the Board elects to move forward with this course of action the attached resolution must be approved, certified and sent back to the County no later than July 22, 2020.

Should you have any questions or comments please do not hesitate to contact our offices. Thank you for your time and attention to this matter.

Recommended Board Action(s)

1. **Approve the attached resolution approving the partial prepayment of \$2-million towards Waterford Township's apportioned share of the OMI Series 2020-A Debt.**
2. **Forward a copy of the approved Resolution to Waterford's contact at WRC prior to July 22, 2020.**
3. **Release and Transfer the \$2-million prepayment to OMI from the (590) Water-Sewer Enterprise Fund prior to September 1, 2020.**

CHARTER TOWNSHIP OF WATERFORD
COUNTY OF OAKLAND, MICHIGAN
RESOLUTION

Action at a regular meeting of the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, ("Township" in this Resolution) held in said Township on July 13, 2020, at 6:00 p.m., Eastern Daylight Savings Time.

PRESENT:

ABSENT:

WHEREAS, pursuant to the petitions received by the Charter Township of Waterford, Oakland County, and the City of Sterling Heights, Macomb County (collectively, the "Petitions") requesting the Maintenance, Extension and Improvement of the Oakland-Macomb Interceptor Drain (the "Drain") pursuant to Section 535 of Michigan Public Act 40 of the Public Acts of 1956 ("Drain Code" or Act 40), as amended, MCL §280.535 and filed with the Director of the Michigan Department of Agriculture, proceedings have been carried out by the Augmented Drainage Board and Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District (the "Drainage District") to acquire, finance, construct, improve, and replace certain wastewater facilities (the "Project") as set forth in Attachment A, and said Project having been determined to be necessary for the public health; and,

WHEREAS, on August 21, 2019, the Drainage Board for the Drainage District confirmed and adopted a Final Order of Apportionment and cost of the Project has been apportioned against the following public corporations in the counties of Oakland and Macomb as follows: (in Oakland County) City of Auburn Hills (4.9705%), Independence Township (includes City of Clarkston) (2.4213%), City of Lake Angelus (0.0185%), City of Rochester (1.9526%), City of Rochester Hills (8.1106%), Oakland Township (1.0393%), Orion Township (3.1494%), Oxford Township (1.2468%), Village of Lake Orion (0.3409%), Village of Oxford (0.5928%), Waterford Township (7.6159%), West Bloomfield Township (1.6414%); (in Macomb County) Chesterfield Township (4.7983%), City of Fraser (2.7237%), City of Sterling Heights (20.8080%), City of Utica (1.1036%), Clinton Township (14.1538%), Harrison Township (4.1556%), Lenox Township (0.6353%), Macomb Township (9.4344%), Shelby Township (6.6490%), Village of New Haven (0.5475%), and Washington Township (1.8907%) (the "Public Corporations"); and,

Recommendation to Partially Pre-Pay OMI Series 2020-A Continued.

WHEREAS, on June 17, 2020, the Drainage Board approved and adopted Oakland-Macomb Interceptor Drain 2020 Special Assessment Roll No. 1 Relating to Series 2020A Bonds with respect to the costs of the second segment of the Project not to exceed \$84,000,000, for the improvements to the Northeast Sewage Pumping Station and North Interceptor East-Arm in accordance with the Final Order of Apportionment; and,

WHEREAS, pursuant to the authorization provided in Section 528 of Chapter 21 of the Drain Code (MCL §280.528), the Drainage Board of the Drainage District expects to provide for the issuance of one or more series of bonds to finance the costs of the Project, and the costs of issuance of such bonds, in anticipation of the collection of assessments to be made pursuant to the Drain Code, and to pledge the full faith and credit of the Drainage District for the prompt payment of the principal thereof and the interest thereon; and

WHEREAS, such bonds will be payable from the collection of special assessments against the Public Corporations, said special assessments to be duly confirmed as provided in the Drain Code; and

WHEREAS, prior to the issuance of said bonds for the second segment, the Drainage Board has notified the Township, to permit, should the Township determine expedient, to prepay the assessment and avoid interest and finance charges associated with the anticipated Series 2020A Bond issue for this Project segment; and,

WHEREAS, the Drainage Board has requested that the Township adopt a resolution and affirming its intention regarding prepayment of its Series 2020A drain special assessment for this Project segment, and forward same by July 22, 2020, and make that payment of the assessment by September 1, 2020.

WHEREAS, with those time constraints and the understanding that it is permissible, the Township has determined to partially prepay its Series 2020A drain special assessment for this Project segment as provided in this Resolution.

IT IS THEREFORE RESOLVED that the Charter Township of Waterford hereby confirms that it will partially pay \$2,000,000.00 of its drain assessment on the Oakland-Macomb Interceptor Drain 2020 Special Assessment Roll No. 1.

IT IS FURTHER RESOLVED that the Township DPW Director is directed to notify the Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District by July 22, 2020, of this Resolution and of the Township's intention to submit the partial payment no later than September 1, 2020.

CERTIFICATION

I hereby certify that this Resolution with its Attachment A on the next page was adopted by the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, at a regular meeting held on July 13, 2020.

Date

Kimberly Markee, Township Clerk

ATTACHMENT A**Oakland-Macomb Interceptor Drain**

North Interceptor East Arm

Recommendation to Partially Pre-Pay OMI Series 2020-A Continued.

The proposed project includes design and rehabilitation of approximately 1600 lineal feet of lining of the existing 17.5-foot diameter PCI-4 interceptor, lining of approximately 800 lineal feet of the existing 12-foot diameter PCI-19 interceptor.

The project also consists of construction earth retention systems, shafts, gates, manholes, new piping, electrical, control and communication systems. It also consists of related modifications to gain access to the interceptor in the North Interceptor East-Arm and GLWA systems as well as upstream OMID flow control system operations and modifications to facilitate the downstream work. Contracted work also includes various spot repairs and other ancillary work in the North Interceptor East-Arm including the transition point of the and OMID and GLWA systems. Related surface repairs of existing infrastructure to access the underground interceptor will also be needed along with various agreements with other government and private corporations for permitting, access and managing the flow in order to commence the work.
Estimated Project Cost: \$28,310,000

Northeast Sewage Pump Station (NESPS) Repairs

The purpose of the Northeast Sewage Pumping Station (NESPS) Pumping and Electrical Upgrades Project is to improve redundancy and efficiency to the pumping operations at the pump station. This will be achieved through the replacement of the existing pumps, motors, process piping, plumbing, electrical service, transformers, gear, starters, controls, communications, computer, software and all appurtenances to completely rehabilitate the pump station process from service power into the facility to wastewater leaving the facility. Five new pumps that will be approximately 1000 horsepower each will be installed with new discharge piping, controls, valves, actuators and other appurtenances. The station will utilize best management practices with pumping units that are better sized to match the expected flow along with some alternative energy features. Demolition of the old pumps and related piping and electrical gear and service will also be required.

Civil/ Site Work for new drainage, concrete access drive, earthwork, landscaping, lighting, fencing and security features are also included in the project. A new roof for the existing pump station will be required to protect the new equipment inside the facility along with a new electrical building which will allow concurrent operations of the pump station while phasing over to the new system. The new building will include restroom, storage, cleaning and control rooms and office facilities for staff to properly maintain the new assets.

Estimated Project Cost: \$55,690,000

The estimated total project cost is: \$84,000,000.

Mr. Williams addressed the Board of Trustees regarding the project. Treasurer Birch stated the total savings will be approximately \$515,000.00.

Moved by Frasca,

Seconded by Bartolotta; RESOLVED, to approve the attached resolution approving the partial prepayment of \$2-million towards Waterford Township's apportioned share of the OMI Series 2020-A Debt, forward a copy of the approved Resolution to Waterford's contact at WRC prior to July 22, 2020, and release and transfer the \$2-million prepayment to OMI from the (590) Water-Sewer Enterprise Fund prior to September 1, 2020. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

6.3 **Neptune 360**

The following memo was received by Russell Williams, Director of the Department of Public Works.

The purpose of this memo is to seek board approval of an upgrade to the DPW’s fixed Advanced Metering Infrastructure (AMI) meter reading system. Neptune is the manufacturer of all Waterford Township water service meters (residential and commercial), a township wide fixed radio network for remotely reading individual service meters and the software that conveys that meter data to the utility billing program.

The software that communicates data from customer meters to the utility billing program is the current topic of concern. Neptune Technology Group informed Waterford Township DPW Monday, May 11, 2020 that the existing NSIGHT PLUS server based software and support will be ending December 31, 2020. The next generation of technology is Neptune 360, this Software-as-a-Service (SaaS) solution provides the highest level of security from a 24/7 monitored world-class data center, redundancy and disaster recovery service. With present functionality maintained, additional advantages include: immediate software updates, seamless data sharing across multiple platforms, and remote support staff to interact with township personnel and vendors. Additionally a customer (end users) app for phone or PC is in development to provide additional service to customers in the future.

After reading the information from Neptune, the bottom line is the “End of Life” for support of Waterford Township’s current N-Sight program. Waterford Township DPW is at risk of not being able to run utility billing without the continuity of the meter readings to the utility billing system. The NSIGHT PLUS program was a one-time purchase, which required purchasing additional upgrades as they become available. The new Neptune 360 SaaS software has an annual subscription fee based on the quantity of meters in any given system, which includes any upgrades that become available.

Steve Berra, of Ferguson Waterworks, a Board Approved 2020 Single Source Vendor, presented Waterford Township DPW a three-year proposal for Neptune 360, setup and training at a total cost of \$114,153.70. This quote includes a 30% discount for year one, and a 15% discount for year two with an approved three year contract.

This purchase will not require a budget amendment as other software upgrades in the 59044-86800 Computer Licensing & Consulting line item have been less than budgeted. Continued subscription fees will be presented in line item 59044-86800 for approval in annual budget review process.

Requested Board Action
Approve Ferguson Waterworks Purchase of Neptune 360, a three-year service, from Account 59044-86800 for a not to exceed value of \$114,153.70.
Approve 2020 First Year Subscription Expenditure from Account 59044-86800 to Ferguson Waterworks for Neptune 360, Installation and Training for a not to exceed value of \$36,995.13

Mr. Williams addressed the Board of Trustees regarding the Neptune 360 purchase and subscription.

Moved by Frasca,

Seconded by Bartolotta; RESOLVED, to approve the Ferguson Waterworks purchase of Neptune 360, a three-year service, from Account 59044-86800 for a not to exceed value of \$114,153.70; furthermore, to approve the 2020 first year subscription expenditure from account 59044-86800 to Ferguson Waterworks for Neptune 360. Installation and training not to exceed value of \$36,995.13. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

7.4 Great Lakes Water Authority Water Residential Assistance Program

The following memo was received by Russell Williams, Director of Department of Public Works.

Waterford Township DPW as a Wholesale Customer of the Great Lakes Water Authority (GLWA) is eligible to participate in the Water Residential Assistance Program (WRAP).

After several months of correspondence and comprehensive consideration, the Waterford Township DPW, working directly with Mr. Gary Dove, Waterford Township Attorney, and GLWA have come to an agreement that will allow our residents to participate in WRAP Option 2.

This program will help residents who have limited resources with their water/sewer bill and some minor plumbing repairs. Participation in WRAP will require additional administrative responsibilities for the DPW staff, but will ultimately provide assistance for Waterford Township residents in need.

Requested Board Action
Approve the Community Action Alliance WRAP Memorandum of Agreement Between Charter Township of Waterford and Community Action Alliance Member: Oakland Livingston Human Services Agency (OLHSA) and Community Action Alliance Project Administrator: Wayne Metropolitan Community Action Agency (Wayne Metro).

Mr. Williams addressed the Board of Trustees.

Moved by Bartolotta,

Seconded by Markee; RESOLVED, to approve the Community Action Alliance WRAP Memorandum of Agreement between Charter Township of Waterford and Community Action Alliance Member: Oakland Livingston Human Services Agency (OLHSA) and Community Action Alliance Project Administrator: Wayne Metropolitan Community Action Agency (Wayne Metro). A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

6.5 Public Comments Limited to Three (3) Minutes per Speaker

No one addressed the Board.

ADJOURNMENT

Moved by Birch,
Seconded by Frasca; RESOLVED, to adjourn the meeting at 6:50 p.m. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, and Thomas

Nays: None

Absent: Joliat

Motion carried unanimously.

Kim Markee, Clerk

Gary Wall, Supervisor

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
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290095	07/07/2020	PRINTED	013684 AQUATIC SERVICES INC	5,800.00			
290096	07/07/2020	PRINTED	013995 AZTECA SYSTEMS INC	26,195.00			
290097	07/07/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	144.69			
290098	07/07/2020	PRINTED	021380 BILLS PLBG & SEWER SERV I	168.00			
290099	07/07/2020	PRINTED	023587 HILLARIE F BOETTGER PLLC	300.00			
290100	07/07/2020	PRINTED	023804 BRENTWOOD ELECTRIC	35.00			
290101	07/07/2020	PRINTED	041192 CDW GOVERNMENT INC	73.75			
290102	07/07/2020	PRINTED	041222 CCLS INC	606.20			
290103	07/07/2020	PRINTED	041460 CLYDES FRAME & WHEEL SERV	1,516.22			
290104	07/07/2020	PRINTED	041495 CMP DISTRIBUTORS INC	1,187.00			
290105	07/07/2020	PRINTED	043364 AT&T MOBILITY	68.98			
290106	07/07/2020	PRINTED	043626 CONSUMERS ENERGY	2,524.07			
290107	07/07/2020	PRINTED	043952 CYNERGY PRODUCTS	4,220.82			
290108	07/07/2020	PRINTED	044220 CHASE CARD SERVICES	5,801.54			
290109	07/07/2020	PRINTED	051445 DLZ MICHIGAN, INC	1,176.50			
290110	07/07/2020	PRINTED	053253 DTE ENERGY	39,685.46			
290111	07/07/2020	PRINTED	053580 DOORS OF PONTIAC	2,255.00			
290112	07/07/2020	PRINTED	091010 GABRIEL ROEDER SMITH & CO	2,500.00			
290113	07/07/2020	PRINTED	093026 RICHARD GALAT	300.00			
290114	07/07/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	589.52			
290115	07/07/2020	PRINTED	093565 GOODYEAR AUTO SERV CTR	584.00			
290116	07/07/2020	PRINTED	093594 GOOSE BUSTERS	227.50			
290117	07/07/2020	PRINTED	093705 GRAINGER	672.76			
290118	07/07/2020	PRINTED	101950 HYDRO CORP	7,132.00			
290119	07/07/2020	PRINTED	103023 HESCO	1,450.00			
290120	07/07/2020	PRINTED	113551 NICHOLS PAPER & SUPPLY CO	1,247.57			
290121	07/07/2020	PRINTED	121003 POWER PLAN	413.63			
290122	07/07/2020	PRINTED	121016 JB CONTRACTORS, INC	54,114.00			
290123	07/07/2020	PRINTED	123048 SHATHA JAZRAWI	967.28			
290124	07/07/2020	PRINTED	123583 JOES GREAT AMERICAN TREE	1,100.00			
290125	07/07/2020	PRINTED	143233 KENNEDY INDUSTRIES INC	23,364.00			
290126	07/07/2020	PRINTED	153276 LEE INDUSTRIAL CONTRACTIN	605.00			
290127	07/07/2020	PRINTED	153601 LOCKSMITH AROUND THE CLOC	660.00			
290128	07/07/2020	PRINTED	153606 LOGANS TREE AND LANDSCAPI	2,600.00			
290129	07/07/2020	PRINTED	161014 MI MUNICIPAL RISK MGMNT	15,256.01			
290130	07/07/2020	PRINTED	161071 M&R PRODUCE LLC	165.36			
290131	07/07/2020	PRINTED	161140 MCNABS HARDWARE	143.16			
290132	07/07/2020	PRINTED	163088 MASTER RADIATOR SERV INC	343.75			
290133	07/07/2020	PRINTED	163095 MAZZA AUTO PARTS INC	733.01			
290134	07/07/2020	PRINTED	163282 MEDMUTUAL LIFE	4,813.91			
290135	07/07/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	1,839.39			
290136	07/07/2020	PRINTED	174044 MICHIGAN DEPT OF ENVIRONM	90.00			
290137	07/07/2020	PRINTED	174158 MICHIGAN CERTIFICATION BO	145.00			
290138	07/07/2020	PRINTED	183269 SPRINT SOLUTIONS	9.30			
290139	07/07/2020	PRINTED	183286 QUADIENNT FINANCE USA, INC	40.95			
290140	07/07/2020	PRINTED	183952 NYE UNIFORM COMPANY	34.50			
290141	07/07/2020	PRINTED	193273 OFFICE DEPOT	54.42			
290142	07/07/2020	PRINTED	193933 OXYGEN FORENSICS INC	8,084.00			
290143	07/07/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	163.94			
290144	07/07/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	291.44			
290145	07/07/2020	PRINTED	204060 OAKLAND COUNTY ANIMAL CON	1,840.00			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

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290148	07/07/2020	PRINTED	213566 COFFEE BREAK INC	68.50			
290149	07/07/2020	PRINTED	227601 NORTH OAKS CORVETTE CLUB	60.00			
290150	07/07/2020	PRINTED	233839 QUALITY FIRST AID AND SAF	71.23			
290151	07/07/2020	PRINTED	233852 QUALITY FIRE SERVICES	1,398.50			
290152	07/07/2020	PRINTED	243206 RECORDED BOOKS LLC	284.87			
290153	07/07/2020	PRINTED	243645 LISA ROCHFORD	240.00			
290154	07/07/2020	PRINTED	253293 HOWARD L SHIFMAN, P.C.	10,000.00			
290155	07/07/2020	PRINTED	254862 LAW OFFICE OF STEPHEN STE	550.00			
290156	07/07/2020	PRINTED	261102 TT TECHNOLOGIES INC	1,227.81			
290157	07/07/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	125.82			
290158	07/07/2020	PRINTED	273533 UNIFIRST CORP	439.16			
290159	07/07/2020	PRINTED	274551 UNIVERSAL LIFT PARTS, INC	869.89			
290160	07/07/2020	PRINTED	293355 WILBUR WHITE JR	63.76			
290161	07/07/2020	PRINTED	293605 WORLDWIDE INTERPRETERS IN	140.00			
290162	07/07/2020	PRINTED	500483 CSG FORTE PAYMENTS	70.00			
			69 CHECKS	CASH ACCOUNT TOTAL	265,393.02		.00

Checks Already Mailed.
 Jun 23 -> July 6

07/07/2020 10:30 | WATERFORD TOWNSHIP
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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
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289944	06/23/2020	PRINTED	011700 AQUA-WEED CONTROL INC	12,186.25			
289945	06/23/2020	PRINTED	011730 ARROW PRINTING	256.90			
289946	06/23/2020	PRINTED	011790 AT&T	1,395.76			
289947	06/23/2020	PRINTED	013685 APPLIED IMAGING	1,074.48			
289948	06/23/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	1,344.36			
289949	06/23/2020	PRINTED	023068 K & Q LAW, PC	600.00			
289950	06/23/2020	PRINTED	023374 BILL PARSONS HORSESHOE &	150.00			
289951	06/23/2020	PRINTED	041192 CDW GOVERNMENT INC	698.61			
289952	06/23/2020	PRINTED	041460 CLYDES FRAME & WHEEL SERV	583.57			
289953	06/23/2020	PRINTED	043626 CONSUMERS ENERGY	1,711.64			
289954	06/23/2020	PRINTED	044064 CONTRACTORS FENCE & GATE	896.85			
289955	06/23/2020	PRINTED	051007 DTE ENERGY	71,941.77			
289956	06/23/2020	PRINTED	053215 DELTA DENTAL	44,886.02			
289957	06/23/2020	PRINTED	053389 LUNGHAMER GMC INC	530.65			
289958	06/23/2020	PRINTED	053580 DOORS OF PONTIAC	1,467.90			
289959	06/23/2020	PRINTED	063476 ELECTROCOMM-MICHIGAN, INC	130.00			
289960	06/23/2020	PRINTED	063932 EXXON MOBIL	38.12			
289961	06/23/2020	PRINTED	073634 FRANK D PATRELLO II	150.00			
289962	06/23/2020	PRINTED	081660 FMG CONCRETE CUTTING	300.00			
289963	06/23/2020	PRINTED	083373 FIRESTONE TIRE & SERV CTR	1,092.75			
289964	06/23/2020	PRINTED	091835 GUNNERS METERS & PARTS IN	663.00			
289965	06/23/2020	PRINTED	093025 GALE/CENGAGE LEARNING	194.93			
289966	06/23/2020	PRINTED	093026 RICHARD GALAT	25.00			
289967	06/23/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	645.31			
289968	06/23/2020	PRINTED	093565 GOODYEAR AUTO SERV CTR	584.00			
289969	06/23/2020	PRINTED	093705 GRAINGER	91.74			
289970	06/23/2020	PRINTED	093833 GUARDIAN ENVIRONMENTAL SE	1,782.23			
289971	06/23/2020	PRINTED	093840 LOOMIS FARGO & CO	839.67			
289972	06/23/2020	PRINTED	103399 HILL'S PRINTING EQUIPMENT	505.12			
289973	06/23/2020	PRINTED	103584 JOHN H HOLMES	175.00			
289974	06/23/2020	PRINTED	113551 NICHOLS PAPER & SUPPLY CO	715.87			
289975	06/23/2020	PRINTED	121011 J&B MEDICAL SUPPLY	85.20			
289976	06/23/2020	PRINTED	121020 JA CARNEY PLUMBING	15.00			
289977	06/23/2020	PRINTED	143586 KONE INC	567.78			
289978	06/23/2020	PRINTED	143600 SCOTT C KOZAK	300.00			
289979	06/23/2020	PRINTED	153240 LESLIE TIRE	903.60			
289980	06/23/2020	PRINTED	153367 LIBRARY NETWORK, THE	2,587.88			
289981	06/23/2020	PRINTED	153604 HAROLD J LOVE, PLLC	1,300.00			
289982	06/23/2020	PRINTED	161700 MMRMA UNDERWRITING DEPT	252,442.00			
289983	06/23/2020	PRINTED	163368 MIDWEST COLLABORATIVE FOR	250.00			
289984	06/23/2020	PRINTED	163437 MICHIGAN LIBRARY ASSOCIAT	2,110.90			
289985	06/23/2020	PRINTED	163476 MIDWEST TAPE	2,041.57			
289986	06/23/2020	PRINTED	163489 DAVE MILLER LLC	85.00			
289987	06/23/2020	PRINTED	163523 MICHIGAN QUALITY ELECTRIC	165.00			
289988	06/23/2020	PRINTED	163858 TYLER BUSINESS FORMS	929.75			
289989	06/23/2020	PRINTED	174190 STATE OF MICHIGAN	210.00			
289990	06/23/2020	PRINTED	174870 STATE OF MICHIGAN	10,115.16			
289991	06/23/2020	PRINTED	183295 NEW CREATION HOMES, INC	983.73			
289992	06/23/2020	PRINTED	183578 NORTH ELECTRIC SUPPLY CO	1,500.94			
289993	06/23/2020	PRINTED	183952 NYE UNIFORM COMPANY	346.50			
289994	06/23/2020	PRINTED	193026 OPTO 22	616.52			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
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289996	06/23/2020	PRINTED	193277 OFFICIAL PAYMENTS CORP	130.00			
289997	06/23/2020	PRINTED	193293 OGLETREE,DEAKINS,NASH,SMO	2,268.00			
289998	06/23/2020	PRINTED	193713 ORKIN, LLC	995.60			
289999	06/23/2020	PRINTED	193882 OVERDRIVE, INC.	3,172.41			
290000	06/23/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	480.00			
290001	06/23/2020	PRINTED	204860 ROAD COMMISSION FOR	46.72			
290002	06/23/2020	PRINTED	204950 OAKLAND COUNTY YOUTH ASSI	500.00			
290003	06/23/2020	PRINTED	211016 PLM LAKE & LAND MANAGEMEN	8,696.97			
290004	06/23/2020	PRINTED	213294 PATRICIA PECK	83.66			
290005	06/23/2020	PRINTED	213566 COFFEE BREAK INC	34.25			
290006	06/23/2020	PRINTED	213584 PONTIAC MAILING SERVICE L	323.31			
290007	06/23/2020	PRINTED	213723 PROGRESSIVE AE	1,750.00			
290008	06/23/2020	PRINTED	227726 SANDRA MORROW	71.00			
290009	06/23/2020	PRINTED	243206 RECORDED BOOKS LLC	136.90			
290010	06/23/2020	PRINTED	243645 LISA ROCHFORD	290.00			
290011	06/23/2020	PRINTED	251234 SECREST WARDLE LYNCH HAMP	12,500.00			
290012	06/23/2020	PRINTED	251383 ALICE SIAS	35.00			
290013	06/23/2020	PRINTED	253160 SCRAMLIN FEEDS	336.50			
290014	06/23/2020	PRINTED	253568 SOLTIS PLASTICS CORP	384.19			
290015	06/23/2020	PRINTED	254796 STONECO INC	1,104.24			
290016	06/23/2020	PRINTED	259001 SYSTIME, INC	3,780.00			
290017	06/23/2020	PRINTED	263255 TESTAMERICA LABORATORIES	573.60			
290018	06/23/2020	PRINTED	263387 TIPTOP ENTERTAINMENT LLC	375.00			
290019	06/23/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	153.16			
290020	06/23/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	1,741.11			
290021	06/23/2020	PRINTED	273533 UNIFIRST CORP	521.34			
290022	06/23/2020	PRINTED	283247 VESCO OIL CORP	220.60			
290023	06/23/2020	PRINTED	291312 WHEELS & BLADES INC	112.11			
290024	06/23/2020	PRINTED	293355 WILBUR WHITE JR	95.64			
290025	06/23/2020	PRINTED	293432 WILLIAMS DISTRIBUTION	35.00			
290026	06/23/2020	PRINTED	293568 WOLVERINE WATER WORKS INC	344.00			
290027	06/23/2020	PRINTED	293605 WORLDWIDE INTERPRETERS IN	140.00			
290028	06/23/2020	PRINTED	353051 PAMELA BOWDEN	175.00			
290029	06/23/2020	PRINTED	500246 MI MED INC	447.84			
290030	06/23/2020	PRINTED	500483 CSG FORTE PAYMENTS	1,731.68			
290031	06/26/2020	PRINTED	271764 U S POSTMASTER	2,200.00			
290032	06/30/2020	PRINTED	011016 GREAT LAKES ACE HARDWARE	51.44			
290033	06/30/2020	PRINTED	011021 ADI	193.60			
290034	06/30/2020	PRINTED	011700 AQUA-WEED CONTROL INC	19,045.00			
290035	06/30/2020	PRINTED	011730 ARROW PRINTING	245.85			
290036	06/30/2020	PRINTED	013685 APPLIED IMAGING	169.86			
290037	06/30/2020	PRINTED	014472 ALPHA DIRECTIONAL BORING	3,000.00			
290038	06/30/2020	PRINTED	021510 BLUE CROSS BLUE SHIELD	187,380.00			
290039	06/30/2020	PRINTED	023068 K & Q LAW, PC	355.00			
290040	06/30/2020	PRINTED	031631 PHILLIPS SIGN & DESIGN	100.00			
290041	06/30/2020	PRINTED	031935 LC CUSTOM HOMES	600.00			
290042	06/30/2020	PRINTED	032438 BELLA DECKS LLC	200.00			
290043	06/30/2020	PRINTED	032702 CREATIVE DECKS & FINISHED	100.00			
290044	06/30/2020	PRINTED	032786 DJ DEMOLITION	100.00			
290045	06/30/2020	PRINTED	032963 AMERICAN TOWER-VERIZON WI	600.00			
290046	06/30/2020	PRINTED	032964 ABSOLUTE CONSTRUCTION SLF	600.00			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
290047	06/30/2020	PRINTED	032965 MICHAEL D SWARTZ	100.00			
290048	06/30/2020	PRINTED	032966 R N CONSTRUCTION	100.00			
290049	06/30/2020	PRINTED	032967 BRIGGS STREET LLC	100.00			
290050	06/30/2020	PRINTED	032968 CREATIVE DESIGN & CONSTRU	100.00			
290051	06/30/2020	PRINTED	033181 CREST HOMES	400.00			
290052	06/30/2020	PRINTED	038633 BLUE CHIP BUILDERS	100.00			
290053	06/30/2020	PRINTED	039771 EVER-DRY OF SOUTHEASTERN	100.00			
290054	06/30/2020	PRINTED	041192 CDW GOVERNMENT INC	340.86			
290055	06/30/2020	PRINTED	041218 C GREEN'S TREE SERVICE	575.00			
290056	06/30/2020	PRINTED	041495 CMP DISTRIBUTORS INC	37.90			
290057	06/30/2020	PRINTED	043626 CONSUMERS ENERGY	2,932.39			
290058	06/30/2020	PRINTED	044064 CONTRACTORS FENCE & GATE	1,195.80			
290059	06/30/2020	PRINTED	051445 DLZ MICHIGAN, INC	18,230.50			
290060	06/30/2020	PRINTED	053253 DTE ENERGY	5,425.85			
290061	06/30/2020	PRINTED	053867 DUBOIS CHEMICALS INC	250.00			
290062	06/30/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	2,346.53			
290063	06/30/2020	PRINTED	093702 JUDITH GRACEY	190.00			
290064	06/30/2020	PRINTED	093833 GUARDIAN ENVIRONMENTAL SE	2,113.64			
290065	06/30/2020	PRINTED	093863 GREAT LAKES WATER AUTHORI	2,934.38			
290066	06/30/2020	PRINTED	103584 JOHN H HOLMES	200.00			
290067	06/30/2020	PRINTED	121003 POWER PLAN	72.99			
290068	06/30/2020	PRINTED	121300 JGM VALVE CORP	3,673.00			
290069	06/30/2020	PRINTED	123606 ROSATI, SCHULTZ, JOPPICH	6,767.40			
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290072	06/30/2020	PRINTED	143707 KRONOS SAASHR, INC	995.92			
290073	06/30/2020	PRINTED	163423 MACALLISTER RENTALS	7,402.00			
290074	06/30/2020	PRINTED	163449 MICHIGAN RURAL WATER ASSO	875.00			
290075	06/30/2020	PRINTED	163485 PAULETTE MICHEL LOFTIN	900.00			
290076	06/30/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	2,030.21			
290077	06/30/2020	PRINTED	183286 QUADIENT FINANCE USA, INC	241.02			
290078	06/30/2020	PRINTED	183286 NEOFUNDS	128.08			
290079	06/30/2020	PRINTED	183952 NYE UNIFORM COMPANY	183.50			
290080	06/30/2020	PRINTED	193456 DOUGLAS K OLIVER	965.00			
290081	06/30/2020	PRINTED	204505 OAKLAND SCHOOLS	271.18			
290082	06/30/2020	PRINTED	227727 JIMMY JOHNS FRANCHISE	350.00			
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290084	06/30/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	9,644.66			
290085	06/30/2020	PRINTED	243664 ROSE PEST SOLUTIONS	48.00			
290086	06/30/2020	PRINTED	251035 SAMS CLUB DIRECT	299.54			
290087	06/30/2020	PRINTED	253530 DAVE SMITH	806.40			
290088	06/30/2020	PRINTED	254851 STANDARD INSURANCE COMPAN	6,561.74			
290089	06/30/2020	PRINTED	273533 UNIFIRST CORP	308.26			
290090	06/30/2020	PRINTED	293024 WATERFORD CORSAIRS	65.00			
290091	06/30/2020	PRINTED	293348 WHITLOCK BUSINESS SYSTEMS	4,820.50			
290092	06/30/2020	PRINTED	500427 TRI-TECH FORENSICS, INC	21.60			
290093	06/30/2020	PRINTED	500483 CSG FORTE PAYMENTS	1,390.00			
			151 CHECKS	CASH ACCOUNT TOTAL	773,811.69	.00	

Checks Already Mailed

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290166	07/14/2020	PRINTED	013666 APOLLO FIRE APPARATUS	1,166.76			
290167	07/14/2020	PRINTED	013682 AQUATIC TECHNOLOGIES INC	7,870.00			
290168	07/14/2020	PRINTED	013685 APPLIED IMAGING	1,989.00			
290169	07/14/2020	PRINTED	013764 SANDRA ASPINALL	381.34			
290170	07/14/2020	PRINTED	014472 ALPHA DIRECTIONAL BORING	2,000.00			
290171	07/14/2020	PRINTED	014474 ALCOHOL DRUG ADMINISTRATI	920.00			
290172	07/14/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	597.36			
290173	07/14/2020	PRINTED	021092 BS&A SOFTWARE	194.00			
290174	07/14/2020	PRINTED	021380 BILLS PLBG & SEWER SERV I	765.58			
290175	07/14/2020	PRINTED	023587 HILLARIE F BOETTGER PLLC	70.00			
290176	07/14/2020	PRINTED	036618 MNC & ANC PROFESSIONAL SE	224.00			
290177	07/14/2020	PRINTED	041192 CDW GOVERNMENT INC	344.30			
290178	07/14/2020	PRINTED	041460 CLYDES FRAME & WHEEL SERV	6,724.99			
290179	07/14/2020	PRINTED	043455 CLARKSTON GLASS SERVICE I	149.00			
290180	07/14/2020	PRINTED	043582 COMPREHENSIVE RISK SERV I	2,125.00			
290181	07/14/2020	PRINTED	043626 CONSUMERS ENERGY	1,101.22			
290182	07/14/2020	PRINTED	043836 CUMMINS BRIDGEWAY LLC	681.50			
290183	07/14/2020	PRINTED	043904 COMERICA COMMERCIAL CARD	276.54			
290184	07/14/2020	PRINTED	051445 DLZ MICHIGAN, INC	750.00			
290185	07/14/2020	PRINTED	053253 DTE ENERGY	6,832.91			
290186	07/14/2020	PRINTED	053253 DTE ENERGY	52.52			
290187	07/14/2020	PRINTED	053269 DETROIT WILBERT VAULT COR	765.00			
290188	07/14/2020	PRINTED	053389 LUNGHAMER GMC INC	324.60			
290189	07/14/2020	PRINTED	053719 CHRISTINA DURA	210.77			
290190	07/14/2020	PRINTED	053867 DUBOIS CHEMICALS INC	14,055.00			
290191	07/14/2020	PRINTED	063004 EAGLE GRAPHICS AND DESIGN	600.00			
290192	07/14/2020	PRINTED	063476 ELECTROCOMM-MICHIGAN, INC	130.00			
290193	07/14/2020	PRINTED	063941 EXCEL INDUSTRIAL ELECTRON	1,311.40			
290194	07/14/2020	PRINTED	064008 ELECTRONIC MONITORING SYS	3,404.25			
290195	07/14/2020	PRINTED	081331 FIRST LINE TECHNOLOGY LLC	3,963.00			
290196	07/14/2020	PRINTED	083466 FLEX ADMINISTRATORS INC	651.00			
290197	07/14/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	4,679.36			
290198	07/14/2020	PRINTED	093705 GRAINGER	18.48			
290199	07/14/2020	PRINTED	093862 GRANITE INLINER, LLC	24,100.00			
290200	07/14/2020	PRINTED	103018 DERWOOD HAINES JR	500.00			
290201	07/14/2020	PRINTED	103031 HALT FIRE INC	4,274.72			
290202	07/14/2020	PRINTED	103584 JOHN H HOLMES	1,200.00			
290203	07/14/2020	PRINTED	103841 HUTCHINSONS ELECTRIC INC	1,328.67			
290204	07/14/2020	PRINTED	113180 I-Q LIFE SAFETY SYSTEMS,	620.00			
290205	07/14/2020	PRINTED	113491 IMPRESSIVE PRINTING & PRO	190.00			
290206	07/14/2020	PRINTED	113551 NICHOLS PAPER & SUPPLY CO	1,445.43			
290207	07/14/2020	PRINTED	113595 DOXIM	9,085.13			
290208	07/14/2020	PRINTED	113701 IRON MOUNTAIN	312.24			
290209	07/14/2020	PRINTED	121011 J&B MEDICAL SUPPLY	691.30			
290210	07/14/2020	PRINTED	123023 JAIL ALTERNATIVES FOR MIC	54.00			
290211	07/14/2020	PRINTED	123032 JON JACKSON ELECTRICAL CO	103.10			
290212	07/14/2020	PRINTED	123606 ROSATI, SCHULTZ, JOPPICH	9,196.40			
290213	07/14/2020	PRINTED	143600 SCOTT C KOZAK	40.00			
290214	07/14/2020	PRINTED	143707 KRONOS SAASHR, INC	608.97			
290215	07/14/2020	PRINTED	153240 LESLIE TIRE	2,042.18			

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290218	07/14/2020	PRINTED	153592 LORYCO HOSE & FITTING SOL	442.57			
290219	07/14/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	968.96			
290220	07/14/2020	PRINTED	174620 MPARKS	10,200.00			
290221	07/14/2020	PRINTED	174870 STATE OF MICHIGAN	18,736.50			
290222	07/14/2020	PRINTED	183090 NATIONAL RESTORATION, INC	53,444.68			
290223	07/14/2020	PRINTED	183578 NORTH ELECTRIC SUPPLY CO	286.98			
290224	07/14/2020	PRINTED	183952 NYE UNIFORM COMPANY	718.91			
290225	07/14/2020	PRINTED	193014 OAKLAND MEDIATION CENTER	2,250.00			
290226	07/14/2020	PRINTED	193663 OPTO SOLUTIONS	1,533.34			
290227	07/14/2020	PRINTED	193882 OVERDRIVE, INC.	18.99			
290228	07/14/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	1,140.00			
290229	07/14/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	1,316.00			
290230	07/14/2020	PRINTED	204319 OAKLAND COUNTY SPORTSMEN'	705.60			
290231	07/14/2020	PRINTED	204665 OAKLAND COUNTY TREASURER	813,958.63			
290232	07/14/2020	PRINTED	204860 ROAD COMMISSION FOR	3,731.39			
290233	07/14/2020	PRINTED	213723 PROGRESSIVE AE	2,625.00			
290234	07/14/2020	PRINTED	227589 JOAN DOWLING	150.00			
290235	07/14/2020	PRINTED	227590 JOYCE FULLER	150.00			
290236	07/14/2020	PRINTED	233839 QUALITY FIRST AID AND SAF	479.38			
290237	07/14/2020	PRINTED	233852 QUALITY FIRE SERVICES	4,300.60			
290238	07/14/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	1,703.53			
290239	07/14/2020	PRINTED	251234 SECREST WARDLE LYNCH HAMP	12,500.00			
290240	07/14/2020	PRINTED	251790 STATE WIRE & TERMINAL INC	97.95			
290241	07/14/2020	PRINTED	253512 SMART START MICHIGAN	826.50			
290242	07/14/2020	PRINTED	254796 STONECO INC	1,133.45			
290243	07/14/2020	PRINTED	254816 RICHARD STRENGER	450.00			
290244	07/14/2020	PRINTED	254843 STAR EMS	1,508.82			
290245	07/14/2020	PRINTED	254869 STARDUST THEATRE RENTALS	612.00			
290246	07/14/2020	PRINTED	263582 THOMSON REUTERS-WEST	806.00			
290247	07/14/2020	PRINTED	263737 TRUGREEN	1,047.98			
290248	07/14/2020	PRINTED	271765 USA BLUEBOOK	671.21			
290249	07/14/2020	PRINTED	273533 UNIFIRST CORP	902.14			
290250	07/14/2020	PRINTED	283242 VERIZON WIRELESS	225.32			
290251	07/14/2020	PRINTED	283242 VERIZON WIRELESS	856.88			
290252	07/14/2020	PRINTED	283242 VERIZON WIRELESS	1,174.70			
290253	07/14/2020	PRINTED	283242 VERIZON WIRELESS	1,820.90			
290254	07/14/2020	PRINTED	283242 VERIZON WIRELESS	2,028.24			
290255	07/14/2020	PRINTED	291365 PRAXAIR DISTRIBUTION INC	34.40			
290256	07/14/2020	PRINTED	291365 PRAXAIR DISTRIBUTION INC	157.97			
290257	07/14/2020	PRINTED	291365 PRAXAIR DISTRIBUTION INC	226.79			
290258	07/14/2020	PRINTED	291365 PRAXAIR DISTRIBUTION INC	365.17			
290259	07/14/2020	PRINTED	304930 WATERFORD TOWNSHIP DPW	589.26			
290260	07/14/2020	PRINTED	500639 AMERICAN COLLISION EXPERT	2,917.62			
290261	07/21/2020	PRINTED	011730 ARROW PRINTING	149.95			
290262	07/21/2020	PRINTED	011790 AT&T	10,089.99			
290263	07/21/2020	PRINTED	013684 AQUATIC SERVICES INC	3,150.00			
290264	07/21/2020	PRINTED	013801 AT&T	222.05			
290265	07/21/2020	PRINTED	014471 ALLDATA	1,500.00			
290266	07/21/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	310.38			
290267	07/21/2020	PRINTED	023068 K & Q LAW, PC	440.00			

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290268	07/21/2020	PRINTED	023272 MARCEL BENAVIDES	300.00			
290269	07/21/2020	PRINTED	023488 BLUE CROSS BLUE SHIELD OF	273,197.77			
290270	07/21/2020	PRINTED	023711 BRILLIANCE PUBLISHING, IN	41.98			
290271	07/21/2020	PRINTED	041192 CDW GOVERNMENT INC	259.60			
290272	07/21/2020	PRINTED	043134 CAMBRIDGE CONSULTING GROU	632.00			
290273	07/21/2020	PRINTED	043952 CYNERGY PRODUCTS	15,780.05			
290274	07/21/2020	PRINTED	051007 DTE ENERGY	72,276.97			
290275	07/21/2020	PRINTED	051038 DC DENTAL	68.00			
290276	07/21/2020	PRINTED	051445 DLZ MICHIGAN, INC	4,075.00			
290277	07/21/2020	PRINTED	053215 DELTA DENTAL	45,173.04			
290278	07/21/2020	PRINTED	053224 DELL COMPTER CORP	2,726.44			
290279	07/21/2020	PRINTED	053253 DTE ENERGY	22,365.41			
290280	07/21/2020	PRINTED	063488 EMERGENCY VEHICLES PLUS	157,909.01			
290281	07/21/2020	PRINTED	063546 ENABLE POINT INC	572.00			
290282	07/21/2020	PRINTED	093025 GALE/CENGAGE LEARNING	798.49			
290283	07/21/2020	PRINTED	093026 RICHARD GALAT	1,245.00			
290284	07/21/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	1,213.13			
290285	07/21/2020	PRINTED	093705 GRAINGER	136.20			
290286	07/21/2020	PRINTED	093823 GREEN MEADOWS LAWNSCAPE,	32,688.40			
290287	07/21/2020	PRINTED	093840 LOOMIS FARGO & CO	703.57			
290288	07/21/2020	PRINTED	103018 DERWOOD HAINES JR	150.00			
290289	07/21/2020	PRINTED	103399 HILL'S PRINTING EQUIPMENT	417.59			
290290	07/21/2020	PRINTED	103584 JOHN H HOLMES	150.00			
290291	07/21/2020	PRINTED	121567 JOHNNY III TRUCKING	1,940.83			
290292	07/21/2020	PRINTED	123585 CHARESA JOHNSON	300.00			
290293	07/21/2020	PRINTED	153367 LIBRARY NETWORK, THE	9,381.47			
290294	07/21/2020	PRINTED	161024 O.C.C.M.T.A.	50.00			
290295	07/21/2020	PRINTED	161570 MONTGOMERY & SONS INC	228.06			
290296	07/21/2020	PRINTED	163476 MIDWEST TAPE	2,096.36			
290297	07/21/2020	PRINTED	163489 DAVE MILLER LLC	365.00			
290298	07/21/2020	PRINTED	183289 NETWORKFLEET INC	1,149.49			
290299	07/21/2020	PRINTED	193456 DOUGLAS K OLIVER	125.00			
290300	07/21/2020	PRINTED	193663 OPTO SOLUTIONS	10.06			
290301	07/21/2020	PRINTED	204150 OCAAO	50.00			
290302	07/21/2020	PRINTED	213211 PERCEPTIVE CONTROLS INC	1,197.00			
290303	07/21/2020	PRINTED	213401 PITNEY BOWES GLOBAL FINAN	953.55			
290304	07/21/2020	PRINTED	213454 NANCY PLASTERER	300.00			
290305	07/21/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	7,913.72			
290306	07/21/2020	PRINTED	243206 RECORDED BOOKS LLC	245.19			
290307	07/21/2020	PRINTED	253512 SMART START MICHIGAN	1,465.00			
290308	07/21/2020	PRINTED	253568 SOLTIS PLASTICS CORP	84.78			
290309	07/21/2020	PRINTED	254774 SZOTT CHRYSLER JEEP	1,960.50			
290310	07/21/2020	PRINTED	254851 STANDARD INSURANCE COMPAN	6,611.39			
290311	07/21/2020	PRINTED	254862 LAW OFFICE OF STEPHEN STE	745.29			
290312	07/21/2020	PRINTED	263582 THOMSON REUTERS-WEST	427.81			
290313	07/21/2020	PRINTED	263786 TRUSTMARK HEALTH BENEFITS	92.45			
290314	07/21/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	97.66			
290315	07/21/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	153.16			
290316	07/21/2020	PRINTED	271762 U.S. POSTMASTER (POSTAGE-	5,000.00			
290317	07/21/2020	PRINTED	273763 US BANK	300.00			
290318	07/21/2020	PRINTED	293272 WESTERN OAKLAND TRANSPORT	27,607.00			
290319	07/21/2020	PRINTED	293355 WILBUR WHITE JR	127.52			

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290320	07/21/2020	PRINTED	293357 WHITAKER BROTHERS BUSINES	1,198.00			
290321	07/21/2020	PRINTED	304930 WATERFORD TOWNSHIP DPW	415.65			
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			CASH ACCOUNT TOTAL	1,807,118.62	.00		

BOARD OF TRUSTEES
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Kimberly F. Markee, Clerk
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5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6238 Fax: (248) 674-4097
www.waterfordmi.gov

**DEVELOPMENT SERVICES
DEPARTMENT**
Rob Merinsky, PE
Director
Brent A. Gibson
Superintendent of Building
Division
Jeffrey M. Polkowski AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: July 6, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Proposed Zoning Ordinance Text Amendment Cases for the March 24, 2020
Planning Commission Meeting:

Text Amendment Case No. 20-03-02 – R-M1, Low Density Multiple Family
– R-M2, Multiple Family

Attached for your review and consideration, please find two (2) proposed Zoning Ordinance Text Amendments.

The evaluation of the most recent site plan for the proposed Redwood Living residential development at 2455 Richardson Court revealed inconsistencies in the Zoning Ordinance with respect to levels of intensity for Multiple Family Residential Districts.

The proposed ordinance amendment would allow for lower density multiple family options to be developed in both the R-M1 Low Density Multiple Family Residential District and the R-M2 Multiple Family Residential District. I have attached a map highlighting the affected parcels within the Township.

Currently, attached single-family dwellings are allowed in the R-1E, Single-Family Attached Residential District. The R-1E Zoning District is a significantly less intense Zoning District than either the R-M1 or R-M2 Zoning District.

Section 1-007 of the Zoning Ordinance defines single family attached dwelling units as “a single-family dwelling unit constructed as part of a series of single-family dwelling units, all of which are attached by common walls, and where each dwelling unit possesses an independent entrance directly to the exterior.”

Motion

If the Township Board concurs with the Planning Commission’s favorable recommendation for this, a motion to “introduce” the case should be made which would then provide for consideration of “final adoption” of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

**With us there are no
boundaries**

SECTION 3-403. R-M1, LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-M1 Low Density Multiple-Family Residential Zoning District:

- 1. Purpose and Intent.** The R-M1 zoning district is intended to implement the goals of the Multiple-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by allowing for the construction of dwelling units at a density that is slightly higher than, but still compatible with adjacent single-family residential zoning districts. This zoning district is intended to provide many of the amenities of low density living while providing community services commonly available only in higher density developments (e.g., lawn care, recreational facilities, such as a club house or private swimming pool, etc.) This zoning district can serve as a transitional zone between higher density multiple-family residential, office, and commercial zoning districts and single-family residential zoning districts.
- 2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900 and 3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-004**.
- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M1 district:
 - A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).
 - B. Attached single-family dwellings containing no more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
 - CB. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
 - DC. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).
 - ED. Child family day care homes (*See Child Day Care Facilities in Section 1-007*).
 - FE. Child foster family homes (*See Foster Care Facilities in Section 1-007*).
 - GF. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
 - HG. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
- 4. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
 - A. Attached single-family dwellings containing more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
 - BA. Child group day care (*See Child Day Care Facilities in Section 1-007*), when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
 - CB. Elder care facilities (*See Elder Care Facilities in Section 1-007*).
 - DC. Regional public utility facilities (*See Public Utility in Section 1-007*), provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
- 5. Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes (*See Adult Day Care Facilities in Section 1-007*), and adult foster care family homes, adult foster care small group homes, and adult foster care medium group homes (*See Foster Care Facilities in Section 1-007*) shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-M1 district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

SECTION 3-404. R-M2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-M2 Multiple-Family Residential Zoning District:

- 1. Purpose and Intent.** The R-M2 zoning district is intended to implement the goals of the Multiple-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by allowing for the intensive residential use of land with the various forms of multiple-family dwellings. This zoning district shall be primarily located on a major arterial street or minor arterial street to ensure accessibility while minimizing impact on local streets. This zoning district may serve in other areas as a transitional zone between light industrial or the most intensive office and commercial zoning districts and existing single-family residential zoning districts. This zoning district is intended to provide varying types and sizes of residential accommodations to meet the needs of the different demographic categories looking to reside within the Township.
- 2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900 and 3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-005**.
- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M2 district:
 - A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).
 - B. Attached single-family dwellings (*See Dwelling, Single-Family Attached in Section 1-007*).
 - CB. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
 - DC. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).
 - ED. Child family day care homes (*See Child Day Care Facilities in Section 1-007*).
 - FE. Child foster family homes (*See Foster Care Facilities in Section 1-007*).
 - GF. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
 - HG. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
- 4. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
 - A. Child group day care (*See Child Day Care Facilities in Section 1-007*), when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
 - B. Elder care facilities (*See Elder Care Facilities in Section 1-007*).
 - C. Regional public utility facilities (*See Public Utility in Section 1-007*), provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
- 5. Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes (*See Adult Day Care Facilities in Section 1-007*), and adult foster care family homes, adult foster care small group homes, and adult foster care medium group homes (*See Foster Care Facilities in Section 1-007*) shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-M2 district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. _____

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) R-M1, Low Density Multiple-Family Residential District and R-M2, Multiple-Family Residential District text to allow attached single-family dwellings.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-403.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the R-M1, Low Density Multiple-Family Residential District, is amended to read as follows:

- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M1 district:
- A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).
 - B. Attached single-family dwellings containing no more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
 - C. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
 - D. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).
 - E. Child family day care homes (*See Child Day Care Facilities in Section 1-007*).
 - F. Child foster family homes (*See Foster Care Facilities in Section 1-007*).
 - G. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
 - H. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

Section 2 of Ordinance

Section 3-403.4 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the R-M1, Low Density Multiple-Family Residential District, is amended to read as follows:

- 4. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M1 district, subject to the review and approval of the use

in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

- A. Attached single-family dwellings containing more than four (4) dwelling units (*See Dwelling, Single-Family Attached in Section 1-007*).
- B. Child group day care (*See Child Day Care Facilities in Section 1-007*), when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
- C. Elder care facilities (*See Elder Care Facilities in Section 1-007*).
- D. Regional public utility facilities (*See Public Utility in Section 1-007*), provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.

Section 3 of Ordinance

Section 3-404.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the R-M2, Multiple-Family Residential District, is amended to read as follows:

- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M2 district:
- A. Multiple-family dwellings (*See Dwelling, Multiple-Family in Section 1-007*).
 - B. Attached single-family dwellings (*See Dwelling, Single-Family Attached in Section 1-007*).
 - C. Single-family duplex dwellings (*See Dwelling, Single-Family Duplex in Section 1-007*) and single-family flat dwellings (*See Dwelling, Single-Family Flat in Section 1-007*) developed and arranged with two or more buildings on a single zoning lot.
 - D. Adult day care homes (*See Adult Day Care Facilities in Section 1-007*).
 - E. Child family day care homes (*See Child Day Care Facilities in Section 1-007*).
 - F. Child foster family homes (*See Foster Care Facilities in Section 1-007*).
 - G. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
 - H. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

Section 4 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2020.

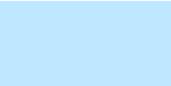
Date

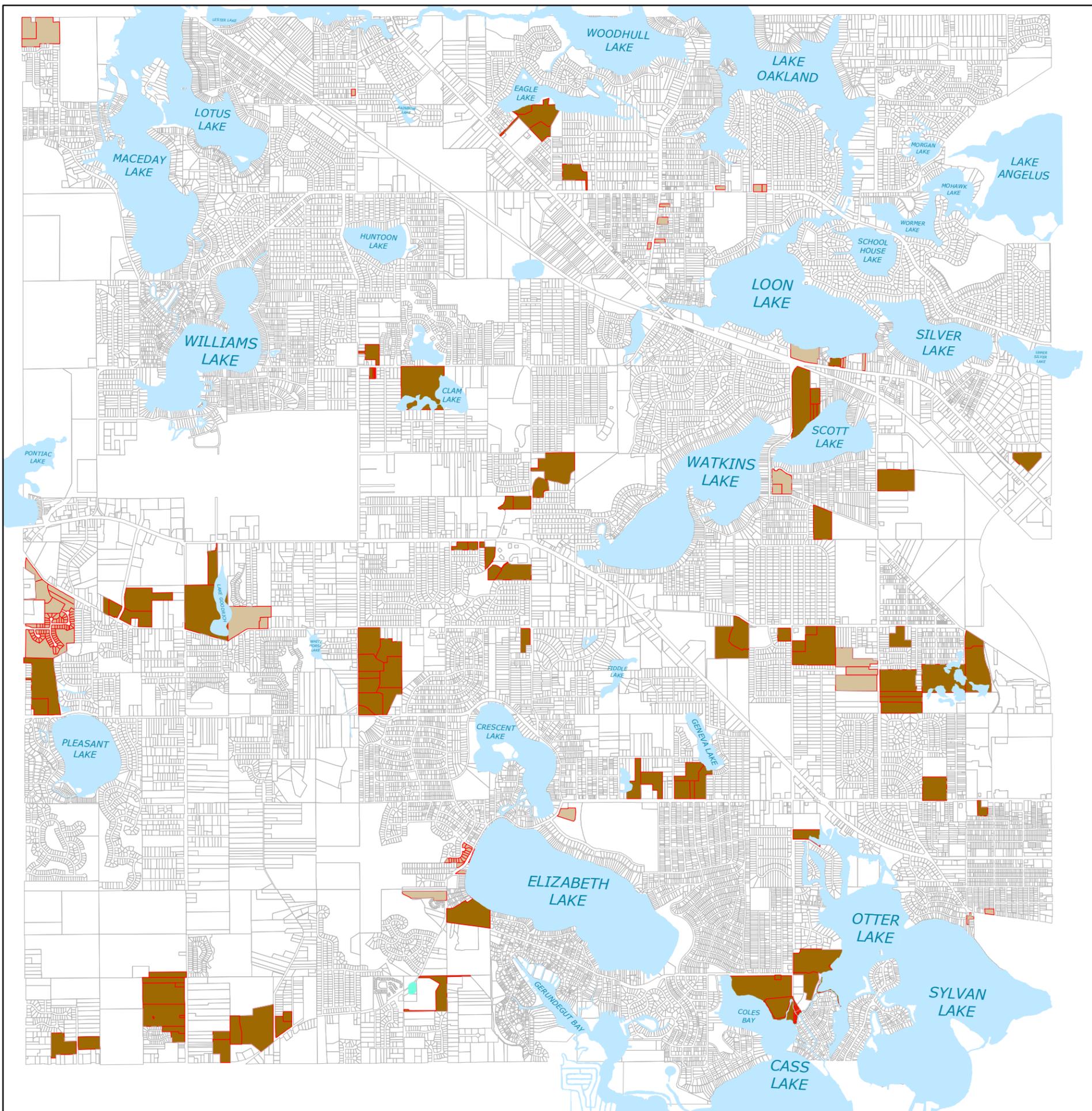
Kimberly Markee, Township Clerk



Proposed Zoning Ordinance Text Amendment
 Case No. 20-03-02
 R-M1, Low Density Multiple Family
 R-M2, Multiple Family
 Single Family Attached Housing

Legend

-  Lakes
-  R-M1, Low Density Multi-family
-  R-M2, Multi-family
-  All Other Districts



Charter Township of Waterford
 Development Services Department
 Planning and Zoning Division

Drawn By; J. Polkowski
 March 11, 2020

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**DEVELOPMENT SERVICES
DEPARTMENT**
Rob Merinsky, PE
Director
Brent A. Gibson
Superintendent of Building
Division
Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: July 6, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Proposed Zoning Ordinance Text Amendment Cases for the June 23, 2020
Planning Commission Meeting:
Text Amendment Case No. 20-03-03 – M-1, Light Industrial District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment removes commercial outdoor storage establishments as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the M-1 Light Industrial District. This would establish the Planning Commission as the review and approval authority for commercial outdoor storage establishments within the M-1 Light Industrial District in accordance with Section 4-006 of the Zoning Ordinance.

After due consideration, Planning Staff has recognized an abundance of commercial outdoor storage establishments. Although necessary, these uses are considered unattractive and undesirable to the community when developed in large concentrations.

In an effort to incentivize more desirable industrial developments, this ordinance amendment upholds the intent of the 2003-2023 Master Plan vision for Industrial Districts in order to *“create an economic climate conducive to the attraction, retention, and expansion of business within Waterford,”* and *“improve the physical appearance and functional character of the commercial corridors.”*

Modifying commercial outdoor storage establishments to be a Permitted Uses after Special Approval within the M-1 zoning district also ensures that the public be notified and that effective site development practices are established so that the quality of life in adjacent residential areas are not adversely affected.

Motion

If the Township Board concurs with the Planning Commission’s favorable recommendation for this, a motion to “introduce” the case should be made which would then provide for consideration of “final adoption” of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

**With us there are no
boundaries**

SECTION 3-806. M-1, LIGHT INDUSTRIAL DISTRICT

The regulations in the subsections below shall apply to properties in the M-1 Light Industrial Zoning District:

- 1. Purpose and Intent.** The M-1 zoning district is intended to implement the goals of the Light Industrial land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, *To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford*, Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, and Goal Six, *To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment*, by permitting industrial uses on zoning lots properly scaled and designed with primary access along major arterial streets and ensuring that sources of ongoing noise, heavy truck traffic, fumes, and similar characteristics are mitigated through extensive buffering and the use of authorized building materials. This zoning district is also intended to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected.
- 2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900 and 3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the M-1 district:
 - A. Building systems repair establishments and household service repair establishments (*See Commercial Service Establishments in Section 1-007*).
 - B. Commercial storage establishments **with the exception of commercial outdoor storage establishments**. (*See Commercial Storage Establishments in Section 1-007*).
 - C. Freight handling facilities (*See Freight Handling Facility in Section 1-007*).
 - D. Packing and bailing sites, recyclable materials collection facilities, and refund container recycling depots (*See Recycling Facilities in Section 1-007*).
 - E. Light equipment rental establishments and heavy equipment rental establishments (*See Rental Establishments in Section 1-007*) that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
 - F. New vehicle dealer establishments, used vehicle dealer establishments, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
 - G. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- 4. Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses in the M-1 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
 - A. Landscaping maintenance establishments (*See Commercial Service Establishments in Section 1-007*).
 - B. Commercial dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - C. Fueling facilities as an ancillary use (*See Use in Section 1-007*).
 - D. Propane filling facilities as an ancillary use (*See Use in Section 1-007*).
 - E. Vehicle repair facilities (*See Vehicle Repair Facilities in Section 1-007*).
 - F. Commercial agricultural processing factories, craft factories, food processing factories, and metal products factories (*See Manufacturing Establishments in Section 1-007*), which may include a factory outlet (*See Use in Section 1-007*) when reviewed and identified as part of an approved final site plan.
 - G. On zoning lots with a net lot area exceeding one (1) acre:
 - (1) Light equipment rental establishments and heavy equipment rental establishments (*See Rental Establishments in Section 1-007*), with outdoor display and storage.
 - (2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*), with outdoor display and storage.

- 5. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the M-1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
- A. Caretaker's dwelling unit (*See Caretaker's Dwelling Unit in Section 1-007*), when located on the same zoning lot with the principal use to which it is accessory, provided that it meets all **Waterford Code of Ordinances** provisions for the structural and safety separation between the residential use and the principal use.
 - B. Bulk soil resource supplies establishments (*See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007*).
 - C. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:
 - (1) Industrial or laundry plant dry-cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - (2) Transport hauling rental establishments (*See Rental Establishments in Section 1-007*).
 - (3) Leather goods factories, paper products factories, pharmaceutical factories, textile factories, and wood products factories (*See Manufacturing Establishments in Section 1-007*), which may include a factory outlet (*See Use in Section 1-007*) when reviewed and identified as part of an approved final site plan.
 - (4) Used vehicle parts dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*).
 - (5) Distressed vehicle storage yards (*See Section 1-006*), and distressed vehicle transporter establishments (*See Vehicle Dealer Establishments in Section 1-007*) when operated in conjunction with a distressed vehicle storage yard on the same zoning lot.
 - (6) Outdoor storage as an accessory use for the uses listed in **Section 3-806.3.A** through **D**, and **Section 3-806.4.A** and **E**, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
 - D. Commercial outdoor storage establishments (*See Commercial Storage Establishments in Section 1-007*).

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-Z-003

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) M-1, Light Industrial District text to eliminate commercial outdoor storage establishments as permitted principal uses and allow them as permitted uses after special approval.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-806.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the M-1, Light Industrial District, is amended by changing subsection B to read as follows:

- B. Commercial storage establishments with the exception of commercial outdoor storage establishments. (*See Commercial Storage Establishments in Section 1-007*).

Section 2 of Ordinance

Section 3-806.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the M-1, Light Industrial District, is amended by adding a new subsection D to read as follows:

- D. Commercial outdoor storage establishments (*See Commercial Storage Establishments in Section 1-007*).

Section 3 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

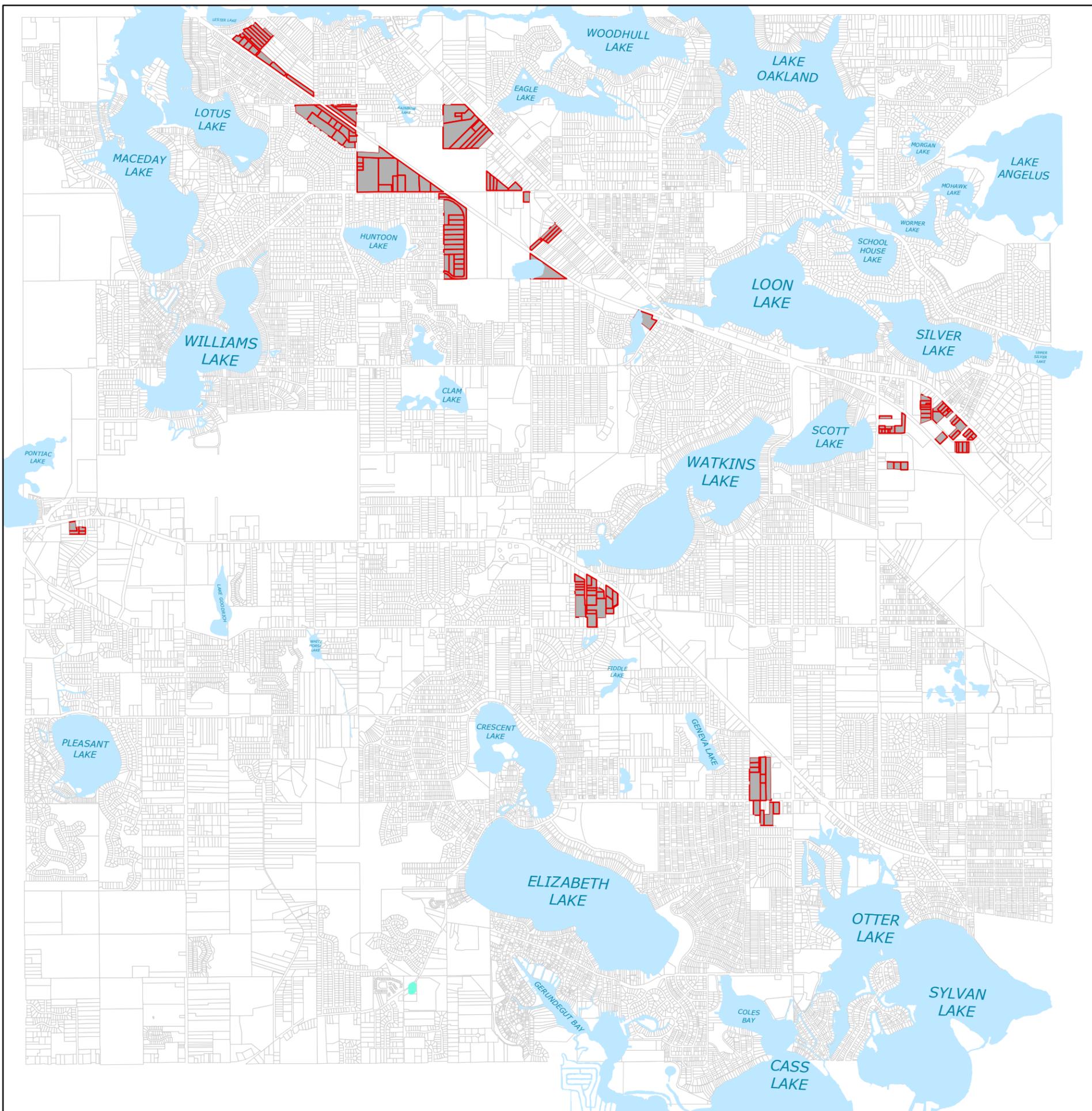
I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2020.

Date

Kimberly Markee, Township Clerk



Proposed Zoning Ordinance Text Amendment Case No. 20-03-03 – M-1, Light Industrial District Commercial Outdoor Storage



Legend

- Lakes
- M-1, Light Industrial
- All Other Districts

Charter Township of Waterford
Development Services Department
Planning and Zoning Division

Drawn By; J. Polkowski
March 11, 2020

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**DEVELOPMENT SERVICES
DEPARTMENT**
Rob Merinsky, PE
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Division
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Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: July 6, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Proposed Zoning Ordinance Text Amendment Cases for the June 23, 2020
Planning Commission Meeting:

Text Amendment Case No. 20-04-01 – C-2, Small Business District
– C-UB, Urban Business District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment allows Banquet halls within the C-2 Small Business Zoning District to operate with a Special Use Approval granted by the Planning Commission.

Township Staff has recently identified small banquet halls to be in demand within the community. Although banquet halls are available in larger, more intense, lots that are zoned C-3 General Business Zoning District and C-4 Extensive Business Zoning District. There are few options for smaller banquet halls that would be rented out for bridal showers, parties, small weddings, religious gatherings, etc.

Due to the nature of this development, Township Staff feels that it would be appropriate to establish this use as a Special Use, where a proposed development would be reviewed by the Township Planning Commission to ensure the development is appropriately sized and will operate harmoniously with all adjacent land uses.

The C-2 Small Business Zoning District is the only district within the Township that does not offer any Special Use approvals and is generally considered to be an underutilized district that offers limited development options when compared to the other commercial Zoning Districts that are designed to increase with incremental intensity ranging from C-1 Neighborhood Business to C-4 Extensive Business District.

Additionally, this Zoning Ordinance Text Amendment clarifies a discrepancy within Section 3-707.3 and Section 3-707.5 of the Zoning Ordinance. Within the C-UB Urban Business District, 'banquet and food preparation establishments' are listed as both a Permitted Principal Uses and a Permitted Uses after Special Approval.

**With us there are no
boundaries**

Township Staff recommends maintaining 'banquet and food preparation establishments' as a Permitted Principal Use within the Urban Business District due to the intention of the Waterford Township Master Plan 2023 to utilize this Zoning District to "reflect and promote the urban neighborhood area" and to "create an economic climate conducive to the attraction, retention, and expansion of business within Waterford."

Section 1-007 of the Zoning Ordinance defines a Banquet And Food Preparation Establishment as "*A commercial service establishment in which food and beverages are prepared for catered consumption off the zoning lot on which preparation occurs, and for the purposes of on-premise catering to large groups of people for special occasions such as banquets, weddings, receptions or similar functions when the zoning lot possesses the capacity for a banquet facility.*"

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for this, a motion to "introduce" the case should be made which would then provide for consideration of "final adoption" of the Ordinance Amendment at your July 27, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

SECTION 3-704. C-2, SMALL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-2 Small Business Zoning District:

- 1. Purpose and Intent.** The C-2 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.1, *Develop and Utilize Township Capacity for Proactive Economic Development*, by permitting commercial uses properly scaled and designed for zoning lots with limited lot area that were established along commercial corridors prior to the adoption of commercial zoning regulations in Waterford Township.
- 2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900 and 3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
- 3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-2 district:
 - A. Convenience stores, limited merchandise stores, and specialty retail stores (*See Retail Establishments in Section 1-007*).
 - B. Animal grooming establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (*See Commercial Service Establishments in Section 1-007*).
 - C. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - D. Professional medical care offices (*See Medical Establishments in Section 1-007*).
 - E. Office establishments (*See Office Establishments in Section 1-007*).
 - F. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See Restaurant Establishments in Section 1-007*).
 - G. Entertainment rental establishments (*See Rental Establishments in Section 1-007*).
 - H. Used book shops (*See Resale Establishments in Section 1-007*).
 - I. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
 - J. Area public utility facilities (*See Public Utility in Section 1-007*) and regional public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
- 4. Permitted Uses after Wellhead Protection Compliance.** Minor vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*) shall be permitted as a principal permitted use in the C-2 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.
- 5. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
 - A. Banquet and food preparation establishments (*See Commercial Service Establishments in Section 1-007*).

SECTION 3-707. C-UB, URBAN BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-UB Urban Business Zoning District:

- 1. Purpose and Intent.** The C-UB zoning district is intended to implement the goals of the Urban Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, *To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford*, Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, and Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity*, by permitting a mixture of commercial, office, and residential land uses on zoning lots properly scaled and designed to enhance and improve the traditional urban neighborhood characteristics contained within this zoning district, with an emphasis on streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along State Highway M-59; improved nonmotorized pathways and traffic calming; allowance for dwelling units located above commercial uses at moderate density; and coordinated street furniture throughout the district. This zoning district is intended to limit the intensity of commercial development through the height, usable floor area, and setback restrictions specified within **Sections 3-900** and **3-901**, and to ensure that sufficient parking is provided without conflicting with streetscape aesthetics and walkability. This zoning district shall be located specifically within, and limited to, the geographic area designated as Urban Business on the Future Land Use Maps.
- 2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
- 3. Permitted Principal Uses.** The following uses conducted completely indoors, with no outdoor service or drive-thru service facilities, shall be permitted as principal permitted uses in the C-UB district:
 - A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments (*See Retail Establishments in Section 1-007*).
 - B. Shopping centers (*See Retail Establishments in Section 1-007*).
 - C. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (*See Commercial Service Establishments in Section 1-007*).
 - D. Cultural facilities (*See Cultural Facilities in Section 1-007*).
 - E. Religious facilities (*See Religious Facilities in Section 1-007*).
 - F. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - G. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
 - H. Office establishments (*See Office Establishments in Section 1-007*).
 - I. Bar/lounges, brewpubs, cabaret/night clubs, cafeterias, carryout restaurants, and fast food/delicatessen/sandwich shop restaurants (*See Restaurant Establishments in Section 1-007*).
 - J. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
 - K. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
 - L. Private clubs and philanthropic institutions (*See Institutional Facilities in Section 1-007*).
 - M. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
 - N. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
 - O. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- 4. Permitted Uses after Wellhead Protection Compliance.** Local dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*) and minor vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*) shall be permitted as principal permitted uses in the C-UB district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the

Waterford Code of Ordinances prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.

5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-UB district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
 - A. The uses permitted under **Section 3-707.3.I** with outdoor dining patios (*See Structure in Section 1-007*) conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
 - ~~B. Banquet and food preparation establishments (*See Commercial Service Establishments in Section 1-007*).~~
 - ~~BC.~~ Veterinary clinics (*See Veterinary Establishments in Section 1-007*). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
 - ~~CD.~~ Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
 - ~~DE.~~ Precious metal and gem dealers (*See Section 1-006*) in conformance with **Section 2-602**.
6. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-707.3** with one or more of the uses listed in **Section 3-707.4, Section 3-707.5, Section 3-404.3.A**, and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005**, are permitted.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-Z-004

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) C-2, Small Business District text to allow banquet and food preparation establishments as a permitted use after special approval, and to correct the C-UB, Urban Business District text by removing banquet and food preparation establishments from the list of permitted uses after special approval because they are also listed as a permitted principal use.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-704 of the Waterford Township Zoning Ordinance for the C-2, Small Business District, is amended to add a new subsection 5 to read as follows:

- 5. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-2 District, subject to review and approval of the use in accordance with Section 4-006 and any conditions hereinafter imposed for each such use:
 - A. Banquet and food preparation establishments (*See Commercial Service Establishments in Section 1-007*).

Section 2 of Ordinance

Section 3-707.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-UB, Urban Business District, is amended to delete banquet and food preparation establishments that was subsection B, and now read as follows:

- 5. Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-UB District, subject to the review and approval of the use in accordance with Section 4-006 and any conditions hereinafter imposed for each such use:
 - A. The uses permitted under Section 3-707.3.I with outdoor dining patios (See **Structure in Section 1-007**) conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.

- B. Veterinary clinics (See Veterinary Establishments in Section 1-007). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
- C. Funeral home establishments (See Funeral Home Establishments in Section 1-007).
- D. Precious metal and gem dealers (See Section 1-006) in conformance with Section 2-602.

Section 3 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2020.

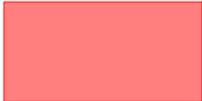
Date

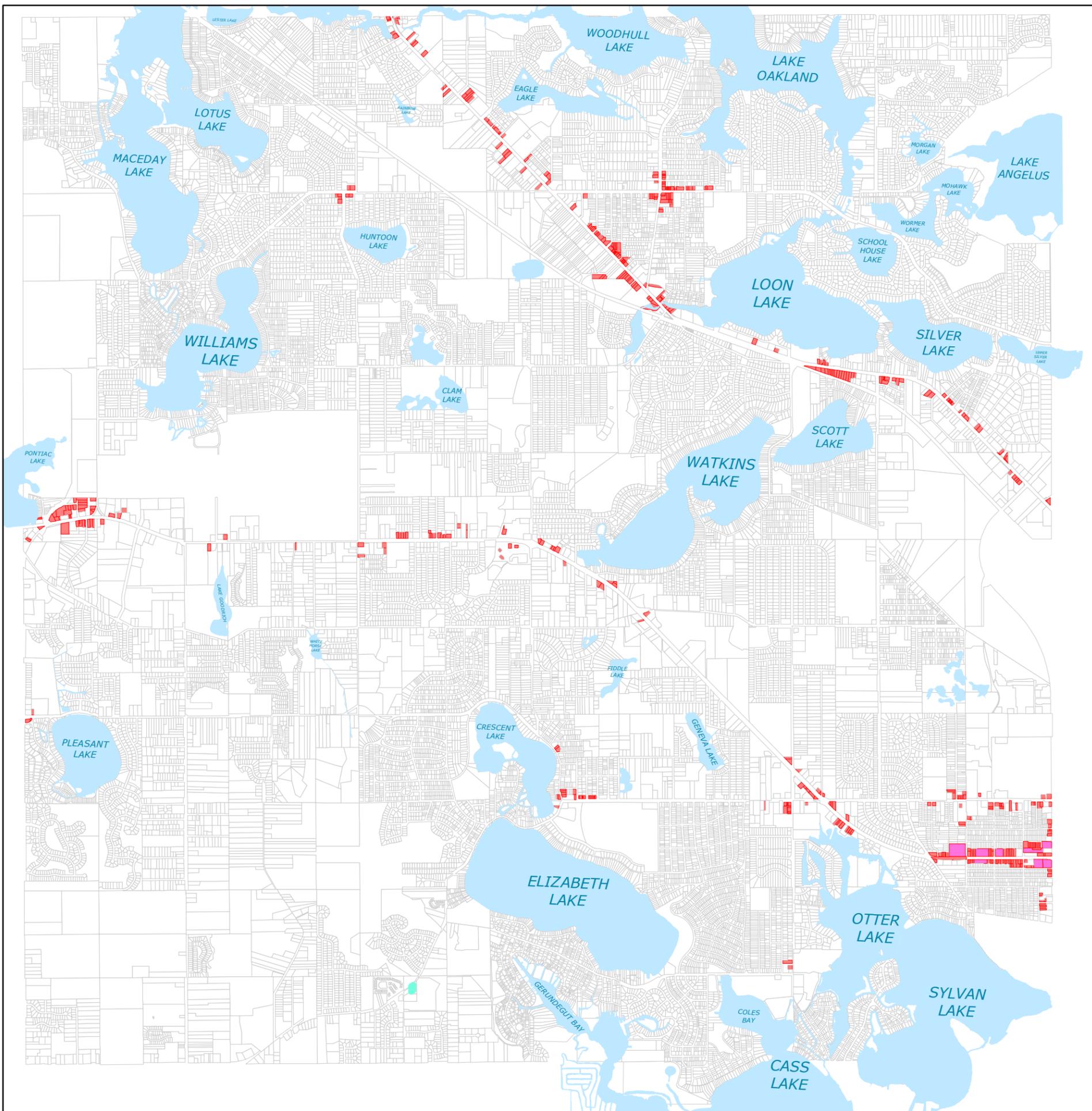
Kimberly Markee, Township Clerk



Proposed Zoning Ordinance Text Amendment
 Case No. 20-04-01
 C-2, Small Business District
 C-UB, Urban Business District
 Banquet And Food Preparation Establishments

Legend

-  Lakes
-  C-2, SMALL BUSINESS
-  C-UB, URBAN BUSINESS
-  All Other Districts



Charter Township of Waterford
 Development Services Department
 Planning and Zoning Division

Drawn By; J. Polkowski
 March 11, 2020

BOARD OF TRUSTEES
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**DEVELOPMENT SERVICES
 DEPARTMENT**
Rob Merinsky, PE
Director
Brent A. Gibson
Superintendent of Building
Division
Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: July 6, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Proposed Map Adoption for the June 23, 2020 Planning Commission Meeting Case No. 20-06-01 Re-adoption of the Official Zoning Map

The Official Zoning Map adopted March 10, 2010, as amended, has generally been considered difficult to read and not user friendly by those who chose to live or invest in the Township. As a response to this, Township Staff has been circulating an unofficial map that uses a different organizational structure and color scheme in an attempt to provide more clarity.

Planning Staff is comfortable with proposing that this map be established as the Official Zoning Map for Zoning Ordinance No. 135-A. Attached with this memo, for your review, is both the existing Official Zoning Map and the Proposed Zoning Map. Both of which, include the following amendments (rezonings) as per Section 4-009.2.J of the Zoning Ordinance:

Case No.	Date	Parcel ID	Address	Previous Zoning	Changed Zoning
2012-02-02	12-02-02	13-18-353-019, through 022	7720 & 7732 HIGHLAND RD.	C-2	C-3
2012-04-01	12-04-01	13-35-179-028 through 032	90 S. CASS LAKE RD.	O-1	C-2
2012-04-02	12-04-02	13-35-179-039	3532 CASS ELIZABETH RD.	O-1	HT-1
2012-04-03	12-04-03	13-35-179-036	960 S. CASS LAKE RD.	R-1C	C-2
2012-04-04	12-04-04	13-04-151-013	4269 STEFFENS RD.	R-1B	C-1
2012-04-06	12-04-06	13-13-300-201	1580 SCOTT LAKE RD	R-1A	PL
2013-03-02	13-03-02	13-33-180-001	VACANT PARCEL	R-1E	R-1A
2013-05-02	13-05-02	13-23-353-002	592 SHARON STREET	O-1	R-1A
2014-02-01	14-02-01	13-13-426-034	VACANT PARCEL	C-4	R-M2
2014-09-02	14-09-02	13-14-227-027	VACANT PARCEL	R-1A	O-1
2015-02-01	15-02-01	13-10-402-006,010,009	4265 DIXIE HIGHWAY	C-2	C-3
2015-03-01	15-03-01	13-16-451-023,027	BALIAN DRIVE	C-3	C-4
2015-08-03	15-08-03	13-22-227-013	4212 HIGHLAND SUITE 100	C-4	C-3
2016-03-01	16-03-01	13-18-451-023	7313 HIGHLAND ROAD	C-4	C-3
2016-04-02	16-04-02	13-21-101-021	VACANT PARCEL	PL	R-1B
2017-03-01	17-03-01	13-20-101-001	VACANT-PROPERTY ASSEMBLAGE	R-1A, C-2, C-3	C-4
2017-05-01	17-05-01	13-13-426-032	2100 DIXIE HIGHWAY	C-4	C-3
2017-05-02	17-05-02	13-34-427-003	VACANT PROPERTY	C-1	R-1C
2017-06-01	17-06-01	13-20-101-007	6929 HIGHLAND RD.	C-2	C-4
2017-06-03	17-06-03	13-21-202-001	5385 HIGHLAND RD. - VACANT	O-1	C-1
2017-10-01	17-10-01	13-12-105-005	2946 WALTON BLVD.	O-1	R-1A
2017-11-03	17-11-03	13-35-301-001	3965 CASS ELIZABETH RD.	C-2	CR
2017-11-04	17-11-04	13-04-253-013,014	VACANT PROPERTY	R-1	R-1B
2018-03-03	18-03-03	13-24-176-009 through 024	VACANT PROPERTY	C-1	R-1C
2018-04-01	18-04-01	13-16-401-023	5341 TUBBS RD.	PL	R-1A
2018-10-01	18-10-01	13-19-200-004	7488 PONTIAC LAKE RD.	R-1A	R-M2

**With us there are no
 boundaries**

Although there is no national standard for a color scheme adopted by the American Planning Association, the proposed color scheme used to represent the Township Zoning Districts is more typically seen in zoning maps used by municipalities nation-wide. After circulating this map for over a year, making minor adjustments as they have been identified.

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for this, a motion to "introduce" the case should be made which would then provide for consideration of "final adoption" of the Amendment at your July 27, 2020 meeting.

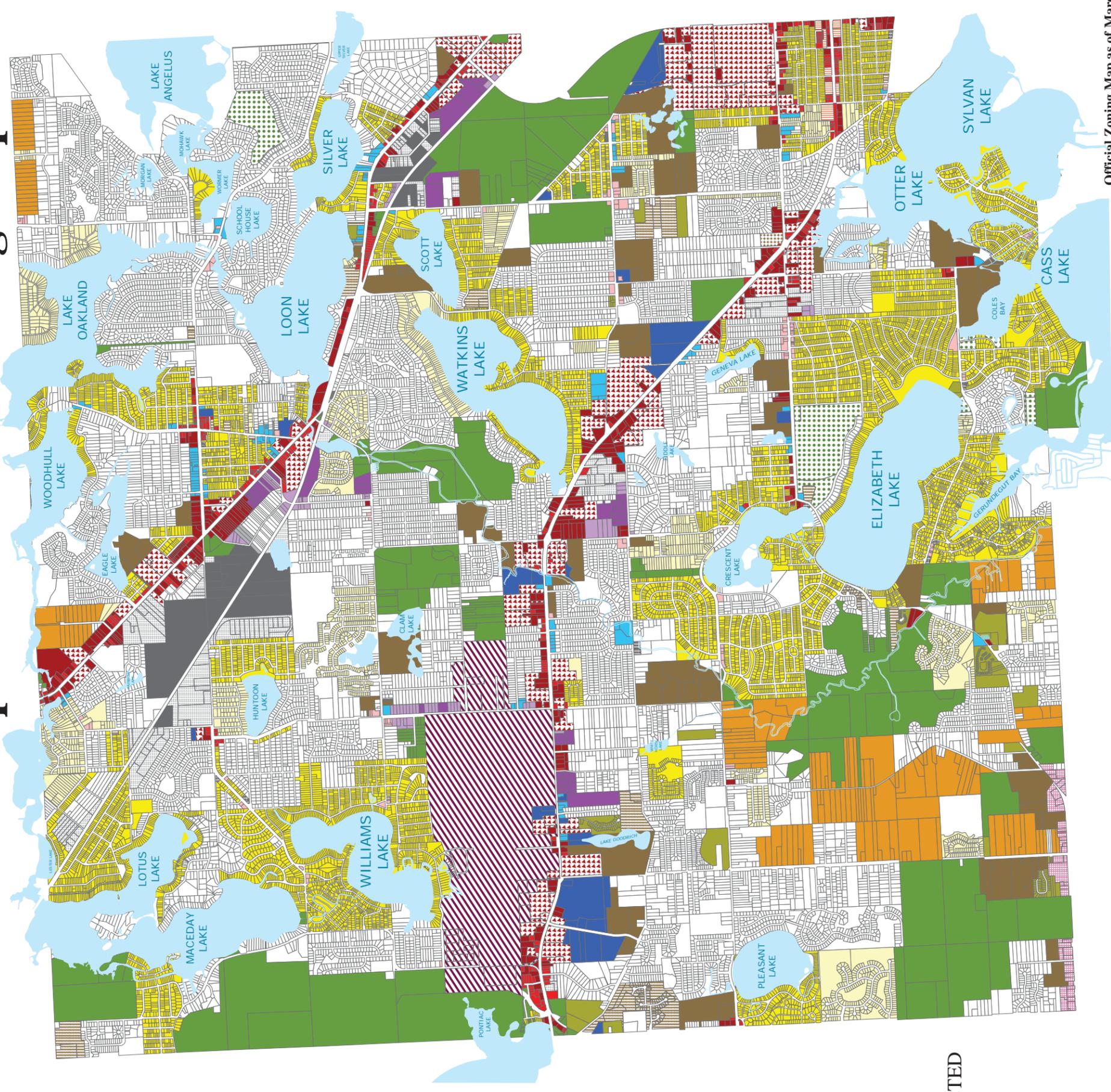
Upon your review, if you have any questions or require further information, please contact this office.

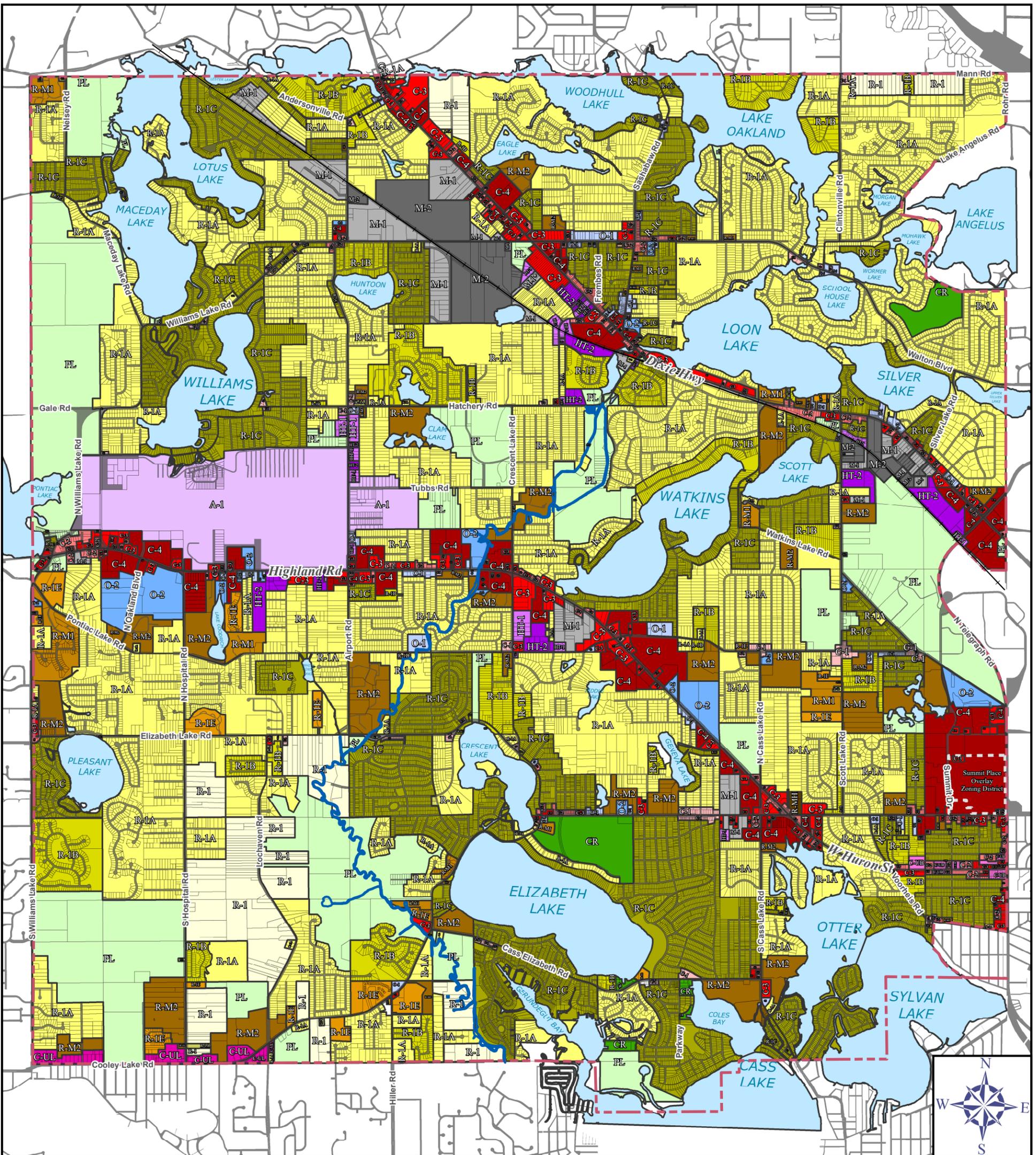
Legend

Zoning Districts

-  R-1, SINGLE-FAMILY RESIDENTIAL
-  R-1A, SINGLE-FAMILY RESIDENTIAL
-  R-1B, SINGLE-FAMILY RESIDENTIAL
-  R-1C, SINGLE-FAMILY RESIDENTIAL
-  R-1D, DUPLEX RESIDENTIAL
-  R-1E, SINGLE-FAMILY ATTACHED RESIDENTIAL
-  R-M1, LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL
-  R-M2, MULTIPLE-FAMILY RESIDENTIAL
-  R-MH, MOBILE HOME PARK DISTRICT
-  CR, COMMERCIAL RECREATION
-  PL, PUBLIC LANDS
-  O-1, LOCAL OFFICE
-  O-2, GENERAL OFFICE
-  C-1, NEIGHBORHOOD BUSINESS
-  C-2, SMALL BUSINESS
-  C-3, GENERAL BUSINESS
-  C-4, EXTENSIVE BUSINESS
-  C-UB, URBAN BUSINESS
-  C-UL, UNION LAKE BUSINESS
-  A-1, AIRPORT
-  HT-1, HIGH TECH OFFICE
-  HT-2, HIGH TECH INDUSTRIAL AND OFFICE
-  M-1, LIGHT INDUSTRIAL
-  M-1*, LIGHT INDUSTRIAL-CONSENT JUDGMENT RESTRICTED
-  M-2, GENERAL INDUSTRIAL

Charter Township of Waterford Zoning Map





Zoning Map



Residential Zoning

- R-1, SINGLE-FAMILY RESIDENTIAL
- R-1A, SINGLE-FAMILY RESIDENTIAL
- R-1B, SINGLE-FAMILY RESIDENTIAL
- R-1C, SINGLE-FAMILY RESIDENTIAL
- R-1D, DUPLEX RESIDENTIAL
- R-1E, SINGLE-FAMILY ATTACHED RESIDENTIAL
- R-M1, LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL
- R-M2, MULTIPLE-FAMILY RESIDENTIAL
- R-MH, MOBILE HOME PARK DISTRICT

Commercial & Office Zoning

- C-1, NEIGHBORHOOD BUSINESS
- C-2, SMALL BUSINESS
- C-3, GENERAL BUSINESS
- C-4, EXTENSIVE BUSINESS
- C-UB, URBAN BUSINESS
- C-UL, UNION LAKE BUSINESS
- O-1, LOCAL OFFICE
- O-2, GENERAL OFFICE

Higher Intensity & Other Zoning

- A-1, AIRPORT
- HT-1, HIGH TECH OFFICE
- HT-2, HIGH TECH INDUSTRIAL AND OFFICE
- M-1*, LIGHT INDUSTRIAL-CONSENT JUDGMENT RESTRICTED
- M-1, LIGHT INDUSTRIAL
- M-2, GENERAL INDUSTRIAL
- PL, PUBLIC LANDS
- CR, COMMERCIAL RECREATION
- Overlay Zoning Districts

STATE OF MICHIGAN
COUNTY OF OAKLAND
ORDINANCE NO. 2020-Z-005

REPLACEMENT ZONING MAP ORDINANCE AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by replacing the Zoning Map as adopted February 22, 2010, as part of Zoning Ordinance No. 135-A, and subsequently amended as a result of rezoning ordinances, with a new Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Zoning Map required, adopted by reference as part of Zoning Ordinance No. 135-A that took effect on March 10, 2010, subsequently amended by rezoning ordinances, and maintained in the office of the Zoning Official as provided in Sections 3-101 and 3-102 of the Zoning Ordinance, is amended by replacing it with a new Zoning Map, a reduced size copy of which is attached to this Ordinance Amendment.

Section 2 of Ordinance

The effective date of this ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Replacement Zoning Map Ordinance Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on July 27, 2020.

CHARTER TOWNSHIP OF WATERFORD

Date

Kimberly Markee, Township Clerk

BOARD OF TRUSTEES
Gary Wall, Supervisor
Kimberly F. Markee, Clerk
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**DEVELOPMENT SERVICES
DEPARTMENT**
Rob Merinsky, P.E.
Director
Brent A. Gibson
Superintendent of Building
Division
Jeffrey M. Polkowski AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: July 6, 2020
To: Honorable Township Board Members
From: Jeffrey Polkowski, Superintendent of Planning and Zoning
RE: Rezoning Case No. 20-02-02
Location: Southeast corner of Dixie Hwy and Waterford Rd, accessible from Rockcroft Blvd
Applicant: Dale R. Ulman, 5201 Highland Rd., White Lake, MI 48383

Current Zoning: R-1A, Single Family Residential and PL, Public Land District
Proposed Zoning: C-3 General Business District

Master Plan: Public and Open Space: Public Lands

Prior to acquisition by the applicant, the property was utilized as vehicle storage area for the volunteer fire department and has currently been operating as a minor vehicle service facility. The current owner is seeking to rezone the property to C-3, General Business, to bring the use into conformity and the zoned in conformance with the surrounding area. Upon approval, of rezoning, the applicant will petition for a special approval use for an outdoor storage establishment in a C-3, General Business District.

The Master Plan indicates that these parcels are designated as Public and Open Space: Public Lands. This is due to its previously functioning use as vehicle storage for the Volunteer Fire Department. The Master Plan designation of all surrounding parcels are listed as Commercial Office: Community Business. Therefore, Township Staff recommends analyzing this parcel through the lens of the Commercial Office: Community Business Master Plan designation.

Motions

Based upon the Planning Commission's favorable recommendation at the June 23, 2020 regular meeting for this rezoning case, should the Board want to consider adopting the requested rezoning to C-3 General Business District, the appropriate motion would be

**With us there are no
boundaries**

to introduce the attached Ordinance and schedule it for possible adoption at the July 27, 2020 meeting.

However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

Staff will be available at Monday's meeting for any questions on this case. However, if you have any questions in advance of the meeting, please contact this office.

Planning & Zoning Department

REZONING REVIEW

March 16, 2020

Application Number	PZ 20-02-02	Action Requested	Rezoning
		Staff Recommendation	Approval
Request	Rezone from R-1A, Single Family Residential and PL, Public Land District to C-3 General Business District		
Project Name	Site Layout/Rezoning Plan for 4525 Rockcroft Blvd.		
Proposed Use(s)	Minor vehicle service facility; Commercial outdoor storage establishment; Office establishment		
Address	4525 Rockcroft Blvd.		
Parcel Number	13-04-126-008; 13-04-126-009		
Owner	Dale R. Ulman 5201 Highland Rd. White Lake, MI 48383	Applicant	Dale R. Ulman 5201 Highland Rd. White Lake, MI 48383
Property Information			
General Location	Southeast corner of Dixie Hwy and Waterford Rd, accessible from Rockcroft Blvd		
Current Zoning	R-1A, Single Family Residential and PL, Public Land District		
Proposed Zoning	C-3 General Business District		
Property Size	0.81 acres		
Master Plan Designation	Public and Open Space: Public Lands		
Frontage	15 feet on Rockcroft Blvd. (Independence Township)		
Current Use	There is an existing 2972 sq. ft. office building of area. Two minor vehicle service facilities both 915 sq. ft. and 1,640 sq. ft. The site has been operating as a non-conformity and the owner would like to bring the property to compliance.		
Site Plan / SLU History	No site plan or ZBA history found. Site previously operated as Volunteer Fire Department vehicle storage.		
Surrounding Development			
North	R-1A, Single Family Residential (Independence Township)		
East & South	C-3, General Business		
West	R-1A, Single Family Residential; C-2 Small Business		

Background Analysis

Prior to acquisition by the applicant, the property was utilized as vehicle storage area for the volunteer fire department and has currently been operating as a minor vehicle service facility. The current owner is seeking to rezone the property to C-3, General Business, to bring the use into conformity and the zoned in conformance with the surrounding area. Upon approval, of rezoning, the applicant will petition for a special approval use for an outdoor storage establishment in a C-3, General Business District.

The Master Plan indicates that these parcels are designated as Public and Open Space: Public Lands. This is due to its previously functioning use as vehicle storage for the Volunteer Fire Department. The Master Plan designation of all surrounding parcels are listed as Commercial Office: Community Business. Therefore, Township Staff recommends analyzing this parcel through the lens of the Commercial Office: Community Business Master Plan designation.

Planning Commission Approval Recommendation Guidelines

The following is a summary of Section 4-009.3 of the Zoning Ordinance and the Planning Commission's approval recommendation guidelines that have been established for rezoning application requests:

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make its recommendations to the Township Board based upon the evidence presented to it in each specific case with respect to the following matters:

- A. The requested zoning change is consistent with the adopted Master Plan, as amended.

The subject parcels are designated as "Open Space: Public Lands" by the Master Plan. This is due to the site formally serving as the parking and maintenance bay for the Waterford Volunteer Fire Department.

The "Open Space: Public Lands" designation is intended for properties under governmental ownership for the purpose of conducting public business and property under governmental stewardship for the purpose of preserving and protecting public lands for the benefit of current and future citizens.

As this property has not been utilized as land as a public service for a considerable duration of time, staff recommends analyzing this parcel through the lens of the Community Business Master Plan designation as it is the predominant Master Plan designation for the area and due to the existing character of the site. The intent of the Community Business designation is to provide suitable locations for the general retail, service, and comparison shopping needs of the general population base.

Through this perspective, rezoning the property from Single Family Residential and Public Land to General Business District, would be consistent with the adopted Master Plan.

- B. The requested zoning change is consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.

With the exception of the two adjacent single-family homes to the west and the single-family housing district to the north in Independence Township, the proposed rezoning request is more in line with the surrounding commercial zoning.

G:\CPD\Administrative\Board of Trustees\20-02-02 Dale Ulman - Rezoning R-1A & PL to C-3\20-02-02_Staff Report.docx

REZONING REVIEW

March 16, 2020

- C. The subject zoning lot's physical suitability to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.

The area of the subject property is approximately 35,283 square feet. Greatly exceeding the minimum lot area of the C-3, General Business Zoning District's minimum lot area requirement of 24,000 square feet.

- D. The trend of development in the general area of the subject zoning lot is consistent with the requested zoning change.

With the exception of one property with a Master Plan Designation of Residential: Single Family, the entire surrounding parcels have the Master Plan Designation of Commercial/Office: Community Business. The proposed C-3, General Business Zoning District is in consistent with this long term trend.

- E. The Township and other public agencies possess the capacity to provide all utility and public services that would be required for the range of uses permitted under the proposed zoning classification.

Public utilities are available to the site and the Township along with other related public service agencies possess the capacity to provide all utility and public services to the property.

- F. The requested zoning change and the resulting range of uses permitted under the proposed zoning classification will not result in any significant environmental impacts.

The resulting range of uses would result in a similar range of uses that currently exist for adjacent properties in the surrounding area. Therefore, any significant environmental impact due to the newly proposed zoning classification, is not anticipated

- G. Whether the amendment will be detrimental to the public interest.

This amendment not be detrimental to public interest as this continues a development trend within the area.

REZONING REVIEW

March **16, 2020**

Recommendation and Planning Commission Action

This proposal would permit a parcel to function in a more harmonious manner to the surrounding commercial trend and work towards bringing a historically auto-oriented parcel to compliance. Staff is supportive of this proposal.

Following the required public hearing, the Planning Commission shall provide a recommendation to the Township Board on the rezoning request. In making this recommendation, the Planning Commission shall consider the approval recommendation guidelines referenced above. Staff has attached a motion template for your use in formulating your recommendation.

Upon your review, if you have any questions or require additional information prior to Tuesday's meeting, please contact this office.



Rezoning #20-02-02 Aerial Map



1:1,128



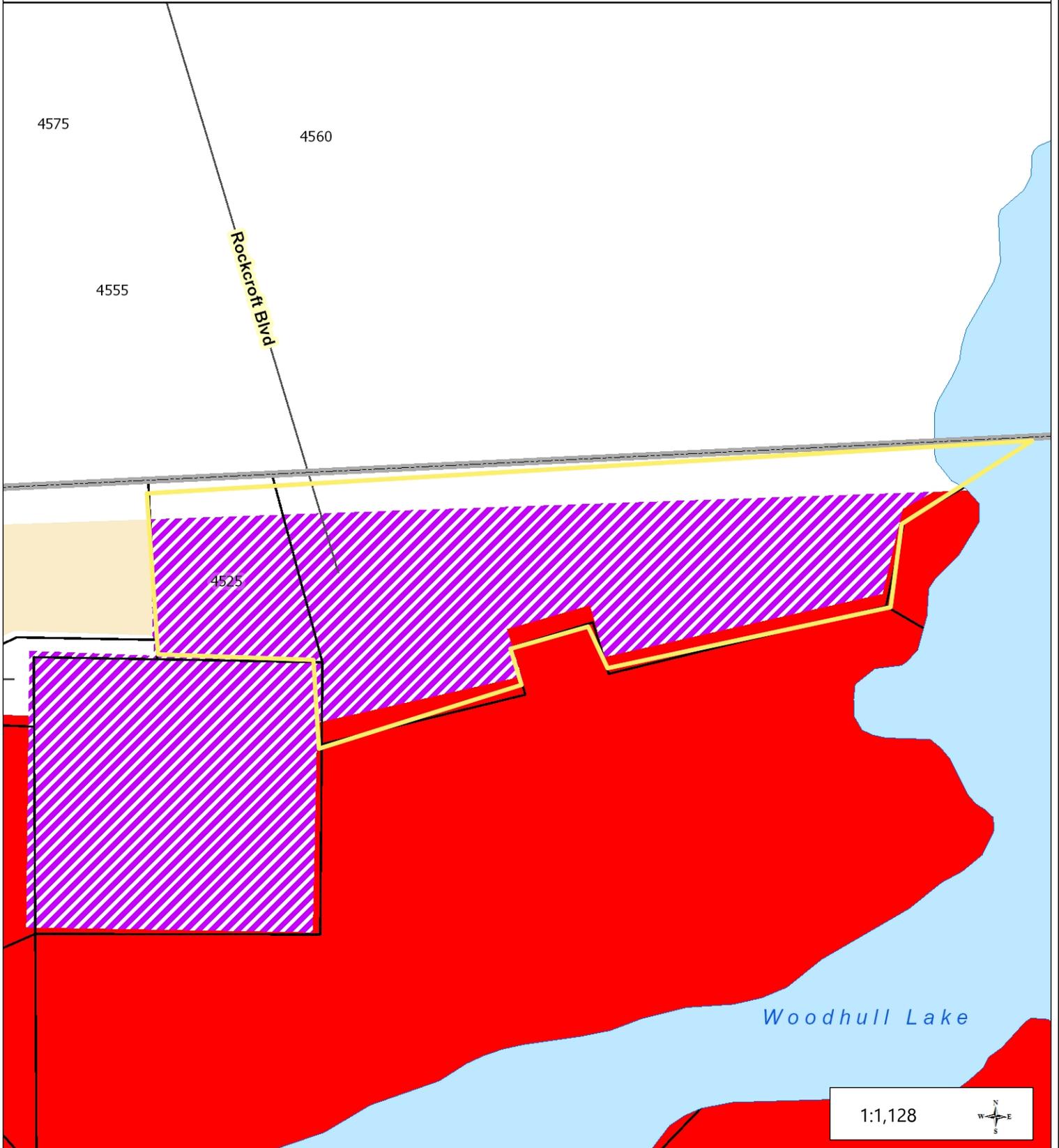
188.1 0 94.04 188.1 Feet

SOURCES: The Charters Township of Waterford and Oakland County, MI.
Oakland County parcel data, Updated weekly.

DISCLAIMER: Information depicted hereon is for reference purposes only. It was compiled from the best available resources which have varying degrees of accuracy. This map is not a legally recorded map nor a survey and is not intended to be used as such. The Charter Township of Waterford assumes no responsibility for error that arise from this map.



Rezoning #20-02-02 Master Plan Map



1:1,128

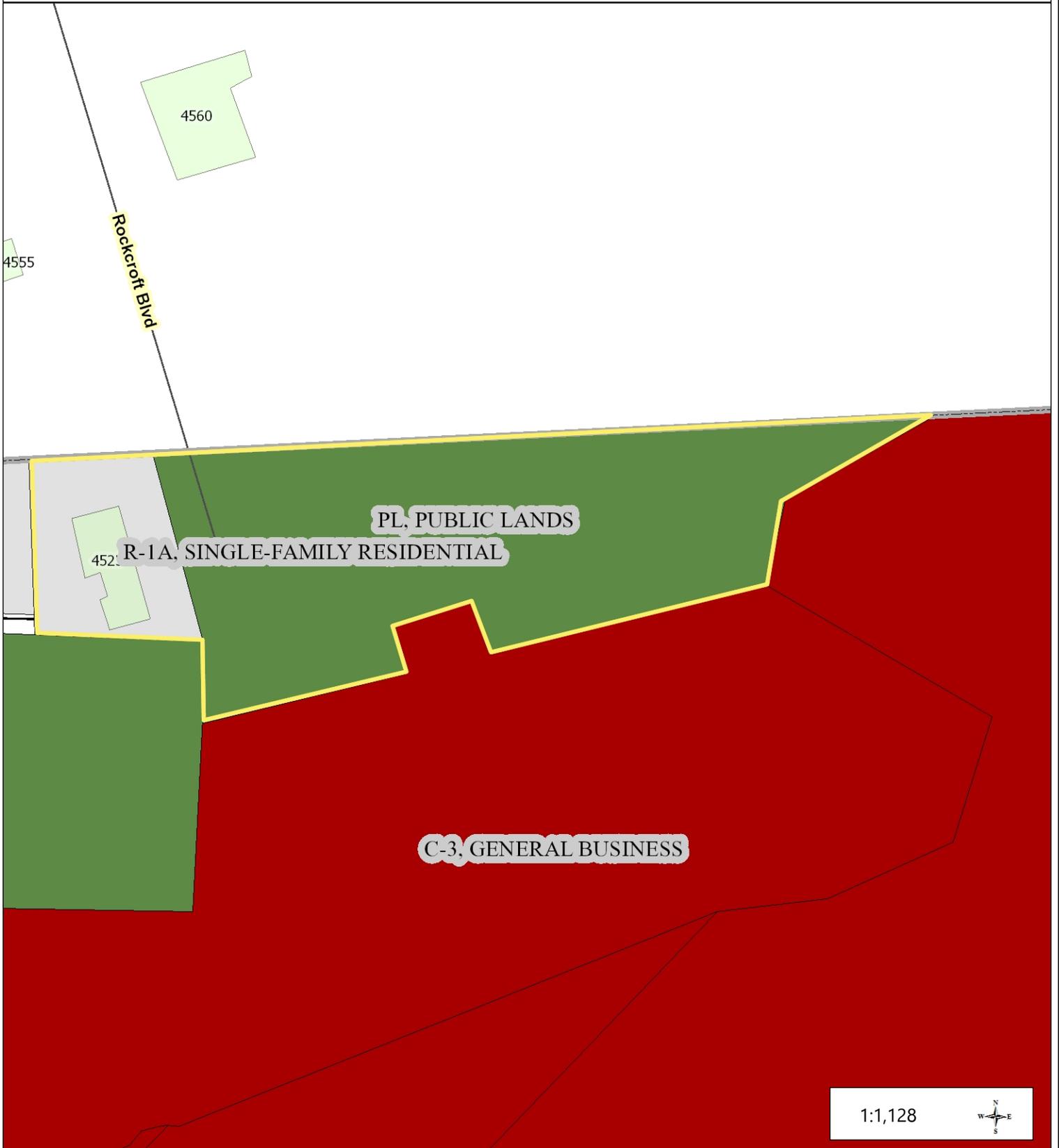
188.1 0 94.04 188.1 Feet

SOURCES: The Charters Township of Waterford and Oakland County, MI.
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Rezoning #20-02-02 Zoning Map



1:1,128 



SOURCES: The Charters Township of Waterford and Oakland County, MI.
Oakland County parcel data, Updated weekly.

DISCLAIMER: Information depicted hereon is for reference purposes only. It was compiled from the best available resources which have varying degrees of accuracy. This map is not a legally recorded map nor a survey and is not intended to be used as such. The Charter Township of Waterford assumes no responsibility for error that arise from this map.

4:30 P.M. – CALL THE MEETING TO ORDER

Chairperson Werth called the meeting to order at 4:29P.M.

I. ROLL CALL

Present: Sandra Werth, Chairperson
Steve Reno, Vice Chairperson
Matt Ray, Secretary
Tony Bartolotta, Commissioner
Dave Kramer, Commissioner
Colleen Murphy, Commissioner

Absent: Scott Sintkowski, Commissioner

Also Present: Jeffrey Polkowski, Superintendent/Planning
Scott Alef, Planner II
Amy Williams, Departmental Aide
Rob Merinsky, Director/Engineering
Gary Wall, Township Supervisor

II. APPROVAL OF JUNE 23, 2020 PLANNING COMMISSION MEETING AGENDA.

MOTION AND VOTE

Moved by Reno

*Supported by Ray; Resolved to **APPROVE** the June 23, 2020 Planning Commission Meeting Agenda.*

MOTION CARRIED UNANIMOUSLY

(6-0)

III. APPROVAL OF THE MAY 28, 2020 PLANNING COMMISSION SPECIAL MEETING MINUTES AS PRINTED.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta; Resolved to **APPROVE** the May 28, 2020 Planning Commission Meeting Minutes as printed.*

MOTION CARRIED UNANIMOUSLY

(6-0)

IV. APPROVAL OF CONSENT AGENDA

MOTION AND VOTE

Moved by Bartolotta

*Supported by Kramer; Resolved to **APPROVE** the Consent Agenda*

MOTION CARRIED UNANIMOUSLY

(6-0)

V. SITE PLANS AND PUBLIC HEARINGS

1.) PUBLIC HEARING - Rezoning. 20-01-03, Redwood Living Residential Development (New Hearing)

Location: NE corner of Hatchery Rd and N Williams Lake Rd
Request: Rezone from PL, Public Lands to R-M2, Multiple-Family Residential Zoning District. This is a modification of the original rezoning request.
Parcel I.D. No.: 13-18-100-008
Applicant: Redwood Living c/o Patricia Rakoci

MOTION AND VOTE

Moved by Bartolotta

*Supported by Reno; Resolved to **TABLE** Rezoning Case No. 20-01-03 to the next meeting so that public input could be heard.*

MOTION CARRIED UNANIMOUSLY

(6-0)

2.) Site Plan # PSP. 20-1353, Redwood Living – Residential Development

Location: NE corner of Hatchery Rd and N Williams Lake Rd
Request: Concept Site Plan Review
Parcel I.D. No.: 13-18-100-008
Applicant: Redwood Living c/o Patricia Rakoci

Mr. Polkowski gave a brief overview of the revised site plan and addressed the changes made from comments at the last meeting. If approved, this would be conditional upon the change of zoning and text amendment approvals. Staff would like to approval to go ahead without the need to bring this back before the Planning Commission.

Ms. Englehardt gave a brief visual presentation to show the minor changes to the previous conceptual site plan.

Board members questioned the revised sidewalk detail and the lack of buffer (curb) on the revised plan.

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; Resolved to **APPROVE** Site Plan # PSP20-1353 contingent upon approval of Rezoning and Text Amendment changes and staff approval.*

MOTION CARRIED

(5-1) with commissioner Ray opposed

3.) PUBLIC HEARING - Rezoning. 20-02-02, Dale Ulman

Location: 4525 Rockcroft Blvd
Request: Rezone from PL, Public Lands and R-1A Single-Family Residential District to C-3, General Business.
Parcel I.D. No.: 13-04-126-008 & 13-04-126-009
Applicant: Dale Ulman

Mr. Polkowski gave a brief history of this parcel and the intended use by the new owner. He further noted that a site plan would still need to be submitted if rezoning is granted.

During the public portion of the meeting the following spoke with concerns regarding this request.

Sally Byron of 4560 Rockcroft Blvd. lives adjacent to the applicant's property and voiced concerns of how the rezoning would affect her property. She further noted that the residents of this street paid to have the street paved and she had concerns with more traffic.

Board members asked more questions regarding the road and outdoor storage and the applicants intended use for the property.

Mr. Ulman stated that he plans to clean up the property and only use himself. He has been maintaining the road by plowing snow in the winter and would continue to do so. He takes pride in keeping his properties well maintained.

Board members noted that the property was previously used for vehicle storage by the fire department, the current owner takes care of the road maintenance and the existing road was put in twenty five years ago.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Kramer; Resolved to forward a **favorable** recommendation in Case No.*

20-02-02 on to the Township Board, to rezone the subject property of this application from R-1A, Single Family Residential and PL, Public Land District to C-3 General Business District based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

**MOTION CARRIED UNANIMOUSLY
(6-0)**

4.) PUBLIC HEARING - Text Amendment. 20-03-02, Zoning Ordinance Text Amendment

Request: Proposed Ordinance to amend Waterford Township Zoning Ordinance No. 135-A, by amending the R-M1, Low Rise Multiple-Family Residential and R-M2 Multiple-Family Residential Zoning Districts permitted uses to include Attached Single-Family uses.

Applicant: Waterford Township

Mr. Polkowski gave a brief overview of the proposed text amendment.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Murphy; to forward a **favorable** recommendation in Case No. 20-03-02 on to the Township Board, to amend the R-M1, Low Density Multiple-Family Residential District text to expand permitted principal uses and permitted uses after special approval and to amend the R-M1, Low Density Multiple-Family Residential District text to expand permitted principal uses and permitted uses after special approval based on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, and members of the public.*

**MOTION CARRIED UNANIMOUSLY
(6-0)**

5.) PUBLIC HEARING - Text Amendment. 20-03-03, Zoning Ordinance Text Amendment

Request: Proposed Ordinance to amend Waterford Township Zoning Ordinance No. 135-A, by amending the M-1, Light Industrial permitted uses for Commercial Outdoor Storage.

Applicant: Waterford Township

Mr. Polkowski gave a brief overview of the proposed text amendment. Having an abundance of outdoor storage in the surrounding areas, make the properties less desirable. Waterford seems to have a lot of boat storage, and this amendment would help control and limit the amount of storage.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Murphy; to forward a **favorable** recommendation in Case No. 20-03-03 on to the Township Board, to amend the M-1, Light Industrial District text to limit permitted principal uses and expand permitted uses after special approval based on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.*

**MOTION CARRIED UNANIMOUSLY
(6-0)**

6.) PUBLIC HEARING - Text Amendment No. 20-04-01 –Text Amendment Banquet and Food Preparation Establishments

Request: This amendment to Waterford Township Zoning Ordinance No. 135-A that is proposed by the Township Planning and Zoning Superintendent and Development Services Department Director, would amend the Zoning Ordinance by establishing Food Preparation Establishments as a Permitted Use after Special Approval within the C-2, Small Business District and as a Permitted Principal Use within the C-UB, Urban Business District.

Applicant: Waterford Township

Mr. Polkowski gave a brief overview of the proposed text amendment.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta; to forward a **favorable** recommendation in Case No. 20-04-01 on to the Township Board, to amend the C-2, Small Business District text to establish permitted uses after special approval and to amend the C-UB, Urban Business Zoning District text to reduce permitted uses after special approval based on the findings and conclusions under the Ordinance approval recommendation guidelines which are based*

on assessment of the information and statements presented in this case by or for the Township Staff, and members of the public.

**MOTION CARRIED UNANIMOUSLY
(6-0)**

7.) PUBLIC HEARING - Map Amendment No. 20-06-01 – Re-adoption of the Official Zoning Map

Request: This amendment to Waterford Township Zoning Ordinance No. 135-A that is proposed by the Township Planning and Zoning Superintendent and Development Services Department Director, would re-adopt the Official Zoning Map for the Township displaying updated rezoning requests and new symbology.

Applicant: Waterford Township

Mr. Polkowski presented an updated version of the Township Zoning map that the Planner II, Scott Alef has been working on for some time. He explained the changes that were made to make areas easier to identify.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta; to forward a **favorable** recommendation in Case No. 20-06-01 on to the Township Board, to amend the official Zoning Map as outlined in Section 3-101 of the Ordinance based on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, and members of the public.*

**MOTION CARRIED UNANIMOUSLY
(6-0)**

8.) Site Plan # PSP. 20-1358, Mudslungers Drive Thru Coffee Kiosk

Location: N Side of Dixie Hwy, S of Andersonville Rd

Request: Concept Site Plan Review

Parcel I.D. No.: 13-04-127-015

Applicant: Andy Molenaar & Deb Tucker

Board member Kramer said that he agreed with Staff comments regarding moving the kiosk up one isle and voiced concerns with the South entrance.

Ms. Sides spoke up to say that a large percentage of the customers would go to the light for comfort reasons, and that they are willing to put in signs to designate entrance, or exit only.

Mr. Polkowski stated that Fire, Planning and Engineering still wish to make comments on this conceptual site plan before a final plan is submitted.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta; to **Approve** Site Plan # PSP.20-1358 contingent on the approval of a variance, and that it meets the standards of the Township staff.*

**MOTION CARRIED UNANIMOUSLY
(6-0)**

VI. DISCUSSION

VII. ALL ELSE

VIII. ADJOURN

Chairperson Werth adjourned the meeting at 5:47p.m.

Electronic remote access, in accordance with the Michigan Governor's Executive Order 2020-75, will be implemented in response to COVID-19 social distancing requirements and Michigan Governor's Executive Order 2020-70. The public may participate in the meeting through GoToMeeting by computer, tablet or smart phone using the following link:

<https://global.gotomeeting.com/join/303841141>

You can also dial in using your phone.

United States (Toll Free): 1 877 568 4106

United States: +1 (571) 317-3129

Access Code: 303-841-141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/303841141>

Members of the public will only be able to speak during the public comment portion of the meeting and such comment will be limited to three minutes per person. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Planning Commission Chair. The Chair will recognize all persons wishing to speak during public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Planning Commission members through Jeffrey Polkowski, Township Planning and Zoning Division Superintendent, by email to jpolkowski@waterfordmi.gov, or by mail at 5200 Civic Center Drive, Waterford, Michigan 48329.

CHARTER TOWNSHIP OF WATERFORD

APPLICATION FOR REZONING/TEXT AMENDMENT

Development Services Department
5200 Civic Center Drive
Waterford, MI 48329-3773
(248) 674-6250

<i>Staff Use Only</i>	
Fee Paid <input checked="" type="checkbox"/>	
Case No. Assigned <u>P220-02-01</u>	
Public Hearing Date	

Applicant Name: DALE R ULMAN

Applicant Address: 5201 Highland RD WhiteLK MI 48383
Street Address City State ZIP Code

Applicant Contact Information: 248-431-8244 Boomers Bike Shop @ yahoo.com
Phone Number Fax Number Email Address

- Text Amendment
- Property Rezoning

Site Address/General Location: 4525 ROCKCROFT BLVD

Parcel ID No.: 13-04-126-008 Total Site Acreage: .81 Waterford MI: 48346

Existing Zoning (check applicable district):
13-04-126-009

- | | | | | | | | | |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--|-------------------------------|------------------------------|------------------------------|
| <input checked="" type="checkbox"/> R-1/1A/1B/1C | <input type="checkbox"/> R-1D | <input type="checkbox"/> R-1E | <input type="checkbox"/> R-M1 | <input type="checkbox"/> R-M2 | <input checked="" type="checkbox"/> PL | <input type="checkbox"/> CR | <input type="checkbox"/> O-1 | <input type="checkbox"/> O-2 |
| <input type="checkbox"/> C-1 | <input type="checkbox"/> C-3 | <input type="checkbox"/> C-4 | <input type="checkbox"/> C-UL | <input type="checkbox"/> C-UB | <input type="checkbox"/> HT-1 | <input type="checkbox"/> HT-2 | <input type="checkbox"/> M-1 | <input type="checkbox"/> M-2 |

Proposed Zoning (check applicable district):

- | | | | | | | | | |
|---------------------------------------|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|------------------------------|------------------------------|
| <input type="checkbox"/> R-1/1A/1B/1C | <input type="checkbox"/> R-1D | <input type="checkbox"/> R-1E | <input type="checkbox"/> R-M1 | <input type="checkbox"/> R-M2 | <input type="checkbox"/> PL | <input type="checkbox"/> CR | <input type="checkbox"/> O-1 | <input type="checkbox"/> O-2 |
| <input type="checkbox"/> C-1 | <input checked="" type="checkbox"/> C-3 | <input type="checkbox"/> C-4 | <input type="checkbox"/> C-UL | <input type="checkbox"/> C-UB | <input type="checkbox"/> HT-1 | <input type="checkbox"/> HT-2 | <input type="checkbox"/> M-1 | <input type="checkbox"/> M-2 |

For Property Rezoning Requests, all persons having ownership interest in above-referenced property must sign this document to authorize the filing of the application. Ownership interest includes owners, all parties in land contracts, and all parties in purchase agreements. Additional signature pages may be attached for owners exceeding two in number.

	NAME (Print)	ADDRESS	TYPE OF OWNERSHIP INTEREST	SIGNATURE
1.	<u>DALE R ULMAN</u>	<u>5201 Highland WhiteLK MI: 48383</u>	<u>100%</u>	<u>[Signature]</u>
2.				

CERTIFICATION

I do hereby swear all of the statements, signatures, descriptions and exhibits herewith submitted are true and accurate to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.

DALE R ULMAN 5201 Highland WhiteLK MI: 48383
Name (Please Print) Address Telephone Contact Birth Date Drivers License #

Signature: [Signature] 1/28/64 0-455-135-745075
Subscribed and sworn to before me this 26 day of February, 2020
Notary Public State of Michigan County of _____ My Commission Expires: _____

JESSICA K. BINGHAM
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES 04/23/2020
 Acting in the County of Oakland

Charter Township of Waterford Planning Commission/Zoning Board of Appeals Consent to Property Inspection

Development Services Department
5200 Civic Center Drive
Waterford, MI 48329-3773
(248) 674-6250

I (WE), the undersigned have made application to the Charter Township of Waterford for land use matters to be considered and decisions made by the:

- Planning Commission
 Zoning Board of Appeals

that will affect use of our property identified below. In order to enable the members of such decision-making body to make an informed decision on our request, I (WE), do hereby consent to allow the members of the decision-making body to inspect the subject property up to the date of the meeting of the decision-making body at which such body issues its final decision on MY (OUR) request, provided that such inspections are limited to:

- gathering information specific to the requested action,
- typical hours of daily human activity, unless specified otherwise below, and
- the following restrictions:

4525 ROCKCROFT

Address of Subject Property

13-04-126-008 / 13-04-126-009

Parcel I.D. Number(s)

NOTE: Any and all persons having ownership interest in the above described property MUST sign this application in the presence of a notary.

Subscribed and sworn to before me this 26

day of February 4, 2020

Jessica K. Bingham
Notary Public

My commission expires: _____

State of Michigan, County of _____



Property Owner: DALE R ULMAN

Driver's License No.: U-455-135-745-075

Birth Date: 1-28-1964

Property Owner: SAME

Driver's License No.: SAME

Birth Date: SAME

Additional signature pages may be attached for owners exceeding two in number.

March 13, 2020

Planning Commission

To Whom It May Concern:

I am writing you today in regards to the property located on Rockcroft. The property is currently zoned public and residential. I bought the property for personal use, and the joining building for working on my personal vehicles. The property was ideal because it is close to my Motorcycle Business and Car Business; It is easy to keep an eye on my personal property.

Originally the building was used as a banquet hall. There are numerous parking spaces, already drawn out. What I would like to do with the property is use it for staging my vehicles to prepare them for sale. I would use the large building to fix any issues with the vehicles and for detail cleaning. I do not want the property to look like a junkyard, I take great pride in my vehicles. I prefer them looking pristine condition at all times. I even prefer all the vehicles parked in spaces all facing the same way.

There is additional storage which I would like to continue to use for personal use on the property. There is mostly outdoor storage, which I prefer again to look in pristine condition. For these reason are why I would like to rezone the property to a C3.

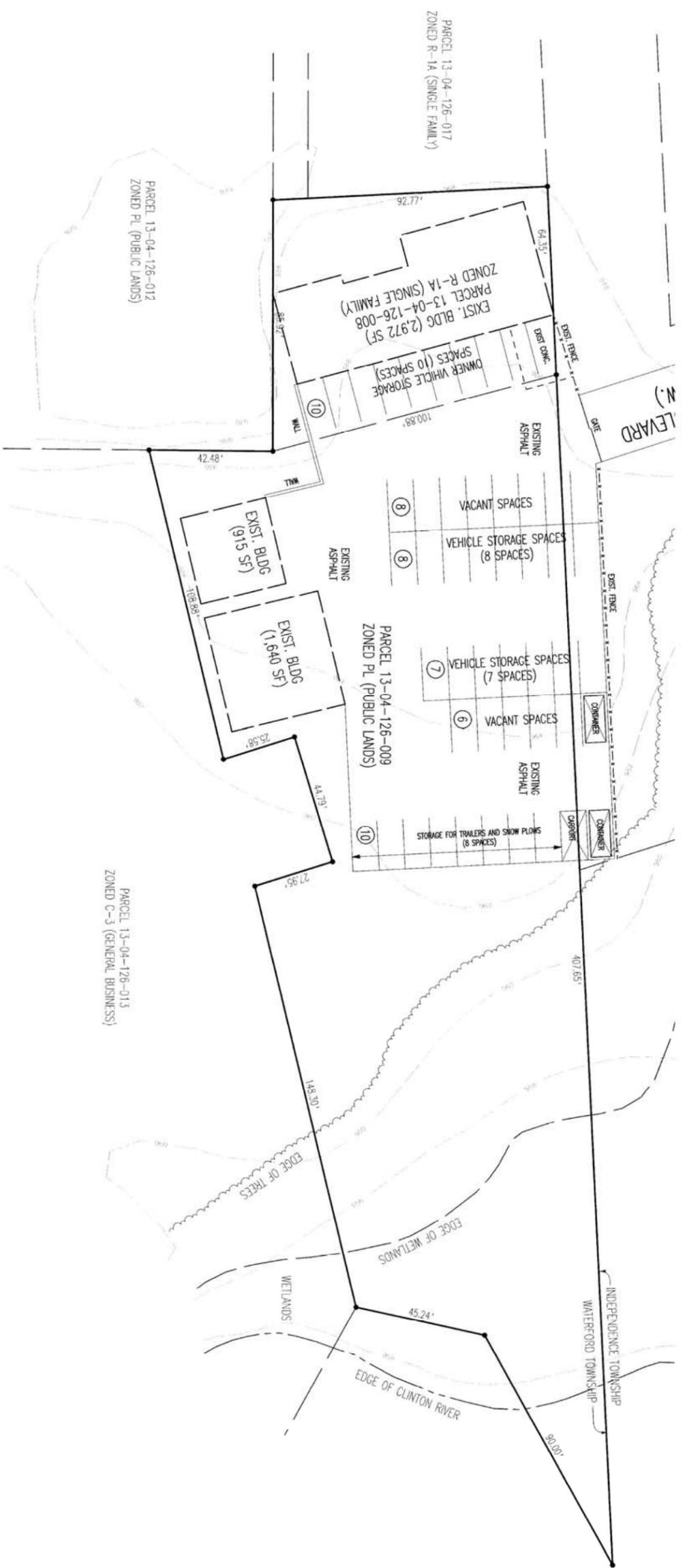
Thank you for your time and consideration for the rezoning of my property. If you have any questions please give me a call at 248-431-8244

Sincerely,

Boomer

Boomer

(Property Owner)



GENERAL NOTES:

- 1) THIS IS A SITE LAYOUT/REZONING PLAN FOR PARCELS 13-04-126-008 (ZONED R-1A - SINGLE FAMILY AND 13-04-126-009 (ZONED PL - PUBLIC LANDS) BOTH PARCELS PROPOSED TO BE REZONED TO C-3 GENERAL BUSINESS.
- 2) ALL PLANS AND SPECIFICATIONS SHALL COMPLY WITH THE CURRENT REQUIREMENTS OF WATERFORD TOWNSHIP, OAKLAND COUNTY AND THE STATE OF MICHIGAN.
- 3) THIS SITE IS SERVED WITH UNDERGROUND ELECTRIC, TELEPHONE AND GAS MAINS.
- 4) EXISTING DRAINAGE WILL BE MAINTAINED
- 5) BOUNDARY AND TOPOGRAPHIC INFORMATION WAS PROVIDED OAKLAND COUNTY PROPERTY GATEWAY.

SITE DATA:

- 1) SITE ADDRESS - 4525 ROCKCROFT BOULEVARD CLARISTON, MICHIGAN 48346
- 2) EXISTING ZONING: PARCEL 13-04-126-008 R-1A - SINGLE FAMILY
PARCEL 13-04-126-009 PL - PUBLIC LANDS

PROPOSED ZONING: C-3 - GENERAL BUSINESS.

3) DESCRIPTIONS: VEHICLE REPAIR FACILITY

4) DESCRIPTIONS: PARCEL 13-04-126-008 BEING A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3-N, R-9-E, WATERFORD TOWNSHIP, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE WEST LINE OF ROCKCROFT BOULEVARD AND THE NORTH LINE OF SAID SECTION 4; THENCE N 87°15'22" E 407.65 FEET TO THE CENTERLINE OF THE CLINTON RIVER; THENCE S 60°44'22" W 90.00 FEET; THENCE S 12°16'34" W 45.24 FEET; THENCE S 78°23'47" W 148.30 FEET; THENCE N 17°01'03" W 27.95 FEET; THENCE S 72°38'57" W 44.79 FEET; THENCE S 17°38'22" E 25.58 FEET; THENCE S 78°23'47" W 108.88 FEET; THENCE N 00°28'08" E 42.48 FEET; THENCE N 15°02'12" W 100.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.81 ACRES, MORE OR LESS. TOTAL SITE AREA 0.99 ACRES, MORE OR LESS.

PARKING DATA

- TOTAL BUILDING AREA - 5,527 SF
- EXISTING TOTAL PARKING SPACES - 49 SPACES
- PARKING BREAKDOWN - 10 SPACES FOR OWNERS PERSONAL VEHICLE STORAGE
- 15 VEHICLE STORAGE SPACES
- 8 TRAILER AND SNOW PLOW STORAGE SPACES
- 1 CARPORT SPACE
- 2 CONTAINER SPACES
- 13 VACANT SPACES

PROJECT MANAGER:
PAUL J. BOOMER

(ARTICLE III, DIVISION 3-7 cont.)**SECTION 3-705. C-3, GENERAL BUSINESS DISTRICT**

The regulations in the subsections below shall apply to properties in the C-3 General Business Zoning District:

1. **Purpose and Intent.** The C-3 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, **Improve the Physical Appearance and Functional Character of the Commercial Corridors**, by permitting the development of a broad range of general commercial uses on zoning lots properly scaled and designed to serve broad areas of the Township. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within **Sections 3-900 and 3-901**, and ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected. To ensure effective vehicular and pedestrian accessibility, this zoning district shall be primarily located with access along major arterial streets, and may be located with access along minor arterial streets where the zoning lot and use are properly scaled. This zoning district may serve as a transitional zone between light industrial or extensive business zoning districts and existing single-family residential zoning districts.
2. **Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900 and 3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-3 district:
 - A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments (*See Retail Establishments in Section 1-007*) without outdoor sales display areas.
 - B. Shopping centers (*See Retail Establishments in Section 1-007*) without outdoor sales display areas.
 - C. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (*See Commercial Service Establishments in Section 1-007*).
 - D. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - E. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
 - F. Office establishments (*See Office Establishments in Section 1-007*).
 - G. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) without outdoor dining patios.
 - H. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
 - I. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
 - J. Hotels and motels (*See Hotel and Motel in Section 1-007*).
 - K. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
 - L. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
 - M. Veterinary clinics (*See Veterinary Establishments in Section 1-007*). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation and shall only be incidental to such clinic use.
 - N. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
 - O. Precious metal and gem dealers (*See Section 1-006*) in conformance with **Section 2-602**.
 - P. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
4. **Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses in the C-3 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
 - A. Landscaping maintenance establishments (*See Commercial Service Establishments in Section 1-007*).
 - B. Local dry-cleaning and commercial dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - C. Minor vehicle service facilities and general vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).

(ARTICLE III, DIVISION 3-7, SECTION 3-705 cont.)

5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-3 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
- A. Cultural facilities (*See Cultural Facilities in Section 1-007*).
 - B. Institutional facilities (*See Institutional Facilities in Section 1-007*).
 - C. Religious facilities (*See Religious Facilities in Section 1-007*).
 - D. Hospitals (*See Medical Establishments in Section 1-007*).
 - E. Vehicle (car) wash establishments (*See Commercial Service Establishments in Section 1-007*).
 - F. Veterinary hospitals (*See Veterinary Establishments in Section 1-007*). A veterinary hospital may include customary pens or cages as an accessory use on the zoning lot, provided that they are an identified part of an approved site plan.
 - G. Vehicle lease or rental agencies (*See Vehicle Lease or Rental Agency in Section 1-007*). An approved site plan for a vehicle rental agency office shall incorporate plan details for all zoning lots utilized for outdoor vehicle inventory storage, and provide and maintain current information on all storage locations of its inventory, ensuring that zoning lots shall not exceed Zoning Ordinance requirements for inventory storage.
 - H. The uses permitted under **Sections 3-705.3.A** and **3-705.3.B** with outdoor sales display areas (*See Use in Section 1-007*).
 - I. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
 - J. Pawnshops and second-hand dealers (*See Section 1-006*) in conformance with **Section 2-602**.
 - K. Substance abuse care centers and transitional medical care facilities (*See Medical Establishments in Section 1-007*).
 - L. Sport recreation facilities, golf driving ranges, and skateboard parks (*See Recreational Facilities in Section 1-007*).
 - M. Competitive commercial adventure game facilities (*See Entertainment Establishments in Section 1-007*).
 - N. Massage schools (*See Section 1-006*) in conformance with **Section 2-602**.
 - O. Commercial storage establishments (*See Commercial Storage Establishments in Section 1-007*), provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
 - P. Light equipment rental establishments (*See Rental Establishments in Section 1-007*) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) conducted entirely within the principal building with no outdoor display or storage.
 - Q. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section.
 - (1) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments (*See Rental Establishments in Section 1-007*) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) with outdoor display or storage.
 - (2) Commercial fueling establishments (*See Commercial Fueling Establishments in Section 1-007*).
 - (3) Propane filling facilities as an ancillary use (*See Use in Section 1-007*) for permitted uses identified in **Sections 3-705.3.A** and **3-705.3.B**.
 - (4) Major vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).

STATE OF MICHIGAN

COUNTY OF OAKLAND

ORDINANCE NO. 2020-Z-006

ZONING ORDINANCE MAP AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property and amending the Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The parcels of property that are assigned tax parcel numbers 13-04-126-008, and 13-04-126-009, with current addresses of 4525 Rockcroft Blvd. are rezoned from **Rezone from R-1A, Single-Family Residential and PL, Public Land District to C-3, General Business District**, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101, to be changed and amended to reflect this rezoning.

Section 2 of Ordinance

The effective date of this ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Map Amendment Ordinance was adopted by a majority vote of the members of the Board of Trustees of the charter Township of Waterford at a meeting duly called and held on _____.

CHARTER TOWNSHIP OF WATERFORD

Date

Kimberly F. Markee, Township Clerk

GARY L. DOVRE
gdovre@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

July 21, 2020

Board of Trustees
Charter Township of Waterford
5200 Civic Center Drive
Waterford, MI 48329

RE: Proposed Resolution Approving Deed and Termination Agreement for Perry Drug Stores, Inc. Property at 5400 Perry Drive

Dear Township Board Members:

As indicated in the Resolution presented with this letter, back in 1979 the Township issued bonds to provide funding for Perry to develop what I believe became its distribution/warehouse. The Lease Purchase Contract referenced in the Resolution is 50 pages long and intentionally not provided for that reason. Bottom line was that when the bonds were paid off, the Township was to convey the property back to Perry.

Regarding confirmation of the bond payoff, I am satisfied with the Discharge of Mortgage document attached to the Resolution. The mortgage and note it refers to were in the same amount as the bonds in the Lease Purchase Contract, and it makes perfect sense that the bank entitled to the payments of principal and interest on the bonds would want security for that obligation. Additionally, neither Derek or Plante Moran have located anything to suggest that the bonds are still outstanding.

I am holding the \$100.00 check for the consideration recited in the Quit Claim Deed and expect to receive a check for at least \$1,358.00 as partial reimbursement to the Township for attorney fees incurred in wading through this situation and coming to agreement with Perry's attorney's on the language for the Deed and Termination Agreement.

If you are satisfied, **the appropriate motion would be to adopt the Resolution Approving Deed and Termination Agreement as presented by the Township Attorney.**

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gary L. Dovre', with a horizontal line extending to the right.

Gary L. Dovre

Attachments

cc: Rob Merinsky
Derek Diederich

**CHARTER TOWNSHIP OF WATERFORD
COUNTY OF OAKLAND, MICHIGAN**

RESOLUTION APPROVING DEED AND TERMINATION AGREEMENT

Action at a regular meeting of the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, ("Township") held on July 27, 2020, at 6:00 p.m., Eastern Daylight Savings Time.

WHEREAS, the Township and Perry Drug Stores, Inc. ("Perry") entered into a Lease Purchase Contract dated as of February 1, 1979, under which the property at 5400 Perry Drive and described in the Quit Claim Deed and Termination Agreement attached to this Resolution ("Property") was conveyed by Perry to the Township and leased back to Perry by the Township, to provide for development and improvements of the Property funded by the Township's issuance of \$4,750,000.00 of Series A Limited Obligation Industrial Development Bonds ("Bonds"), with Perry's rent obligation having been to pay the amounts necessary to satisfy the principal and interest payments on the Bonds; and,

WHEREAS, the Lease Purchase Contract called for the Township to convey the property back to Perry for the sum of \$100.00, when the Bonds were paid off; and,

WHEREAS, the obligation to pay the holders of the Bonds was evidenced by a note and secured by a mortgage granted by the Township, which were certified as paid in full by the holder of that mortgage in the March 24, 2020, recorded Discharge of Mortgage attached to this Resolution; and

WHEREAS, on March 27, 1979, Perry granted the Township a non-exclusive easement for ingress and egress through and over the Property to other property that was to automatically terminate upon payment of the Bonds in accordance with the Lease Purchase Contract (Easement Agreement); and,

WHEREAS, attached to this Resolution is a Quit Claim Deed to convey the Township's interests in the Property to Perry as provided and required by the Lease Purchase Contract; and,

WHEREAS, attached to this Resolution is a Termination Agreement signed by Perry, confirming termination of the Lease Purchase Contract and Easement Agreement.

IT IS THEREFORE RESOLVED that the Charter Township of Waterford Board of Trustees hereby approves the attached Quit Claim Deed and Termination Agreement and authorizes the Supervisor to sign those documents for and on behalf of the Township.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, at a regular meeting held on July 27, 2020.

Date

Kimberly F. Markee, Township Clerk

QUIT CLAIM DEED

For and in consideration of One Hundred and no/100 Dollars (\$100.00) and other good and valuable consideration, **THE CHARTER TOWNSHIP OF WATERFORD**, a Michigan municipal body corporate, whose address is 5200 Civic Center Drive, Waterford MI 48329 (“**Grantor**”), quitclaims, without warranty, to the **PERRY DRUG STORES, INC.**, a Michigan corporation, whose address is c/o Rite Aid Corporation, 30 Hunter Lane, Camp Hill, Pennsylvania 17011 (“**Grantee**”), any, if any, right, title or interest that Grantor may have in and to the real property situated in the Township of Waterford, County of Oakland, State of Michigan, more particularly described as follows:

See Exhibit A attached hereto and made a part hereof (as described therein, the “**Property**”)

Tax Identification Number: 13-09-251-006

Commonly known as: 5400 Perry Drive, Pontiac, MI 48329

together with any, if any, tenements, hereditaments and appurtenances thereto, under and subject to any and all matters of survey and all applicable building and use restrictions, easements, and zoning ordinances and other matters of record.

This Quit Claim Deed is provided as required by, and in satisfaction of, that certain Lease Purchase Contract between Grantor and Grantee dated as of February 1, 1979, recorded with the Oakland County Register of Deeds on May 1, 1979, in Liber 7497, Page 239, which said Lease Purchase Contract is being terminated as of the date hereof by Grantor and Grantee.

This instrument is exempt from state and county real estate transfer taxes pursuant to MCL 207.526(h)(i) and MCL 207.505(h).

[Signature page follows]

Dated this ___ day of _____, 2020.

THE CHARTER TOWNSHIP OF WATERFORD,
a Michigan municipal body corporate

By: _____

By: Gary D. Wall

Its: Supervisor

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on _____, 2020, by Gary D. Wall in his capacity as the Supervisor of The Charter Township of Waterford, a Michigan municipal body corporate, on behalf of such municipal body corporate.

, Notary Public

County of Oakland, State of Michigan

Acting in County of Oakland

My Commission Expires:

Drafted by:
Julia E. Tomec, Esquire
Troutman Pepper
3000 Two Logan Square
Philadelphia, PA 19103

When recorded return to:
Lisa M. Winnick
Vice President, Real Estate Law
Rite Aid Corporation
30 Hunter Lane
Camp Hill, PA 17011

Send subsequent tax bills to:
Rite Aid Corporation
P.O. Box 3165
Harrisburg PA 17105
Attention: Accounts Payable

Recording Fee: \$ 30.00

EXHIBIT A

Land in the Township of Waterford, Oakland County, Michigan, described as follows:

Part of the West 1/2 of the Northeast 1/4 of Section 9, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as beginning at a point on the Southwesterly right-of-way of Grand Trunk Western Railroad, located South 15.26 feet and South 54 degrees 45 minutes 04 seconds East 850.95 feet from the North 1/4 corner of Section 9, Town 3 North, Range 9 East, thence from said point of beginning South 54 degrees 45 minutes 04 seconds

East 770.79 feet along the Southwesterly right-of-way line of Grand Trunk Western Railroad, thence South 00 degrees 07 minutes 56 seconds East 1700.93 feet to the East and West 1/4 line of Section 9, thence South 89 degrees 12 minutes 42 seconds West 633.47 feet along said East and West 1/4 line; thence North 2154.48 feet to point of beginning.

Under and Subject to those easements set forth in a Warranty Deed dated March 27, 1979 by Perry Drug Stores, Inc. to the Charter Township of Waterford, recorded April 30, 1979 in Liber 7496, page 548.

TERMINATION AGREEMENT

THIS Termination Agreement, which is for termination of the Lease Purchase Contract and Grant of Easement described herein (this "**Termination**"), is made as of the 28th day of July, 2020, by and among CHARTER TOWNSHIP OF WATERFORD, MICHIGAN, a Michigan municipal body corporate, having an address at 5200 Civic Center Drive, Waterford MI 48329 (the "**Municipality**") and PERRY DRUG STORES, INC., a Michigan corporation, having an address at c/o Rite Aid Corporation, 30 Hunter Lane, Camp Hill, Pennsylvania 17011 (the "**Company**").

RECITALS

WHEREAS, the Municipality and the Company entered into that certain Lease Purchase Contract dated as of February 1, 1979 (the "**Lease Purchase Contract**"), whereby the Company conveyed to the Municipality that certain premises more particularly described in the Lease Purchase Contract, having a street address of 5400 Perry Drive, Pontiac, MI 48329 (the "**Property**"), located in the Township of Waterford, County of Oakland, State of Michigan and which is described in **Exhibit A** attached hereto, as collateral for and for the purpose of the development of the Property and the improvements located thereon (the "**Project**"), through the issuance of Series A Limited Obligation Industrial Development Bonds by the Municipality. Capitalized terms used and not defined herein have the meaning given the same in the Lease Purchase Contract.

WHEREAS, the Lease Purchase Contract was made of public record by the recording of the same in the Office of the Register of Deeds of Oakland County, Michigan in Liber 7497, page 239 on May 1, 1979.

WHEREAS, on March 27, 1979, the Company executed a Grant of Easement whereby the Company granted to the Municipality a non-exclusive easement in, to, through and over the certain property of the Company, as described therein, for ingress and egress in, to, through and over the Property until the fulfillment of certain obligations by the Company under the terms and conditions of the Lease Purchase Contract, at which time Grant of Easement was to automatically terminate.

WHEREAS, the Easement Agreement was made of public record by the recording of the same in the aforesaid office in Liber 7496, page 553 on April 30, 1979.

WHEREAS, the parties hereby agree that: 1) the Lease Purchase Contract, including, but not limited to, any additional rights provided in the Lease Purchase Contract (the "**Rights**") has been terminated as of the date first above written and 2) the Grant of Easement has terminated by and under the terms set forth therein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Termination. The Municipality and the Company agree and acknowledge that the Lease Purchase Agreement, including, but not limited to, the Rights, if any, and the Easement Agreement, have terminated and in confirmation thereof this Termination is being executed and recorded to give notice of the termination of the same, and to release the same of record. The Lease Purchase Contract, including, but not limited to, the Rights, if any, are of no further force or effect as of the date first above written. The Easement Agreement is of no further force and effect as of the date first above written, if not earlier than such date in accordance with the terms set forth therein.
2. Transfer. The Municipality has not sold, assigned, transferred, conveyed or otherwise disposed of the Project or any portion thereof or interest thereon during the term of the Lease Purchase Contract.
3. Recording. This Termination shall be effective upon execution and shall be recorded in the Office of the Register of Deeds of Oakland County, Michigan.
4. Authority. Each party to this Termination represents and warrants to the other party that the persons executing this Termination are duly authorized to execute and deliver this on behalf of such party.
5. Governing Law. This Termination shall be governed and construed in accordance with the laws of the State of Michigan.
6. Counterparts. This Termination may be executed in multiple counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

[SIGNATURE PAGES FOLLOW]

MUNICIPALITY:

CHARTER TOWNSHIP OF WATERFORD,
MICHIGAN, a Michigan municipal body
corporate

By: _____

Name: Gary D. Wall

Title: Supervisor

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on July 28, 2020, by Gary D. Wall in his capacity as the Supervisor of the Charter Township of Waterford, a Michigan municipal body corporate, on behalf of such municipal body corporate.

, Notary Public

County of Oakland, State of Michigan
Acting in County of Oakland
My Commission Expires:

Drafted by:
Julia E. Tomec, Esquire
Troutman Pepper
3000 Two Logan Square
Philadelphia, PA 19103

When recorded return to:
Lisa M. Winnick
Vice President
Perry Drug Stores, Inc.
30 Hunter Lane
Camp Hill, PA 17011

Recording Fee: \$ 30.00

Tax Identification Number: 13-09-251-006

EXHIBIT A

Legal Description

LAZ 7497 inst 292

Exhibit A

The Project consists of the following described real property and an industrial building to provide warehouse space (approximately 204,000 square feet), office space (approximately 27,200 square feet) and an enclosed truck dock (approximately 20,000 square feet) located on such real property:

Part of the West 1/2 of the Northeast 1/4 of Section 9, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as beginning at a point on the Southwesterly right-of-way of Grand Trunk Western Railroad, located South 15.26 feet and South 54 degrees 45 minutes 04 seconds East 850.95 feet from the North 1/4 corner of Section 9, Town 3 North, Range 9 East, thence from said point of beginning South 54 degrees 45 minutes 04 seconds East 770.79 feet along the Southwesterly right-of-way line of Grand Trunk Western Railroad, thence South 00 degrees 07 minutes 56 seconds East 1700.93 feet to the East and West 1/4 line of Section 9, thence South 09 degrees 12 minutes 42 seconds West 631.47 feet along said East and West 1/4 line; thence North 2154.46 feet to point of beginning. Containing 27.933 acres (hereafter sometimes called "The Premises"). Subject to easements and restrictions of record. Also subject to the following easements in favor of the parcel of land described in Exhibit 1 attached hereto: Easements for the use of the retention basins located on that portion of The Premises described in Exhibits 5 and 6 attached hereto. Also subject to the following easements in favor of the parcel of land described in Exhibit 7 attached hereto: (A) An easement for ingress and egress over that portion of The Premises described in Exhibit 4 attached hereto; (B) Easements for the use of the water mains located on that portion of The Premises described in Exhibits 2 and 3 attached hereto.

The Project also includes a non-exclusive easement for ingress and egress over the following described parcel:

Part of the Northwest 1/4 and part of the Northeast 1/4 of Section 9, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as beginning at a point on the North and South 1/4 line of Section 9, located South 182.73 feet from the North 1/4 corner of Section 9, Town 3 North, Range 9 East, thence from said point of beginning along a curve to the right (Delta = 35 degrees 14 minutes 56 seconds, Radius = 407.96 feet, Long Chord = South 72 degrees 22 minutes 32 seconds East 368.15 feet) an arc distance of 374.02 feet; thence South 54 degrees 45 minutes 04 seconds East 402.24 feet; thence South 2154.46 feet; thence South 09 degrees 12 minutes 42 seconds West 281.72 feet; thence North 1.76 feet; thence West 48.31 feet; thence along a curve to the right (Delta = 45 degrees 00 minutes 00 seconds, Radius = 264.18 feet, Long Chord = North 67 degrees 30 minutes 00 seconds West 202.19 feet) an arc distance of 207.49 feet; thence North 45 degrees 00 minutes 00 seconds West 50.36 feet; thence along a curve to the left (Delta = 45 degrees 00 minutes 00 seconds, Radius = 194.18 feet, Long Chord = North 67 degrees 30 minutes 00 seconds West 146.82 feet) an arc distance of 152.51 feet; thence East 5.07 feet to the East line of "Murlingham Lake Park Subdivision" recorded in Liber 47, Page 13 of plats of Oakland County Records; thence along the East line of

said subdivision North 70.00 feet; thence along a curve to the right (Delta = 45 degrees 00 minutes 00 seconds, Radius = 264.18 feet, Long Chord = South 57 degrees 30 minutes 00 seconds East 202.19 feet) an arc distance of 207.49 feet; thence South 45 degrees 00 minutes 00 seconds East 50.56 feet; thence along a curve to the left (Delta = 45 degrees 00 minutes 00 seconds, Radius = 194.18 feet, Long Chord = South 67 degrees 30 minutes 00 seconds East 148.62 feet) an arc distance of 152.51 feet; thence East 195.07 feet; thence along a curve to the left (Delta = 90 degrees 00 minutes 00 seconds, Radius = 65.00 feet, Long Chord = North 45 degrees 00 minutes 00 seconds East 91.92 feet) an arc distance of 102.10 feet; thence North 1706.79 feet; thence along a curve to the left (Delta = 54 degrees 45 minutes 04 seconds, Radius = 537.96 feet, Long Chord = North 27 degrees 22 minutes 32 seconds West 494.72 feet) an arc distance of 514.07 feet; thence North 54 degrees 45 minutes 04 seconds West 87.48 feet; thence along a curve to the left (Delta = 35 degrees 14 minutes 56 seconds, Radius = 537.96 feet, Long Chord = North 72 degrees 22 minutes 32 seconds West 325.76 feet) an arc distance of 330.96 feet; thence West 15.53 feet to the East line of "Burlingham Lake Park Subdivision"; thence North 89 degrees 53 minutes 30 seconds West 145.00 feet to the East right of way line of Van Zandt Road; thence along the East right of way line of Van Zandt Road North 70.00 feet; thence East 145.00 feet to the point of beginning. Containing 6.247 acres. Subject to easements and restrictions of record.

Exhibit 1 PARCEL OF LAND TO THE WEST

Part of the West 1/2 of the Northeast 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point on the East line of "Burlingham Lake Park Subdivision" as recorded in Liber 47, Page 13 of Plats of Oakland County Records, located South 232.73 feet from the North 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning East 15.53 feet; thence on a curve to the right (R = 537.96 feet, Delta = 35°14'56", LC = S 72°22'32" E 325.76 feet) an arc distance of 330.96 feet; thence S 54°45'04" E 87.48 feet; thence on a curve to the right (R = 537.96 feet, Delta = 54°45'04", LC = S 27°22'32" E 494.73 feet) an arc distance of 514.07 feet; thence South 1706.79 feet; thence on a curve to the right (R = 65.00 feet, Delta = 90°00'00", LC = S 45°00'00" W 91.92 feet) an arc distance of 102.10 feet; thence West 195.07 feet; thence on a curve to the right (R = 194.18 feet, Delta = 45°00'00", LC = N 67°30'00" W 148.62 feet) an arc distance of 152.51 feet; thence N 45°00'00" W 50.56 feet; thence on a curve to the left (R = 264.18 feet, Delta = 45°00'00", LC = N 67°30'00" W 202.19 feet) an arc distance of 207.49 feet; thence West 5.07 feet to the East line of "Burlingham Lake Park Subdivision"; thence North 2190.24 feet along said subdivision to point of beginning. Containing 31.186 acres.

Exhibit 2 12 FEET WIDE PUBLIC WATERMAIN EASEMENT (NORTH)

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, the centerline of which is described as beginning at a point located South 15.26 feet and S 54°45'04" E 850.95 feet and South 632.45 feet from the N 1/4 corner Section 9, T3N, R9E; thence from said point of beginning along the centerline of said 12 foot easement East 629.92 feet to the end of said easement.

Exhibit 3 12 FEET WIDE PUBLIC WATERMAIN EASEMENT (SOUTH)

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, the centerline of which is described as beginning at a point located South 15.26 feet and S 54°45'04" E 850.95 feet and South 1769.08 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning along the centerline of said 12 foot easement East 632.54 feet to the end of said easement.

Exhibit 4 NORTHERLY 70 FEET

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan described as beginning at a point on the Southwesterly right of way of Grand Trunk Western Railroad, located South 15.26 feet and S 54°45'04" E 850.95 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning S 54°45'04" E 770.79 feet along the Southwesterly right of way line of Grand Trunk Western Railroad; thence S 00°07'56" E 85.87 feet; thence N 54°45'04" W 633.26 feet; thence on a curve to the left (radius = 195.00 feet, Delta = 35°14'56", Long Chord = N 72°22'32" W 118.08 feet) an arc distance of 119.97 feet; thence North 129.49 feet to point of beginning. Containing 1.279 acres.

Exhibit 5 NORTH RETENTION BASIN EASEMENT

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point, located South 15.26 feet and S 54°45'04" E 850.95 feet and South 129.49 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning on a curve to the right (Radius = 195.00 feet, Delta = 35°14'56", Long Chord = S 72°22'32" E 118.08 feet) an arc distance of 119.97 feet; thence S 54°45'04" E 633.26 feet; thence S 00°07'56" E 79.13 feet; thence West 629.87 feet; thence North 480.35 feet to point of beginning. Containing 4.32 acres.

Exhibit 6 SOUTH RETENTION BASIN

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point located South 15.26 feet and S 54°45'04" E 1621.74 feet and S 0°07'56" E 1700.93 feet and S 89°12'42" W 185.54 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning S 89°12'42" W 447.93 feet; thence North 176.00 feet; thence East 447.50 feet; thence S 00°07'56" E 169.84 feet to the point of beginning. Containing 1.777 acres.

Exhibit 7 PARCEL OF LAND TO THE EAST

Part of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, described as that part of the E 1/2 of the NE 1/4 of Section 9, lying Southerly of the Grand Trunk Western Railroad.

LIBER 53985 PAGE 1
\$21.00 MISC RECORDING
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
03/24/2020 07:59:49 PM RECEIPT# 44473
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

Discharge of Mortgage

Document Prepared by:
The Huntington National Bank
Wendy Lewis
5555 Cleveland Avenue, GW1W37
Columbus, OH 43231

Parcel Tax ID: 1309251006

When RECORDED return to:
The Huntington National Bank
5555 Cleveland Avenue, GW1W37
Columbus, OH 43231

THE UNDERSIGNED, **The Huntington National Bank, Successor by Merger to Citizens Commercial and Savings Bank**, the present mortgagee of the Mortgage described below does hereby certify that same has been paid in full and in consideration thereof, does hereby cancel and discharge said Mortgage:

Original Grantor(S): **Charter Township of Waterford, Michigan**

Original Grantee: **Citizens Commercial and Savings Bank, N.A.**

Amount of Note: \$ **4,750,000.00** Date of Note: **02/01/1979**

Original Recording Date: **04/30/1979** Original Deed Book: **7496** Original Page: **559**

and RECORDED in the records of the Register of Deeds Office of the City or County of **Oakland**, State of **Michigan** affecting Real Property and more particularly described on said Mortgage referred to herein.

Legal Description: **See Exhibit**

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this date of **03/23/2020**.

The Huntington National Bank, Successor by Merger to Citizens Commercial and Savings Bank



Name: **Tim Kennedy**
Title: **Authorized Signer**
STATE OF OH } s.s.
COUNTY OF **Franklin**

On **03/23/2020**, before me, **Tracy Charlton**, Notary Public, personally appeared **Tim Kennedy, Authorized Signer of The Huntington National Bank, Successor by Merger to Citizens Commercial and Savings Bank**, personally known to me (or proved to me the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he/they executed the same in her/his/their authorized capacity(ies), and that by her/his/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.



TRACY R. CHARLTON
Notary Public, State of Ohio
My Comm. Expires Sept. 1, 2020

Notary Public: **Tracy Charlton**
My Commission Expires: **09/01/2020**
Commission #: **2015-RE-539160**

Exhibit A

The Project consists of the following described real property and an industrial building to provide warehouse space (approximately 204,000 square feet), office space (approximately 27,200 square feet) and an enclosed truck dock (approximately 20,000 square feet) located on such real property:

Part of the West 1/2 of the Northeast 1/4 of Section 9, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as beginning at a point on the Southwesterly right-of-way of Grand Trunk Western Railroad, located South 15.26 feet and South 54 degrees 45 minutes 04 seconds East 850.95 feet from the North 1/4 corner of Section 9, Town 3 North, Range 9 East, thence from said point of beginning South 54 degrees 45 minutes 04 seconds East 770.79 feet along the Southwesterly right-of-way line of Grand Trunk Western Railroad, thence South 00 degrees 07 minutes 56 seconds East 1700.93 feet to the East and West 1/4 line of Section 9, thence South 89 degrees 12 minutes 42 seconds West 633.47 feet along said East and West 1/4 line; thence North 2154.48 feet to point of beginning. Containing 27.933 acres (hereafter sometimes called "The Premises"). Subject to easements and restrictions of record. Also subject to the following easements in favor of the parcel of land described in Exhibit 1 attached hereto: Easements for the use of the retention basins located on that portion of The Premises described in Exhibits 5 and 6 attached hereto. Also subject to the following easements in favor of the parcel of land described in Exhibit 7 attached hereto: (A) An easement for ingress and egress over that portion of The Premises described in Exhibit 4 attached hereto; (B) Easements for the use of the water mains located on that portion of The Premises described in Exhibits 2 and 3 attached hereto.

The Project also includes a non-exclusive easement for ingress and egress over the following described parcel:

Part of the Northwest 1/4 and part of the Northeast 1/4 of Section 9, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as beginning at a point on the North and South 1/4 line of Section 9, located South 162.73 feet from the North 1/4 corner of Section 9, Town 3 North, Range 9 East, thence from said point of beginning along a curve to the right (Delta = 35 degrees 14 minutes 56 seconds, Radius = 607.96 feet, Long Chord = South 72 degrees 22 minutes 32 seconds East 368.15 feet) an arc distance of 374.02 feet; thence South 54 degrees 45 minutes 04 seconds East 402.24 feet; thence South 2154.48 feet; thence South 89 degrees 12 minutes 42 seconds West 281.72 feet; thence North 1.76 feet; thence West 48.31 feet; thence along a curve to the right (Delta = 45 degrees 00 minutes 00 seconds, Radius = 264.18 feet, Long Chord = North 67 degrees 30 minutes 00 seconds West 202.19 feet) an arc distance of 207.49 feet; thence North 45 degrees 00 minutes 00 seconds West 50.56 feet; thence along a curve to the left (Delta = 45 degrees 00 minutes 00 seconds, Radius = 194.18 feet; Long Chord = North 67 degrees 30 minutes 00 seconds West 148.62 feet) an arc distance of 152.51 feet; thence East 5.07 feet to the East line of "Burlingham Lake Park Subdivision" recorded in Liber 47, Page 13 of Plats of Oakland County Records; thence along the East line of

said subdivision North 70.00 feet; thence along a curve to the right (Delta = 45 degrees 00 minutes 00 seconds, Radius = 264.18 feet, Long Chord = South 67 degrees 30 minutes 00 seconds East 202.19 feet) an arc distance of 207.49 feet; thence South 45 degrees 00 minutes 00 seconds East 50.56 feet; thence along a curve to the left (Delta = 45 degrees 00 minutes 00 seconds, Radius = 194.18 feet, Long Chord = South 67 degrees 30 minutes 00 seconds East 148.62 feet) an arc distance of 152.51 feet; thence East 195.07 feet; thence along a curve to the left (Delta = 90 degrees 00 minutes 00 seconds, Radius = 65.00 feet, Long Chord = North 45 degrees 00 minutes 00 seconds East 91.92 feet) an arc distance of 102.10 feet; thence North 1706.79 feet; thence along a curve to the left (Delta = 54 degrees 45 minutes 04 seconds, Radius = 537.96 feet, Long Chord = North 27 degrees 22 minutes 32 seconds West 494.73 feet) an arc distance of 514.07 feet; thence North 54 degrees 45 minutes 04 seconds West 87.48 feet; thence along a curve to the left (Delta = 35 degrees 14 minutes 56 seconds, Radius = 537.96 feet, Long Chord = North 72 degrees 22 minutes 32 seconds West 325.76 feet) an arc distance of 330.96 feet; thence West 15.53 feet to the East line of "Burlingham Lake Park Subdivision"; thence North 89 degrees 53 minutes 30 seconds West 145.00 feet to the East right of way line of Van Zandt Road; thence along the East right of way line of Van Zandt Road North 70.00 feet; thence East 145.00 feet to the point of beginning. Containing 6.247 acres. Subject to easements and restrictions of record.

Exhibit 1 PARCEL OF LAND TO THE WEST

Part of the West 1/2 of the Northeast 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point on the East line of "Burlingham Lake Park Subdivision" as recorded in Liber 47, Page 13 of Plats of Oakland County Records, located South 232.73 feet from the North 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning East 15.53 feet; thence on a curve to the right (R = 537.96 feet, Delta = 35°14'56", LC = S 72°22'32" E 325.76 feet) an arc distance of 330.96 feet; thence S 54°45'04" E 87.48 feet; thence on a curve to the right (R = 537.96 feet, Delta = 54°45'04", LC = S 27°22'32" E 494.73 feet) an arc distance of 514.07 feet; thence South 1706.79 feet; thence on a curve to the right (R = 65.00 feet, Delta = 90°00'00", LC = S 45°00'00" W 91.92 feet) an arc distance of 102.10 feet; thence West 195.07 feet; thence on a curve to the right (R = 194.18 feet, Delta = 45°00'00", LC = N 67°30'00" W 148.62 feet) an arc distance of 152.51 feet; thence N 45°00'00" W 50.56 feet; thence on a curve to the left (R = 264.18 feet, Delta = 45°00'00", LC = N 67°30'00" W 202.19 feet) an arc distance of 207.49 feet; thence West 5.07 feet to the East line of "Burlingham Lake Park Subdivision"; thence North 2190.24 feet along said subdivision to point of beginning. Containing 31.186 acres.

Exhibit 2 12 FEET WIDE PUBLIC WATERMAIN EASEMENT (NORTH)

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, the centerline of which is described as beginning at a point located South 15.26 feet and S 54°45'04" E 850.95 feet and South 632.45 feet from the N 1/4 corner Section 9, T3N, R9E; thence from said point of beginning along the centerline of said 12 foot easement East 629.92 feet to the end of said easement.

Exhibit 3 12 FEET WIDE PUBLIC WATERMAIN EASEMENT (SOUTH)

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, the centerline of which is described as beginning at a point located South 15.26 feet and S 54°45'04" E 850.95 feet and South 1769.08 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning along the centerline of said 12 foot easement East 632.54 feet to the end of said easement.

Exhibit 4 NORTHERLY 70 FEET

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan described as beginning at a point on the Southwesterly right of way of Grand Trunk Western Railroad, located South 15.26 feet and S 54°45'04" E 850.95 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning S 54°45'04" E 770.79 feet along the Southwesterly right of way line of Grand Trunk Western Railroad; thence S 00°07'56" E 85.87 feet; thence N 54°45'04" W 633.26 feet; thence on a curve to the left (Radius = 195.00 feet, Delta = 35°14'56", Long Chord = N 72°22'32" W 118.08 feet) an arc distance of 119.97 feet; thence North 129.49 feet to point of beginning. Containing 1.279 acres.

Exhibit 5 NORTH RETENTION BASIN EASEMENT

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point, located South 15.26 feet and S 54°45' 04" E 850.95 feet and South 129.49 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning on a curve to the right (Radius = 195.00 feet, Delta = 35°14' 56", Long Chord = S 72°22'32" E 118.08 feet) an arc distance of 119.97 feet; thence S 54°45'04" E 633.26 feet; thence S 00°07'56" E 79.13 feet; thence West 629.87 feet; thence North 480.35 feet to point of beginning. Containing 4.32 acres.

Exhibit 6 SOUTH RETENTION BASIN

Part of the W 1/2 of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at a point located South 15.26 feet and S 54°45'04" E 1621.74 feet and S 0°07'56" E 1700.93 feet and S 89°12'42" W 185.54 feet from the N 1/4 corner of Section 9, T3N, R9E; thence from said point of beginning S 89°12'42" W 447.93 feet; thence North 176.00 feet; thence East 447.50 feet; thence S 00°07'56" E 169.84 feet to the point of beginning. Containing 1.777 acres.

Exhibit 7 PARCEL OF LAND TO THE EAST

Part of the NE 1/4 of Section 9, T3N, R9E, Waterford Township, described as that part of the E 1/2 of the NE 1/4 of Section 9, lying Southerly of the Grand Trunk Western Railroad.

BOARD OF TRUSTEES

Gary Wall, Supervisor
Kim Markee, Clerk
Margaret Birch, Treasurer
Anthony M. Bartolotta, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee
Arthur Frasca, Trustee



5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6252 Fax: (248) 618-7519
www.waterfordmi.gov

Mark Simlar
Human Resource Director
msimilar@waterfordmi.gov

MEMO: July 23, 2020
TO: The Honorable Township Board
FROM: Mark Simlar, Human Resources Director
SUB: Dawn Cito Promotion to Payroll & Benefits Coordinator

With the retirement announcement of Sharon Meadows, the position of Payroll & Benefits Coordinator was posted to internal applicants.

Gary Wall, Margaret Birch, Bonnie Verbos and myself conducted the interviews. After discussion it was determined that the job be offered to Dawn Cito.

Dawn has been with the Township since 2009 and currently holds the position of Purchasing/Accounting Coordinator, Dawn will be an asset to the Payroll Department.

I am requesting the Board approve Dawn Cito to the position of Payroll & Benefits Coordinator.

Attached is Dawn's resume for your reviews. This position is a Grade 4, Step 4 \$54,444 and will progress in 6 months to a Step 5, \$56,277.

With us there are no boundaries

DAWN M CITO

HIGHLIGHTS OF QUALIFICATIONS:

- Computer proficiency in Microsoft Windows 2007, Excel, Word, Outlook, Munis, OnBase
- Experience in purchasing, dealing with various types of vendors, inventory control, shipping and receiving
- Strong analytical and problem-solving abilities
- Goal driven, self motivated, self directed
- Ability to type 45 w.p.m. accurately
- High level of enthusiasm, commitment to a career in accounting
- Able to generate above and beyond what is expected
- Take pride in doing a good job and achieving positive results
- Able to communicate effectively with all levels of management

EXPERIENCES:

2012 – Current:

Charter Township of Waterford, Purchasing and Accounting Coordinator

Responsibilities:

Purchasing: Maintain the purchasing system and procedures for the acquisition of services, supplies, equipment, vehicles, and materials. Ensure proper adherence to policies and procedures by departments. Develop and recommend purchasing policies, procedures and systems. Approve requisitions and issues purchase orders within established guidelines. Review current purchasing agreements for recommendations of renewal or alteration. Research sources and vendors, price considerations, and service delivery in order to make recommendations relating to the purchase or lease of items or services by Township. Provide assistance to departments with the preparation of specifications and proposals for services. Coordinate the Fixed Asset accounting records and files.

Accounting: Maintain accounting records following Generally Accepted Accounting Principles (GAAP), the pronouncements of Governmental Accounting Standards Board (GASB) and the Michigan Municipal Budgeting Act, as they relate to the management and recording of municipal accounts. Prepare and input monthly and quarterly journal entries. Develop and maintain spreadsheets, in support of these entries. Balance and journalize month-end cash receipts and cash adjustments to the municipal (Munis/Tyler) accounting system.

Purchasing and Accounting Coordinator: Review Accounts Payable check runs and preparation of related Warrant Transfers. Provide back up for Accounts Payable including invoice input and check generation. General bookkeeping through trial balance, reconcile G/L with bank activity involving multiple funds and multiple accounts. Perform accounting functions, in a computerized environment, included reconciliation of general ledger, month-end verification and close. Perform report preparation functions, including Clerks Financial Reports and other interim Township reports (YA, LIB reports, etc). Assists with the Township's annual audit, financial statements and SEFA (grant related) reports. Maintain and retrieve records, schedules and reports, as required.

Other: Assist with special projects and other duties, as assigned. Maintain confidentiality given access to sensitive or confidential information. Keep abreast of purchasing and accounting procedures, techniques and standards through continued education. Maintain cooperative relationships with peer agencies and other governmental units.

2009 – 2012:

Charter Township of Waterford, Part-Time Staff Accountant

Responsibilities: Journal entry preparation and input for monthly and quarterly entries, reconciliation of general ledger with bank activity involving multiple funds and accounts, review accounts payable check runs, prepare warrant transfers and provide back up for accounts payable including invoice input and check generation, assist with Township's annual audit and SEFA report, maintain and develop various spreadsheets, graphs, charts, including Clerks Financial Report and other interim Township reports and maintain confidentiality, when working with sensitive information.

2000-2003:

Indianwood Golf and Country Club, Lake Orion, Michigan - Accounting Assistant

Responsibilities: Maintained accounts payable for nine different companies, responsibilities ranged from entering invoices, month/year end procedures, monthly billing and collection activities for accounts receivable, preparing monthly and year end journal entries, preparing financial reports for six of nine companies, assisted with other accounting duties and trained new hires in accounts payable and receivable.

EDUCATION: Baker College, Auburn Hills, Bachelor Degree in Accounting, Cum Laude.
Oakland Community College
Lake Orion High School

REFERENCES: References will be provided upon request.

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**DEVELOPMENT SERVICES
DEPARTMENT**

Rob Merinsky, P.E.
Director

Brent A. Gibson
Superintendent of Building
Division

Jeffrey Polkowski, AICP
Superintendent of Planning &
Zoning Division

DATE: July 8, 2020
TO: Honorable Township Board of Trustees
FROM: Rob Merinsky, Director
SUBJECT: 2020/2021 Community Development Block Grant Program

The public hearing on Waterford Township's 2020/2021 (46th Program Year) Community Development Block Grant (CDBG) Program scheduled to be held during your July 27, 2020 meeting will provide compliance with the U.S. Department of Housing and Urban Development (HUD) regulatory requirements for public discourse, an opportunity to gather citizen views on Waterford's housing and community development needs, and to approve the Final Statement of 2020/2021 Projected Use of Funds that will be used to complete the CDBG Annual Action Plan for submission to HUD. In order to implement the 46th Year CDBG Program, I have attached an authorization resolution for your consideration.

The 2020/2021 CDBG Program will be primarily funded through the new CDBG grant funds to be allocated to Waterford from HUD's FY 2020 budget. The 2020/2021 CDBG grant amount is \$364,757. This total of new grant funds is being supplemented with \$50,000 in anticipated program income. As before, this entitlement will only effectively fund the Township's ongoing Housing Rehabilitation program, Code Enforcement activities, and program administration. In addition, the Township will re-allocate approximately \$274,313 of previous program year's residual funds bringing the total available funding for 2020/2021 to \$689,470.

Please call me at (248) 674-6247, if you have any questions regarding this year's proposed CDBG Program prior to Monday night's meeting.

*With us there are no
boundaries*

**CHARTER TOWNSHIP OF WATERFORD
RESOLUTION OF AUTHORITY**

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

WHEREAS; the fiscal year 2020/2021 Community Development Block Grant Program (46th Year) funding for the Charter Township of Waterford is estimated to be about \$364,757 in new grant funds. The Township also projects receiving approximately \$50,000 in program income from Housing Rehabilitation Loan repayments during the 46th Program Year. In addition, the Township will re-allocate approximately \$274,713 of previous years available funding bringing the total available funding to \$689,470.

WHEREAS; the Charter Township of Waterford did conduct a public hearing on July 27, 2020 to obtain citizens views on housing and community development needs in the Township relative to the Community Development Block Grant Program.

WHEREAS; all U. S. Department of Housing and Urban Development (HUD) funding recipients under the Community Development Block Grant program are obligated by law to reduce barriers to fair housing. Therefore, reducing housing discrimination, promoting diverse inclusive communities and affirmatively furthering fair housing (AFFH) and equal opportunity have been and remain a priority for Waterford Township.

NOW, THEREFORE BE IT RESOLVED; that the Charter Township of Waterford Board of Trustees does hereby authorize the Township Supervisor to be the official representative of the Township in accordance with 24 CFR 570.303 for the certifications relative to applying for the 2020/2021 Community Development Block Grant Program and to sign all grant agreement documents required to receive such funds; and

BE IT FURTHER RESOLVED; that the Charter Township of Waterford Board of Trustees does hereby authorize the Development Services Director and designated staff to prepare, publish, and implement the Final Statement of Community Development Objectives and Annual Action Plan to be submitted to the U.S. Department of Housing and Urban Development, with projected and adjusted funding needed to achieve the following projects established as the 2020/2021 Community Development Block Grant Program.

2020/2021 CDBG PROGRAM ACTIVITIES & BUDGET:

1.	HOUSING REHABILITATION	\$170,050
2.	CODE ENFORCEMENT	\$178,345
3.	PROGRAM ADMINISTRATION	\$66,362
4.	PUBLIC SERVICES: SENIORS/DISABLED PERSONS CURB TO CURB TRANSIT SERVICE	\$54,713
5.	PUBLIC FACILITIES & INFRASTRUCTURE: SIDEWALK IMPROVEMENT(S)	\$60,000
6.	PUBLIC FACILITIES & INFRASTRUCTURE: SENIOR CENTERS (CAI BUILDING IMRPOVEMENTS)	\$30,000
7.	PUBLIC FACILITIES & INFRASTRUCTURE: STREETLIGHT CONVERSION	\$50,000
8.	PUBLIC FACILITIES & INFRASTRUCTURE: FIRE STATION #1	\$80,000

BE IT FURTHER RESOLVED; that the Waterford Township Board of Trustees authorizes the Development Services Director to consider continuing a contractual relationship with the Fair Housing Center of Metropolitan Detroit (FHCMD) to provide fair housing services for Waterford Township for the 2020/2021 Community Development Block Grant (CDBG) program for a sum not-to-exceed \$4,000. The FHCMD has provided such services for over twenty-seven years to the Township. These costs are part of the overall Program Administration budget.

RESOLUTION DECLARED ADOPTED.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Waterford, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a regular meeting of the Township Board, held on the July 27, 2020 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this _____ day of _____, 20__.

Clerk, Charter Township of Waterford

**2020/2021 (46th) CDBG
PROGRAM YEAR
BRIEFING
INFORMATION**

45th CDBG PROGRAM YEAR BRIEFING INFORMATION TABLE OF CONTENTS

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The 2020/2021 CDBG Program Year, which is funded by the U.S. Department of Housing and Urban Development (HUD), will begin on July 1, 2020. The Township's CDBG entitlement for the 2020/2021 CDBG Program Year will be \$364,757 and staff anticipates an estimated \$50,000 in Program income to be received during the 46th Program Year as income from payoffs of Deferred Payment Loans. In addition, the Township will re-allocate approximately 215,000 of previous program years available funding. This will provide Waterford Township with a total of \$629,757 in new funding to be used through its Development Services Department to achieve the Township's community development goals during PY 2020/2021.

In order to maintain compliance with all of the grant requirements and submit the Township CDBG annual action plan prior to the beginning of the 2020/2021 program year start date, the following proposed CDBG Program Year 2020/2021 project budget is being submitted for your consideration and approval:

	PROJECT	PROPOSED BUDGET
(1)	HOUSING REHABILITATION (Urgent needs home and emergency repair services)	\$170,050*
(2)	CODE ENFORCEMENT	\$178,435*
(3)	PROGRAM ADMINISTRATION	\$66,362*
(4)	PUBLIC SERVICE	\$54,713**
(5)	PUBLIC IMPROVEMENT AND INFRASTRUCTURE	\$60,000**
(6)	PUBLIC IMPROVEMENT AND INFRASTRUCTURE	\$30,000**
(7)	PUBLIC IMPROVEMENT AND INFRASTRUCTURE	\$50,000**
(8)	PUBLIC IMPROVEMENT AND INFRASTRUCTURE	\$80,000**

NOTES: The project budgets proposed above are to be funded through the following sources: about \$364,757 is expected in new CDBG funds to be received by the Township after July 1, 2020 plus an estimated \$50,000 to be received during the 46th Program Year as income from payoffs of Deferred Payment Loans totaling \$414,757* in new funds. In addition, the re-allocation of \$274,713** of previous program years available funding.

HUD FUNDING APPROVAL PROCESS
FOR
CDBG 46th PROGRAM YEAR (2020/2021)

The following provides a concise timeline of the process necessary to obtain and expend the Township's CDBG funding for the 46th Program Year. The 46th Program Year covers the period July 1, 2020 through June 30, 2021.

January-March, 2020: HUD calculated CDBG entitlement grant amounts to be derived from the FY2020 HUD budget passed by Congress. It is anticipated that Waterford's CDBG Entitlement grant amount for 2020-2021 will be about \$364,757.

February-July, 2020: CDBG Program Environmental Review process begins. In accordance with HUD regulations, all projects to be funded through CDBG need to be reviewed and documented for their impact on the environment. Projects are either evaluated as being exempt from the environmental review, such as program administration and code enforcement; categorically excluded, such as housing rehabilitation; or requiring an environmental assessment or an environmental impact statement, which currently does not apply to Waterford's program.

Legal Notice of the 46th CDBG Program Year Public Hearing and Program Statement is published. This legal notice includes a detailed description of activities, including the location of the projects and the proposed project funding level.

Township Board conducts public hearing. If the Board approves the proposed project fund budget, the Board then adopts a resolution authorizing submission of this proposal to HUD for funding release.

Legal Notice of the 46th CDBG Program Year Final Statement of Approved Projects and Funding is published.

- July 2020:** CDBG 46th Year Action Plan is sent to HUD for its acceptance.
- August 2020:** HUD transmits the 46th Year funding contract for the Township Supervisor's signature.
- July 1, 2020:** CDBG 45th Year Program begins. 46th Year projects can begin accruing expenses as of this date.
- July–September, 2020:** The Annual CDBG Performance Report for the prior 45th Program Year is prepared for submission to HUD.
- September 30, 2020:** Annual CDBG Performance Report due to HUD.

CPD Salary/Benefit Funding Breakdown

The Development Services Department has utilized a portion of the Township's CDBG funding each year for program administration and project administration staff salaries and benefits.

The CDBG regulations provide for some helpful distinctions when it comes to administrative costs. For instance, there is a funding cap where Program Administration and Planning/Capacity Building costs cannot exceed 20 percent of the combined amount of new grant and program income in a given 12 month period. However, there are certain projects that HUD acknowledges require a large amount of staff time to effectively administer and produce successful results. Administrative costs for projects such as Housing Rehabilitation and Code Enforcement are exempt from the 20 percent funding cap and instead counted as part of the respective project costs.

HUD regulations also provide more latitude and reduced record-keeping for administrative staff costs versus direct project staff costs. For instance, administrative and clerical assistance for code enforcement covers code enforcement for the whole Township. HUD automatically assumes that this assistance includes coverage of the percentage of the Township that lies within the HUD Target Area boundaries. When we cover a portion of the salary/benefit costs for those staff persons providing administrative and clerical support, there is no need to document and verify the amount of time these staff members spend on Target Area vs. non-Target Area work. However, when staff members are working on activities directly related to the project, such as case work, all CDBG funding must be documented as being used solely for Target Area activities.

The following table shows the proposed percent allocation of funding for each department position funded in whole or in part with CDBG funds in 2020 and 2021. Each of these staff positions have or will be vested with some responsibility for achieving the Township's community development block grant goals.

<u>STAFF TITLE</u>	<u>SALARY/BENEFIT BREAKDOWN</u>			
		Accounts		
	General Fund	CDBG Admin.	CDBG Housing	CDBG Rehab Code Enforce. (26358)
Director	(14100) 90%	(26352) 10%	(26351)	-
Superintendent of Planning & Zoning Planner II	80%	20%		
Environmental & Housing Rehab Coordinator	90%	10%	-	-
Departmental Aide	60%	-	40%	-
Administrative Specialist	60%	10%	10%	20%
Typist-Clerk I	40%	-	30%	30%
Lead Code Enforcement Officer	60%	-	-	40%
Part-time/Seasonal Code Enforcement Staff	-	-	-	100%

46th YEAR HOUSING REHABILITATION

The Housing Rehabilitation Loan Program will continue in the coming year to provide minor home repair services to qualified low-and moderate-income citizens. Emphasis will continue to be placed on serving those low-and moderate-income citizens who are female heads of households, senior citizens, handicapped, and minorities.

The Charter Township of Waterford will again be using this project to address its CDBG homeless and affordable housing objectives. One of the main objectives of the Housing Rehabilitation Program has been, and will continue to be, improving and maintaining Waterford's affordable housing stock, in accordance with the objectives of Waterford's Consolidated Plan. Funds will be used for loans and costs related to administering the Housing Rehabilitation Program.

These costs include such items as supplies, capital expenses, services, and the wages and fringe benefits for the percentage of time spent by staff in implementing the Township's housing rehabilitation program functions.

46th YEAR PROGRAM ADMINISTRATION

Funds will be provided for the general administration of the CDBG Program and Fair Housing efforts. This will include necessary supplies, services, capital expenses, and the wages and fringe benefits for the percentage of time spent by staff in administering the overall CDBG Program. Further, a portion of the 45th PY administrative budget includes funds to offset any CDBG related employee training and/or computer hardware or software purchase associated with a new permitting, inspection, and code enforcement software solution.

46th YEAR CODE ENFORCEMENT

One goal of the CDBG program is to increase the viability and aesthetic quality of neighborhoods and areas where the residents are primarily low and moderate income. To help in accomplishing this goal for Waterford's CDBG Target Areas, it is proposed that CDBG monies once again be utilized to fund a portion of clerical and administrative costs necessary to maintain and oversee the responsibilities of the Township's code enforcement functions.

**46th YEAR
PUBLIC SERVICE –
SENIOR/DISABLED PERSONS CURB-TO-CURB TRANSIT
SERVICE**

The re-allocation of previous program years available funding not to exceed an amount equivalent to 15% of the total 46th PY allocation will be used to support a curb-to-curb transit service currently administered by the Waterford Senior Center for seniors and disabled persons who live in Waterford. Clients are transported to any location in Waterford. Transportation will also be provided to medical appointments scheduled in surrounding areas on specific days and rides to nearby hospitals and other medical buildings directly surrounding the hospital are also provided on specific days.

**46th YEAR
PUBLIC FACILITIES & INFRASTRUCTURE – SIDEWALK
IMPROVEMENT PROJECT**

Safe, structurally-sound pedestrian walkways, particularly in urbanized areas, are important components in providing a safe and aesthetically-pleasing community. In order to reach the objective of providing a suitable living environment for citizens of a community, HUD allows CDBG funding to be used, among other public improvements, to install sidewalks. However, such funding can only pay for those sidewalk installations in areas comprised primarily of low- to moderate-income citizens. During the 42nd and 43rd PYs CDBG funds were used to support an inventory and analysis of all the non-motorized pathways located throughout the Township. Based on the findings of this analysis, staff proposes to allocate funds to support needed sidewalk improvements within Census Tract 1454 Block Group 1, Census Tract 1459 Block Group 1, and Census Tract 1449 Block Group 2. These funds are eligible in accordance with 24CFR570.201(c) and meets the national objective as describe in 24CFR570.208(a)(1).

**45th YEAR
PUBLIC FACILITIES & INFRASTRUCTURE – SENIOR
CENTER REHABILITATION PROJECT(S)**

The Waterford Recreation Center, formerly called the C.A.I. Building, was originally built in 1947 and has about 38,000 square-feet of space. The center is home to the Waterford Parks and Recreation Department's programs and activities mostly geared towards the senior citizen community. Specifically, the Golden Age Club which is to further health, recreational, and sports activities for persons 50 years of age and older who reside in Waterford Township and surrounding areas, and to promote friendship and leisure time activities. Improvement projects to be supported through the reallocation of available pre-2014 residual funds include partial roof rehabilitation, wall repairs/upgrades to active recreation areas throughout the building, installation of single action hardware for all egress doors, and installation of compliant emergency exit signage/lighting.

**45th YEAR
PUBLIC FACILITIES & INFRASTRUCTURE –
STREETLIGHT CONVERSION PROGRAM**

Projects may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where it was determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as practicable to repair. Waterford Township will partner with DTE to fund a streetlight conversion program that will replace all the older mercury halide and incandescent streetlight fixtures with energy efficient LED fixtures within Census Tract 145400 Block Group 1 (Huron Gardens). Not only will the improved lighting help address blight but the energy efficiency gained will be passed on to the residents within this particular lighting district through the reduction of their individual streetlight assessment. These funds are eligible in accordance with 24CFR570.201(c) and meets the national objective as describe in 24CFR570.208(a)(1).

**45th YEAR
PUBLIC FACILITIES & INFRASTRUCTURE – FIRE
STATION #1 IMPROVEMENT(S)**

Fire Station #1 is the Township's fire operations headquarters and provides emergency service response to the entire community. The concrete pavement making up the drive aisles and pedestrian walks have deteriorated over time to a hazardous condition. Community Development Block Grant funds may be used by the grantee or other private or public non-profit organizations to develop, improve, or install a public facility such as a Fire Station (except for buildings used for the general conduct of government) and Waterford Township intends to reallocate previous program years residual funds to make the necessary repairs/rehabilitation to the concrete pavement servicing Fire Station #1. These funds are eligible in accordance with 24CFR570.201(c) and meets the national objective as describe in 24CFR570.208(a)(1)

Listed below are the proposed 46th Year CDBG Program activities. Following each activity is the HUD regulation that enables the Township to undertake the activity with CDBG funds.

HOUSING REHABILITATION

24CFR570.202(b)(2)through(11)

- (2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures, which may be undertaken singly, or in combination;
- (3) Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;
- (4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;
- (5) Improvements to increase the efficient use of water through such means as water saving faucets and shower heads and repair of water leaks;
- (6) Connection of residential structures to water distribution lines of local sewer collection lines;
- (7) For rehabilitation carried out with CDBG funds, costs of:
 - (i) Initial homeowner warranty premiums;
 - (ii) Hazard insurance premiums, except where assistance is provided in the form of a grant;
 - (iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to 570.605; and
 - (iv) Procedures concerning inspection and testing for the abatement of lead-based paint, pursuant to 570.608.
- (8) Costs of acquiring tools to be lent to owner, tenants, and others who will use such tools to carry out rehabilitation;
- (9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loans processing, inspections, and other services related to assisting owner, tenants, contractors and other entities participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;
- (10) Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and
- (11) Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.

CODE ENFORCEMENT

24CFR570.202(c)

Costs incurred for inspection for code violations and enforcement of codes in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, and services to be provided, may be expected to arrest the decline of the area.

PROGRAM ADMINISTRATION

24CFR570.206

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with funds provided under this part and, where applicable, housing activities (described in paragraph (g) of this section) covered in the recipient's housing assistance plan. This does not include staff and overhead costs directly related to carrying out activities eligible under 570.201 through 570.204 since those costs are eligible as part of such activities.

PUBLIC SERVICE – SENIOR/DISABLED PERSONS CURB-TO-CURB TRANSIT SERVICE

24CFR570.201(e)

Public services. Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under §570.207(b)(4)), homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

PUBLIC IMPROVEMENT AND INFRASTRUCTURE – SIDEWALK IMPROVEMENT PROJECT

24CFR570.201(c)

Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in §570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in §570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in §570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients including those specified in §570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in §570.200(b).

PUBLIC FACILITIES AND INFRASTRUCTURE IMPROVEMENT – SENIOR CENTER REHABILITATION PROJECT(S)

24CFR570.201(c)

Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in §570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in §570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in §570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for

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PUBLIC FACILITIES AND INFRASTRUCTURE IMPROVEMENT – STREETLIGHT CONVERSION PROGRAM

24CFR570.201(c)

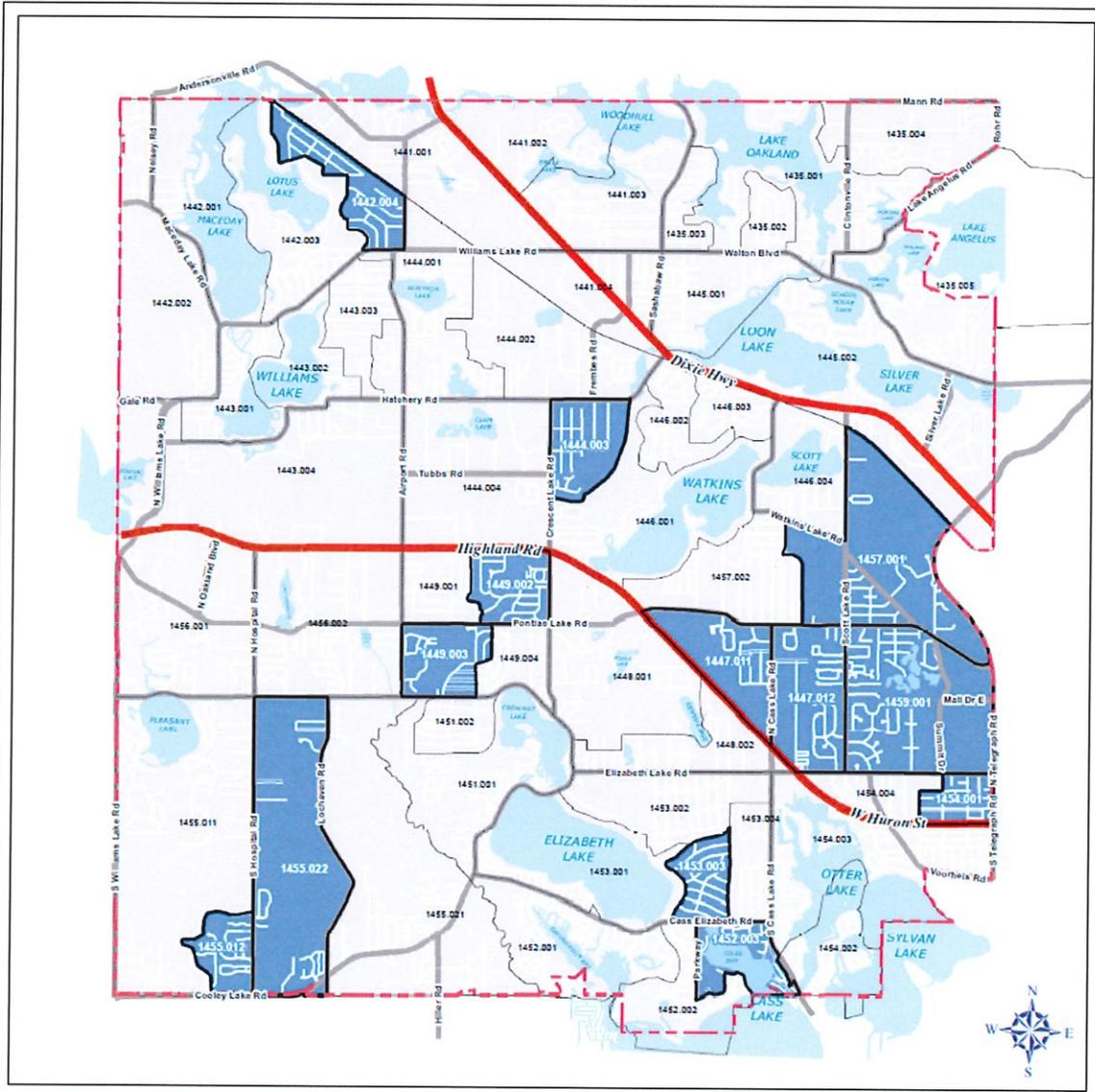
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PUBLIC FACILITIES AND INFRASTRUCTURE IMPROVEMENT – FIRE STATION #1 IMPROVEMENT(S)

24CFR570.201(c)

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The Community Development Block Grant Program includes provisions allowing funding of public improvements as eligible activities, if such improvements are located within census tracts identified by HUD as CDBG Target Areas.



2020 CDBG Eligible Target Areas

- Eligible Target Areas
- Municipal Boundary



BOARD OF TRUSTEES
Gary Wall, Supervisor
Kimberly F Markee, Clerk
Margaret Birch, Treasurer
Anthony M. Bartolotta, Trustee
Arthur Frascus, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee



5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6238 Fax: (248) 674-4097
www.waterfordmi.gov

DEVELOPMENT SERVICES
DEPARTMENT

Rob Merinsky, P.E.
Director

Brent A. Gibson
Superintendent of Building
Division

Jeffrey Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM:

DATE: JULY 21, 20220

TO: HONORABLE BOARD OF TRUSTEES

FROM: ROB MERINSKY, DEVELOPMENT SERVICES DIRECTOR

RE: LOT SPLIT REQUEST 13-16-426-014 (Gibson)

Due to the following comments, this office cannot administratively support the split request as presented.

Per the survey provided with the application and prepared by Surveying, the request involves splitting the parent parcel (13-16-426-014); which is a corner parcel having frontage on both Crescent Lake Road and Tubbs Road and is in the R1-A district, into four (4) resultant parcels A, B, C, and D. However, based on the survey, the resultant parcel A fails to meet the maximum depth to width ratio per Township Ordinance.

Sec. 15-082(c)(3) The depth to width ratio of any parcel created by the proposed division(s) shall not exceed three (3) to one (1).

Specifically, resultant parcel A's average depth (263.03'), after subtracting the 33' wide easement for public highway along the Tubbs Road frontage, is **23.05'** longer than what the proposed average width of the proposed parcel (80') would allow. Therefore, the request cannot be administratively approved.

That said, an administrative denial of a land division request can be appealed to the Township Board. Per **Section 15-006** of the ordinance, the Township Board shall have the power to fully or conditionally vary or modify one or more regulations in this Chapter upon finding practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter, such as topographical and other physical characteristics of a parcel or other difficulties which are not self-created or financial in nature, and:

- (a) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
- (b) Such variance will not violate the provisions of the Act.
- (c) Such variance will not have the effect of nullifying the interest and purpose of this Chapter, the Master Plan, or the Zoning Ordinance.

**With us there are no
boundaries**

If the Township Board agrees that there is merit in this application, it is recommended that the applicant's request for a variance per Section 15-006 be granted.

If the Board does not agree with this option, the administrative denial of the split would be upheld and the applicant's only remaining option would be to seek relief through Circuit Court action.

Therefore, the following draft motion of approval has been prepared for your consideration:

Draft Motion of Approval

To grant the request for a variance for the lot split for 13-16-426-014 (1991 Crescent Lake Road) to permit a total of four (4) resulting parcels per the application and survey prepared by DeKeyser Surveying with the findings that:

- (a) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.*
- (b) Such variance will not violate the provisions of the Act.*
- (c) Such variance will not have the effect of nullifying the interest and purpose of this Chapter, the Master Plan, or the Zoning Ordinance.*

5200 CIVIC CENTER DRIVE
WATERFORD, MICHIGAN 48329
TELEPHONE: 674-6270

CHARTER TOWNSHIP OF WATERFORD
ACREAGE AND/OR PLATTED LOT
SPLIT APPLICATION

13-16-11-20
RETURN FOUR COPIES: PLEASE PRINT OR TYPE

Name of Applicant Brent G Brown

Address 350 N Hospital Rd

City and State Waterford MI 48322

Type of Split

Acreage Lot

Zoning of property: R1A

Zip Code

Phone No.

(Home)

(Work)

(I), (WE), do hereby apply to divide lot/parcel 13-16-426-044001
(Sidwell Number)

The descriptions below or on the attached sheet indicate the manner in which the land is proposed to be divided:

PARCEL A

PARCEL B

Applicant shall provide four (4) copies of a drawing and legal description of the requested splits prepared by a registered land surveyor or professional engineer to scale (not less than 1' = 100'), drawings shall show all existing structures on the parcels which are within fifty (50) feet of the boundary lines of the parcel to be split.

NOTE: Assessor may waive the above requirements on simple lot splits.

The legal description shall show the number of acres to the 100th and small parcels less than one acre shall show square footage amounts.

Has this parcel or lot been previously requested for a split? YES NO

If yes, when and what action was taken _____

Is a copy of paid current years tax statement attached? YES NO

Complete name and address of party to whom the new tax bill is to be sent Brent G Brown

350 N Hospital Rd Waterford MI 48322

Reason for requested split or division Build new Home

NOTICE: Any party having any ownership interest in the above described property must sign this application. Failure to comply will negate this application.

Legal Signature: _____ Legal Signature: _____

Legal Signature Wendy Dub Legal Signature: _____

DO NOT WRITE BELOW THIS LINE

Date application received in Assessing Department with fee paid 7/14/20

Action taken by Lot Split Review Board APPROVED DENIED

TABLED DATE _____

ACREAGE PARCEL SPLITS

If split is denied or creates a private roadway, referred to Township Board via written request to Clerk _____

Action by Township Board APPROVED DENIED DATE: _____

Acreage Split Fees - Effective Date August 4, 1989

First Split (Two resultant lots) \$75.00

Additional resultant lots (each) 25.00

Recording fee if split is approved 200.00

PLATTED LOT SPLITS

If split is denied by Lot Split Review Board written request via Township Clerk to appear before Township Board (date) _____

Action by Township Board APPROVED DENIED

Lot Split Fees - Effective Date August 1, 1989

First Split (two resultant lots) \$50.00

Additional resultant lots (each) 25.00

Recording fee if split is approved 200.00

Fee Paid _____ Received by: _____

APPROVED:

Township Assessing

Date

Township Engineer

Date

Township Planning

Date

ON APPEAL:

Township Board APPROVED DENIED

Submitted to Equalization Department Date _____

LOT SPLIT

GRAPHIC SCALE



(IN FEET)

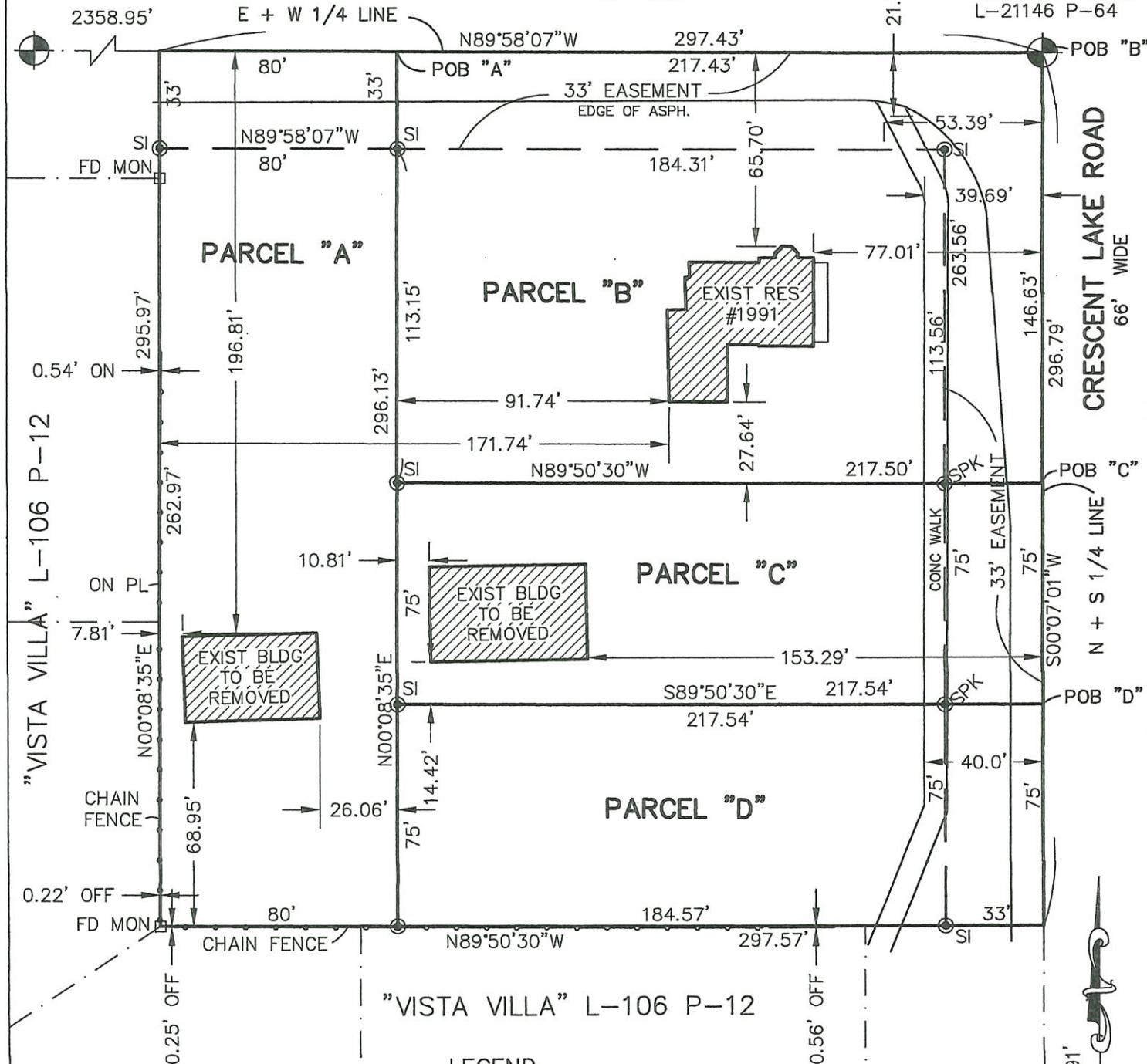
1 inch = 50 ft.

CEN SEC 16
T.3N., R.9E.,
WATERFORD TWP.
OAKLAND CO., MI
L-39996 P-309

E COR SEC 16
T.3N., R.9E.,
WATERFORD TWP.
OAKLAND CO., MI
L-21146 P-64

TUBBS ROAD
43' WIDE

CRESCENT LAKE ROAD
66' WIDE



LEGEND

- FM - FOUND MONUMENT
- FP - FOUND PIPE
- FI - FOUND IRON
- SI - SET IRON
- POL - STAKE ON LINE

BEARINGS BASED ON NORTH
LINE OF LOTS 35 AND 50 OF
VISTA VILLAS AS PLATTED

SE COR SEC 16
T.3N., R.9E.,
WATERFORD TWP.
OAKLAND CO., MI
L-15292 P-376

PG 1 OF 2

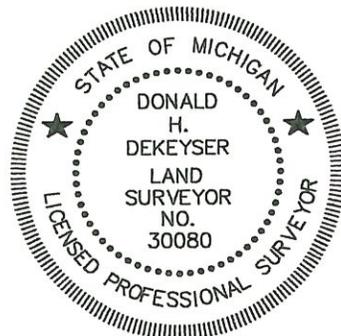
FOR: BRENT GIBSON

I HEREBY CERTIFY that I have surveyed and mapped the above described land on the date stated below; that there are no encroachments except as shown; the error of closure is 1 in 5000 +, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967.

This survey complies with the requirements of Sec. 3, Public Act 132 of 1970, as amended.

DEKEYSER SURVEYING

6038 NORTHRUP ST.
WATERFORD, MICHIGAN 48329
PHONE (248)623-1518 FAX (248)623-3078



JOB NO.:

6717

SCALE:

1"=50'

DATE:

3-9-20

Donald H. DeKeyser
DONALD H. DEKEYSER P.L.S. #30080

LOT SPLIT

PROPERTY DESCRIPTIONS

DESCRIPTION PARCEL #13-16-426-014:

PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, T.3N., R.9E., WATERFORD TOWNSHIP, OAKLAND COUNTY, MI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 16, AND RUNNING THENCE S00°07'01"W (RRE. AS-S00°16'15"W) ALONG THE N + S $\frac{1}{4}$ LINE, 296.79' FEET; THENCE N89°50'30"W, 297.57' FEET; THENCE N00°08'35"E, 295.97' FEET; THENCE N89°58'07"W (REC. AS-EAST) ALONG THE E + W $\frac{1}{4}$ LINE, 297.43' FEET TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES MORE OR LESS. SUBJECT TO AN EASEMENT OVER THE NORTH AND EAST 33' FEET FOR PUBLIC HIGHWAY.

DESCRIPTION PARCEL "A":

PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, T.3N., R.9E., WATERFORD TOWNSHIP, OAKLAND COUNTY, MI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE THE E + W $\frac{1}{4}$ LINE, DISTANT N89°58'07"W, 217.43' FEET, FROM THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 16, AND RUNNING THENCE S00°08'35"W, 296.13' FEET; THENCE N89°50'30"W, 80.00' FEET; THENCE N00°08'35"E, 295.97' FEET; THENCE S89°58'07"E, ALONG THE E + W $\frac{1}{4}$ LINE, 80.00' FEET TO THE POINT OF BEGINNING. CONTAINING 23,685 SQUARE FEET OR 0.54 ACRES MORE OR LESS. SUBJECT TO AN EASEMENT OVER THE NORTH 33.00' FEET FOR PUBLIC HIGHWAY PURPOSES.

DESCRIPTION PARCEL "B":

PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, T.3N., R.9E., WATERFORD TOWNSHIP, OAKLAND COUNTY, MI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 16 AND RUNNING THENCE S00°07'01"W ALONG THE N + S $\frac{1}{4}$ LINE, OF SECTION 16, 146.63' FEET; THENCE N89°50'30"W, 217.50' FEET; THENCE N00°08'35"E, 146.15' FEET; THENCE N89°58'07"W ALONG THE E + W $\frac{1}{4}$ LINE, 217.43' FEET, TO THE POINT OF BEGINNING. CONTAINING 31,835 SQUARE FEET OR 0.73 ACRES MORE OR LESS. SUBJECT TO AN EASEMENT OVER THE NORTH AND EAST 33' FEET FOR PUBLIC HIGHWAY PURPOSES.

DESCRIPTION PARCEL "C":

PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, T.3N., R.9E., WATERFORD TOWNSHIP, OAKLAND COUNTY, MI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE N + S $\frac{1}{4}$ LINE DISTANT S00°07'01"W, 146.63 FEET FROM THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 16; AND RUNNING THENCE S00°07'01"W ALONG SAID $\frac{1}{4}$ LINE, 75.00' FEET; THENCE N89°50'30"W, 217.54' FEET; THENCE N00°08'35"E, 75.00' FEET; THENCE S89°50'30"E, 217.50' FEET TO THE POINT OF BEGINNING. CONTAINING 16,314 SQUARE FEET OR 0.37 ACRES MORE OR LESS. SUBJECT TO AN EASEMENT OVER THE EAST 33' FEET FOR PUBLIC HIGHWAY PURPOSES.

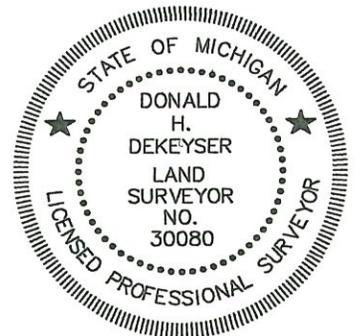
DESCRIPTION PARCEL "D":

PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, T.3N., R.9E., WATERFORD TOWNSHIP, OAKLAND COUNTY, MI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE N + S $\frac{1}{4}$ LINE DISTANT S00°07'01"W, 221.63 FEET FROM THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 16; AND RUNNING THENCE S00°07'01"W ALONG SAID $\frac{1}{4}$ LINE, 75.00' FEET; THENCE N89°50'30"W, 217.57' FEET; THENCE N00°08'35"E, 75.00' FEET; THENCE S89°50'30"E, 217.54' FEET TO THE POINT OF BEGINNING. CONTAINING 16,314 SQUARE FEET OR 0.37 ACRES MORE OR LESS. SUBJECT TO AN EASEMENT OVER THE EAST 33' FEET FOR PUBLIC HIGHWAY PURPOSES.

FOR: BRENT GIBSON

I HEREBY CERTIFY that I have surveyed and mapped the above described land on the date stated below; that there are no encroachments except as shown; the error of closure is 1 in 5000 +, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967.

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DEKEYSER SURVEYING

6038 NORTHRUP ST.
WATERFORD, MICHIGAN 48329
PHONE (248)623-1518 FAX (248)623-3078

JOB NO.:	SCALE:	DATE:
6717	1"=50'	3-9-20

DONALD H. DEKEYSER P.L.S. #30080



Waterford Police Department
5150 Civic Center Drive
Waterford, MI 48329
www.waterfordmi.gov/police
248-674-0351

July 20, 2020

Mr. Gary Wall, Supervisor
Honorable Township Board Members
5200 Civic Center Drive
Waterford, Michigan 48329

Re: Purchase of body cameras, accessories, and extended warranty

Dear Mr. Wall and Honorable Board Members:

The Waterford Police Department, along with many other law enforcement agencies have deployed dash-cam video in scout cars since the early 1990's. Over the years, dash-cam video has proven to be a valuable tool in terms of collecting footage that has evidentiary value as well as substantiating events and protecting the Township from potential liability claims.

Body worn camera technology has now evolved to the point where these devices can provide another layer of value to law enforcement, capturing footage that may be outside of dash-cam video framework.

We have watched as advancements in body camera technology continued to roll out and we have researched what we thought would be the best options for our department. The Safe-Fleet (L3) Mobile-Vision BWX-100 makes the most sense for us, for several reasons. We are currently using the Safe-Fleet (L3) Mobile-Vision mobile-video platform and they are a listed sole-source provider. The entire back-end of that system will work in conjunction with the BWX-100, allowing for seamless automatic up-load and storage. In addition, the BWX-100 will work in tandem with our current dash-cam units.

We respectfully request this honorable body approve the purchase of twenty-four (24) BWX-100 body camera units with accessories and extended warranty in the amount of \$40,971.00.

"to protect and to serve"

The funds for this purchase are available in the police department's restricted-use drug forfeiture account, 20830-97125-DEA.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Underwood".

Scott Underwood



WATERFORD TOWNSHIP

Waterford Police Department
5150 Civic Center Drive
Waterford, MI 48329
www.waterfordmi.gov/police
248-674-0351

July 23, 2020

Mr. Gary Wall, Supervisor
Honorable Board of Trustees
5200 Civic Center Drive
Waterford, Michigan 48304

Re: Purchase of wearable technology for police personnel to self-monitor individual health data and help prevent organizational spread of COVID-19.

Dear Mr. Wall and Honorable Board Members:

We have researched wearable technology that will help our employees remain as safe and healthy as possible during this COVID-19 global pandemic. This technology gives us the best opportunity to continue delivering emergency services without disruption caused by a potential spread of the Coronavirus through our organization. Wearable technology tracks health data such as heart rate, sleep, respiratory rate, strain, and recovery, to help optimize well-being and performance. The technology provides 24/7 biometric coverage and a consistent 24 hour baseline. This baseline provides the wearer individual data needed to monitor their health and make smarter decisions so they can take care of themselves and be available to perform their duties at a high level in the midst of a pandemic.

Whoop is a technology company that has partnered with the US Military, Department of Homeland Security, US Secret Service, and other first responders to provide wearable technology as described above. In response to the COVID-19 global pandemic, WHOOP has been working with researchers from leading health organizations and universities including Harvard Medical School, Brigham Health, Duke University, and CQU-University to investigate COVID-19 symptoms, treatment, mitigation, and population health management.

Together with researchers at CQU-University in Australia, WHOOP conducted a study to determine if changes in respiratory rate could serve as a leading indicator of COVID-19. Findings showed that their algorithm via WHOOP respiratory rate data could distinguish between healthy individuals and infected individuals both prior to and during symptoms. This suggests WHOOP could be used as an early detection tool to help identify people who should self-isolate and seek testing.

“to protect and to serve”

The algorithm developed showed detection two days prior to symptoms in 20% of cases and within the first three days of symptoms in 80% of cases. Most people who do get tested for COVID-19 are getting tested around day seven.

As a case study, the PGA tour procured over one thousand WHOOP straps for all personnel attending their events including golfers, caddies, tour officials, media personnel, and support staff. Most recently Nick Watny, a PGA tour professional and WHOOP user, even before the pandemic, was tested on a Tuesday and tested negative. Thursday he went to sleep feeling tired but attributed that to an early wake up Thursday morning. Watny woke up Friday morning and checked his WHOOP data to find his recovery rate from the day before was only 1% and that his respiratory rate had spiked from a year-long consistent rate of 14 breaths per minute to 18 bpm. He was not scheduled for a COVID-19 test on Friday but requested one. He tested positive.

The Waterford Police Department is an agency of sixty-six sworn law-enforcement officers, thirteen 911 dispatchers, two corrections officers, and nine civilian support staff. The loss of personnel due to COVID-19 could devastate our operation and impact our ability to provide emergency services to the community.

We see WHOOP as a great tool to protect everyone in our organization from potential COVID-19 exposure and infection. Our proposal is to provide every member with a WHOOP strap and a twelve month subscription; up to ninety (90) units and \$324.00 each, totaling \$29,260.00. WHOOP data and analytics will allow each member to self-monitor and be self-aware on a daily basis, at a level that will give everyone confidence that they are at a lower risk of contracting COVID-19 from a co-worker or spreading the virus themselves.

We respectfully request this honorable body approve this expenditure, totaling \$29,260.00, based on the information set forth above. Funding for this purchase is available in the police restricted-use federal drug forfeiture account.

If you have any questions or need any further information, please don't hesitate to contact me.

Sincerely,



Scott Underwood
Chief of Police

BOARD OF TRUSTEES
Gary Wall, Supervisor
Kimberly Markee, Clerk
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Steven Thomas, Trustee



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Waterford, Michigan 48329-3773
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www.waterfordmi.gov

DEPARTMENT OF PUBLIC WORKS
Russell Williams
Director
Joseph Ashley
Water & Sewer Superintendent
Justin Westlake
Facilities & Operations Superintendent
Derek Diederich
Administrative Superintendent
Frank Fisher
Engineering Superintendent

DATE: July 17, 2020
TO: Honorable Charter Township of Waterford Board of Trustees
FROM: Russell D. Williams, DPW Director 
RE: Great Lakes Water Authority (GLWA) Industrial Pretreatment Program (IPP) Rules and Regulations Revisions.

The proposed Resolution for the Honorable Charter Township of Waterford Board of Trustees is an update to the GLWA IPP Rules to include language for regulation of the discharge of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the wastewater.

Requested Board Action
Approve Resolution to Concur in Great Lakes Water Authority Industrial Pretreatment Program Rules and Regulations as provided by Charter Township of Waterford Attorney, Mr. Gary Dovre.

With us there are no boundaries

**CHARTER TOWNSHIP OF WATERFORD
COUNTY OF OAKLAND, MICHIGAN**

**RESOLUTION TO CONCUR IN GREAT LAKES WATER AUTHORITY INDUSTRIAL
PRETREATMENT PROGRAM RULES AND REGULATIONS**

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 Charter Township of Waterford 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 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, the GLWA Rules attached to this Resolution consisting of 89 pages and referred to in this Resolution as the IPP 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.

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

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Charter Township of Waterford, as its governing body, in compliance with Act 233 and state and federal law, hereby concurs in the IPP Rules and Regulations.

BE IT FURTHER RESOLVED that this concurrence in the IPP Rules and Regulations shall be contractually binding and the Board of Trustees, as the governing body of Charter Township of Waterford, shall not be authorized or empowered to rescind or change the approval granted by 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 _____

CERTIFICATION

I hereby certify that this Resolution with its attached 89 page GLWA Rules was adopted by the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, at a regular meeting held on July 27, 2020.

Date

Kimberly Markee, Township Clerk

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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,

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.

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“**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

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 **“IU”** 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 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

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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

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

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.

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“**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.

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“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

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			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

Board Approved

**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

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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

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- 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:

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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

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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.

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- 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

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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, naptha, 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.

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- 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

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- 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

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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 Waste 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.

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- 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.

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- 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

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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

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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

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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 E.

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:

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- 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

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- 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,

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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,

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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

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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

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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:

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- 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

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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

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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

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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

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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

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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

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- 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

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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

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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

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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.

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- 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,

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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

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

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.

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- 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

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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

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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.

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- 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.

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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

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- 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);

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- 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.

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.

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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

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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:

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- 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 =

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

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

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.

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- 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.

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- 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.

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.

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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	800	700	*	150
		311613	Rendering and Meat Byproduct Processing				
2022	Natural, Processed, and Imitation Cheese	311513	Cheese Manufacturing	2000	500	50	*
2023	Dry, Condensed, and Evaporated Dairy Products	311511	Fluid Milk Manufacturing	1000	500	20	*
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing				
2024	Ice Cream and frozen Desserts	311520	Ice Cream and Frozen Dessert Manufacturing	*	*	25	*
2026	Fluid Milk	311511	Fluid Milk Manufacturing	1100	500	*	500
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing				
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings	311421	Fruit and Vegetable Canning	1000	500	*	*
		311941	Mayonnaise, Dressing and Other Prepared Sauce Manufacturing				
2037	Frozen Fruits, Fruit Juices, and Vegetables	311411	Frozen Fruit, Juice, and Vegetable Manufacturing	1000	500	*	*
2038	Frozen Specialties, Not Elsewhere Classified	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	1600	*	*	*
		311920	Coffee and Tea Manufacturing				
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	*	*	*
2046	Wet Corn Milling	311221	Wet Corn Milling	1600	*	*	*
		311225	Fats and Oils Refining and Blending	1600	*	*	*
2047	Dog and Cat Food	311111	Dog and Cat Food Manufacturing	1600	*	*	*

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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 Soybean	311224	Soybean and other Oilseed Products	650	2000	*	500
		311225	Fats and Oils Refining and Blending				
2077	Animal and Marine Fats and Oils	311613	Rendering and Meat Byproduct Processing				
		311710	Seafood Product Preparation and Packaging	650	2000	*	500
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

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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	1000	500	*	150
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				
		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	*	*

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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	*	2000	*	*
2813	Industrial Gases	325120	Industrial Gas Manufacturing				
2816	Inorganic Pigments	325130	Synthetic Dye and Pigment Manufacturing				
		325180	Other basic Inorganic Chemical Manufacturing				
2819	Industrial Inorganic Chemicals, Not elsewhere classified	211112	Natural Gas Liquid Extraction				
		325130	Synthetic Dye and Pigment Manufacturing				
		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	500	500	*	*
2834	Pharmaceutical Preparation Manufacturing	325412	Pharmaceutical Preparation Manufacturing				
		325412	Pharmaceutical Preparation Manufacturing				
2835	In Vitro and In Vivo Diagnostic Substances	325413	In-Vitro Diagnostic Substance Manufacturing				
2836	Biological Products, except Diagnostic Substances	325414	Biological Product (except Diagnostic) Manufacturing				

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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	600	*	*	200
2842	Specialty Cleaning, Polishing, and Sanitation Preparations	325612	Polish and Other Sanitation Good Manufacturing				
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	500	500	20	150
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments	325110	Petrochemical Manufacturing				
		325130	Synthetic Dye and Pigment Manufacturing				
2869	Industrial Organic Chemicals, not elsewhere classified	325120	Industrial Gas Manufacturing				
		325180	Other Basic Inorganic Chemical Manufacturing				
		325193	Ethyl Alcohol Manufacturing				
		325199	All Other Basic Organic Chemical Manufacturing				

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

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

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SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
		425110	Business to Business Electronic Markets	400	500	*	150
		425120	Wholesale Trade Agents and Brokers				
		448310	Jewelry Stores				
5099	Durable Goods, not elsewhere classified	423990	Other Miscellaneous Durable Goods Merchant Wholesalers				
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
		444190	Other Building Material Dealers				
		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

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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

- 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

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

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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.

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.

Board Approved

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

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 Sewerage 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

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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 than 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.

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- 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

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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

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- 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.

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.

Approved: 11/13/2019

Published:

Effective:

Board Approved

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Derek Diederich
Administrative Superintendent
Dan Stickel, P.E.
Engineering Superintendent

DATE: July 20, 2020
TO: Honorable Charter Township of Waterford Board of Trustees
FROM: Russell Williams, DPW Director
RE: Perceptive Controls, Inc. Proposal for 2020 Water Treatment Site Supervisory Control And Data Acquisition (SCADA) Upgrades

Please see attached proposal from Perceptive Controls, Inc. for the 2020 SCADA upgrades for the Water Treatment Plants 14-1 (Lorena), 24-1 (Marion) & 5-1 (David K).

This is a continuation of the Waterford Township DPW's water system SCADA upgrade. Technology is evolving and the scope of work has changed. Adopting a change of communication protocol will position the DPW SCADA to be more fluid as technology moves off physical on site servers to the internet as a hosted solution. The sewer SCADA updates are already utilizing this innovative protocol.

Waterford's current SCADA system, as the vast majority of systems, operates on a polling program. A central controller is continuously requesting data from the remotes, one at a time the remotes reply with their data, many times the same data of the previous polling cycle. The shift in technology is a publish/subscribe protocol or Message Queuing Telemetry Transport (MQTT). This protocol is a report by exception network, if a remote site has not experienced a change of state; it remains silent, not transmitting data or using bandwidth for other than a heartbeat or data change (alarm, pump run, door open, etc.). This network uses far less data and is much faster when it does transmit a change of state. Although MQTT was developed and implemented in 1999, primarily for satellite connected remote communications, the new Opto22 Epic controller is capable of utilizing this protocol and new tools are bringing this technology to a more diverse level of user.

Utilizing Amazon Web Services (AWS) to host the SCADA system will increase reliability while decreasing the DPW's dependence on local hardware internet connections. Security of our SCADA is imperative; AWS with Secure Sockets Layer (SSL), provides an encrypted connection between the hosted SCADA and DPW defined devices such as remote Opto22 Epic controllers, iPads, PCs and Phones. This encryption allows data transmission safely, securely and out of the reach of hackers or identity thieves. All communications are executed over a Broker / Client network with totally encrypted data similar to that of Automated Teller Machine (ATM) network.

This change will position Waterford Township DPW's SCADA for exploiting the Internet of Things (IOT) as technology develops. Any device that can accept a security certificate can publish data securely to the SCADA system. This will allow for example, the use of an element in a DPW database, a cell in spreadsheet, data from a website or a wireless sensor of any type that can communicate on the MQTT protocol. Adding Data to the system from anywhere to anywhere becomes a simple process.

Although Mr. Frank Fisher, DPW Engineering Superintendent, initiated this fundamental change in SCADA

With us there are no boundaries

communication technology, Perceptive Controls is instrumental in the development of the SCADA architecture and control strategy for the water and wastewater systems.

Perceptive Controls is a 2020 Charter Township of Waterford Board of Trustees Approved Sole Source provider.

This is a budgeted FY2020 project. Allocated funds are located in the 59045-97010 Water Infrastructure preservation account.

Recommended Board Action		
Approve Perceptive Controls Proposal #07132020RDK	From Account Number 59041-92180	For a not to exceed price of \$108,280.00

Cc: Gary Wall, Township Supervisor
Joe Ashley, DPW Water & Sewer Superintendent
Dawn Cito, Purchasing Agent

BOARD OF TRUSTEES
Gary Wall, Supervisor
Kim Markee, Clerk
Margaret Birch, Treasurer
Anthony M. Bartolotta, Trustee
Art Frasca, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee



Barbara L. Miller
Assistant Budget Director
Accounting Manager
248-674-6209
bmiller@waterfordmi.gov

5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6266 Fax: (248) 674-5455
www.waterfordmi.gov

DATE: July 22, 2020
TO: The Honorable Charter Township Of Waterford Board of Trustees
FROM: Barbara L. Miller, Assistant Budget Director and Accounting Manager *Blm*
SUBJECT: Participation in the Oakland Together CVT Program and the CARES Act Interlocal Agreement between Oakland County and the Charter Township of Waterford

The federal Coronavirus Aid Relief and Economic Security Act, also known as the CARES Act, established the Coronavirus Relief Fund. Oakland County received a portion of these federal funds and allocated \$30 million to Cities, Villages and Townships (CVT) within the county for a program called Oakland Together CVT. The program will be used to assist CVTs in meeting certain areas of need caused by the COVID-19 pandemic. Expenditures must meet certain guidelines and be supported by documentation. In order to participate in this program the Township Board needs to approve the resolution that follows this memo with its Attachment A, the Interlocal Agreement for CARES Act Distribution Between Oakland County and the Charter Township of Waterford.

Thank you for your attention and consideration in this matter. Please feel free to contact me should you have any questions.

With us there are no boundaries

**Resolution to Approve the Interlocal Agreement for CARES Act Distribution Between
Oakland County and the Charter Township of Waterford for Participation in the
Oakland Together CVT Program**

Whereas, the COVID-19 coronavirus pandemic outbreak was declared a health emergency at the national, state, county and local levels; and

Whereas, the federal government of the United States passed the Coronavirus Aid Relief and Economic Security Act (CARES Act) which established the Coronavirus Relief Fund;

Whereas, Oakland County received a portion of these funds and allocated \$30 million for a program called Oakland Together CVT to assist cities, villages and townships within the county meet certain areas of need caused by the COVID-19 pandemic; and

Whereas, the Charter Township of Waterford is a community within Oakland County that is eligible to participate and has expenditures that meet the Oakland Together guidelines.

It is therefore resolved that the Charter Township of Waterford Board hereby confirms participation in the Oakland Together CVT program.

It is further resolved that the Charter Township of Waterford Board approves the Interlocal Agreement for CARES Act Distribution between Oakland County and the Charter Township of Waterford and the Supervisor or Clerk is authorized to sign the agreement on behalf of the Township.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Board of Trustees of the Charter Township of Waterford, County of Oakland, State of Michigan, at a regular meeting held on July 27, 2020.

Date

Kim. Markee, Township Clerk

Attachment A

**Interlocal Agreement for CARES Act Distribution Between Oakland County and the
Charter Township of Waterford**

**AGREEMENT FOR CARES ACT DISTRIBUTION BETWEEN
OAKLAND COUNTY AND
THE CHARTER TOWNSHIP OF WATERFORD**

This Agreement (the "Agreement") is made between Oakland County, a Municipal and Constitutional Corporation, 1200 North Telegraph Road, Pontiac, Michigan 48341 ("County"), and the Charter Township of Waterford ("Township"), 5200 Civic Center Drive, Waterford, MI 48329. The County and the Township may be referred to individually as a "Party" and jointly as "Parties".

PURPOSE OF AGREEMENT. The County and the Township enter into this Agreement pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, for the purpose of the County distributing a portion of its CARES Act funds to the Township. The County has allocated a portion of its CARES Act funds to be distributed to CVTs within Oakland County, which will be used to assist CVTs in meeting certain areas of need caused by the COVID-19 pandemic.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - 1.1. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, Exhibit and attachment.
 - 1.2. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against the County or the Township, or for which the County or the Township may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.
 - 1.3. **Confidential Information** means all information and data that the County is required or permitted by law to keep confidential, including records of the County's security measures, including security plans, security codes and combinations, passwords, keys, and security procedures, to the extent that the records relate to ongoing security of the County as well as records or information to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs relating to ongoing security measures, capabilities and plans for responding to violations of the Michigan Anti-terrorism Act, emergency response plans, risk planning documents, threat assessments and domestic preparedness strategies.
 - 1.4. **County** means Oakland County, a Municipal and Constitutional Corporation, including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
 - 1.5. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.

- 1.6. **Township** means the Township including, but not limited to, its council, its Board, its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
 - 1.7. **Township Employee** means any employees, officers, directors, members, managers, trustees, volunteers, attorneys, representatives of the Township, licensees, concessionaires, contractors, subcontractors, independent contractors, agents, and/or any such persons' successors or predecessors (whether such persons act or acted in their personal, representative or official capacities), and/or any persons acting by, through, under, or in concert with any of the above who use or have access to the Oakland Together CVT funds provided under this Agreement. "Township Employee" shall also include any person who was a Township Employee at any time during the term of this Agreement but, for any reason, is no longer employed, appointed, or elected in that capacity. "Township Employee" does not include an individual resident of the Township who receives an authorized distribution of Oakland Together CVT funds.
 - 1.8. **CARES Act funds** means the money distributed to the County by the United States Department of Treasury pursuant to section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.
 - 1.9. **CVTs** means Cities, Villages, and Townships.
 - 1.10. **Oakland Together CVT funds** means that portion of the CARES Act funds which the County has allocated to CVTs within Oakland County.
 - 1.11. **Expenditure Submission Form** means the form which the Township must complete and submit to the Office of the County Executive (OCE) prior to any disbursement of Oakland Together CVT funds to the Township.
 - 1.12. **OCE** means the Office of the Oakland County Executive, which includes the Chief Deputy and other Deputy County Executives.
 - 1.13. **Oversight Committee** means the committee established by the Oakland County Board of Commissioners in the resolution allocating the Oakland Together CVT funds.
2. **COUNTY RESPONSIBILITIES.**
- 2.1. OCE will review the Township's Expenditure Submission Form(s) to determine whether the Township is eligible to receive a distribution of Oakland Together CVT funds. This determination will be in the OCE's discretion pursuant to the "Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Government" or other guidance issued by the Federal Government. OCE may request any supporting documentation it deems necessary to fully evaluate the Township's eligibility.
 - 2.2. If OCE determines that the Township is eligible to receive a distribution, the County will distribute the eligible amount to the Township.
 - 2.3. The County is not obligated or required to distribute any Oakland Together CVT funds to the Township if OCE determines that the Township is not eligible to receive the funds, or if the amount of Oakland Together CVT funds available are not sufficient to fulfill the Township's Expenditure Submission Form.
 - 2.4. After November 30, 2021, the County will not accept any further Expenditure Submission Forms from the Township, and the County will retain the balance of any Oakland Together CVT funds for which the Township was originally eligible, but which are not covered by an approved Expenditure Submission Form.

- 2.5. If the County retains the balance of Oakland Together CVT funds not covered by an approved Expenditure Submission Form under Section 2.4, the County may redistribute any or all of that amount to other eligible CVTs or as otherwise deemed appropriate by OCE.
 - 2.6. OCE will work in collaboration with the Oversight Committee in determining the Township's eligibility for Oakland Together CVT funds, and the amount of said funds to be distributed to the Township.
3. **TOWNSHIP RESPONSIBILITIES.**
- 3.1. The Township may be eligible to receive a portion of Oakland Together CVT funds. The Township shall complete and submit an Expenditure Submission Form to OCE and receive OCE approval prior to the receipt of any Oakland Together CVT funds.
 - 3.2. In its first Expenditure Submission Form, the Township shall only apply for Oakland Together CVT funds to pay for expenditures or programs already made by the Township, or for funds to pay the Township's required 25% "cost share" or "local match" required to obtain a FEMA grant.
 - 3.3. The Township shall follow all guidance established by the United States Treasury Department, and the County, when expending Oakland Together CVT funds, including, but not limited to, Section 601(d) of the Social Security Act and the "Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Governments."¹
 - 3.4. The Township shall not submit an Expenditure Submission Form for any expense which is eligible to be covered by a FEMA (Federal Emergency Management Agency) Public Assistance Reimbursement. The Township may use Oakland Together CVT funds to pay the required 25% "cost share" or "local match" required to obtain a FEMA grant.
 - 3.5. The Township shall only expend Oakland Together CVT funds to pay for expenses incurred due to the COVID-19 public health emergency, and which expenses were not accounted for in the Township's most recently approved budget as of March 27, 2020.
 - 3.6. The Township shall only expend Oakland Together CVT funds for expenses incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
 - 3.7. The Township shall not use Oakland Together CVT funds as revenue replacement.
 - 3.8. The Township shall not redistribute Oakland Together CVT funds, except the Township shall be allowed to provide direct assistance to individual residents of the Township, and pay vendors and service providers, as permitted by the CARES Act.
 - 3.9. The Township shall not expend Oakland Together CVT funds in any manner that the Township did not include in a submitted and approved Expenditure Submission Form.
 - 3.10. If the Township receives an amount of funding from the federal or state government to cover expenses for which the Township received Oakland Together CVT funds, the Township shall return that amount of Oakland Together CVT funds to the County.
 - 3.11. The Township shall keep records of all expenditures of Oakland Together CVT funds sufficient to demonstrate that said expenditures were in accordance with the guidance documents included in Section 3.3 for a period of 10 (ten) years, at a minimum.
 - 3.12. The Township shall produce said records of expenditures upon request by the County or OCE, or as required by any future audit of the CARES Act program.

¹ This document is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

- 3.13. The Township shall submit records to OCE within 30 (thirty) days after expenditure of Oakland Together CVT funds with a detailed description of how the funds were expended and how the expenditure of funds complied with the CARES Act guidance unless the Township has already submitted said records with its Expenditure Submission Form.
- 3.14. In the event it is determined by OCE, or any other audit under the CARES Act program, that the Township expended an amount of Oakland Together CVT funds in violation of the CARES Act requirements or this Agreement, the Township shall be required to return that amount of money to the County.
- 3.15. In any case where the Township is required to return an amount of money to the County under this Agreement, the Township agrees that unless expressly prohibited by law, the or the Oakland County Treasurer, at their sole option, shall be entitled to set off from any other the Township funds that are in the County's possession for any reason, including but not limited to, the Oakland County Delinquent Tax Revolving Fund ("DTRF"), if applicable. Any setoff or retention of funds by the County shall be deemed a voluntary assignment of the amount by the Township to the County. The Township waives any Claims against the County or its Officials for any acts related specifically to the County's offsetting or retaining of such amounts. This paragraph shall not limit the Township's legal right to dispute whether the underlying amount retained by the County was actually due and owing under this Agreement.
- 3.16. Nothing in this Section shall operate to limit the County's right to pursue or exercise any other legal rights or remedies under this Agreement or at law against the Township to secure payment of amounts due to the County under this Agreement. The remedies in this Section shall be available to the County on an ongoing and successive basis if the Township becomes delinquent in its payment. Notwithstanding any other term and condition in this Agreement, if the County pursues any legal action in any court to secure its payment under this Agreement, it agrees to pay all costs and expenses, including attorney fees and court costs, incurred by the County in the collection of any amount owed by the Township.
- 3.17. The Township shall respond to and be responsible for Freedom of Information Act requests relating to the Township's records, data, or other information.

4. **DURATION OF INTERLOCAL AGREEMENT.**

- 4.1. This Agreement shall be effective when executed by both Parties with resolutions passed by the governing bodies of each Party. The approval and terms of this Agreement shall be entered in the official minutes of the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed by the County Clerk with the Secretary of State.
- 4.2. This Agreement shall remain in effect until January 31, 2021, or until cancelled or terminated by any of the Parties pursuant to the terms of the Agreement. The Township shall comply with the record keeping, reporting, audit response, and fund return requirements of Section 3 after the termination of this Agreement if necessary.

5. **ASSURANCES.**

- 5.1. **Responsibility for Claims.** Each Party shall be responsible for any Claims made against that Party by a third party, and for the acts of its employees arising under or related to this Agreement.
- 5.2. **Responsibility for Attorney Fees and Costs.** Except as provided for in Section 3.16, in any Claim that may arise from the performance of this Agreement, each Party shall seek its own

legal representation and bear the costs associated with such representation, including judgments and attorney fees.

- 5.3. **No Indemnification.** Except as otherwise provided for in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.
- 5.4. **Costs, Fines, and Fees for Noncompliance.** The Township shall be solely responsible for all costs, fines and fees associated with any misuse of the Oakland Together CVT funds and/or for noncompliance with this Agreement by Public Body Employees.
- 5.5. **Reservation of Rights.** This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.
- 5.6. **Authorization and Completion of Agreement.** The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.
- 5.7. **Compliance with Laws.** Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.

6. **TERMINATION OR CANCELLATION OF AGREEMENT.**

- 6.1. The County may terminate or cancel this Agreement at any time if it determines that the Township has expended Oakland Together CVT funds in violation of CARES Act requirements or this Agreement. Either OCE or the Board of Commissioners is authorized to terminate this Agreement under this provision. If the County terminates or cancels this Agreement, the Township shall be liable to repay the County the amount of money expended in violation of CARES Act requirements or this Agreement. The County may utilize the provisions in Sections 3.15 – 3.16 to recoup the amount of money owed to the County by the Township.
- 6.2. The Township may terminate or cancel this Agreement at any time if it determines that it does not wish to receive any Oakland Together CVT funds. If the Township terminates or cancels this Agreement, it shall immediately return to the County any and all Oakland Together CVT funds it has already received.
- 6.3. If either Party terminates or cancels this agreement they shall provide written notice to the other Party in the manner described in Section 13.

7. **DELEGATION OR ASSIGNMENT.** Neither Party shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
8. **NO THIRD-PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
9. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement.

No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

10. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
11. **PRECEDENCE OF DOCUMENTS**. In the event of a conflict between the terms and conditions of any of the documents that comprise this Agreement, the terms in the Agreement shall prevail and take precedence over any allegedly conflicting terms and conditions.
12. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
13. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (i) the date of actual receipt; (ii) the next business day when notice is sent express delivery service or personal delivery; or (iii) three days after mailing first class or certified U.S. mail.
 - 13.1. If Notice is sent to the County, it shall be addressed and sent to: Oakland County Executive, 2100 Pontiac Lake Rd., Waterford, MI, 48328, and the Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph Road, Pontiac, MI, 48341.
 - 13.2. If Notice is sent to the Township, it shall be addressed to: 5200 Civic Center Drive, Waterford, MI 48329.
14. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
15. **SURVIVAL OF TERMS**. The following terms and conditions shall survive and continue in full force beyond the termination or cancellation of this Contract (or any part thereof) until the terms and conditions are fully satisfied or expire by their nature: Definitions (Section 1); Assurances (Section 5); No Third-Party Beneficiaries (Section 8); No Implied Waiver (Section 9); Severability (Section 10); Precedence of Documents (Section 11); Governing Law/Consent to Jurisdiction and Venue (Section 14); Survival of Terms (Section 15); Entire Agreement (Section 16), and the record keeping, reporting, audit compliance, and fund return provisions of Section 3.
16. **ENTIRE AGREEMENT**.
 - 16.1. This Agreement represents the entire agreement and understanding between the Parties regarding the Oakland Together CVT funds. With regard to the Oakland Together CVT funds, this Agreement supersedes all other oral or written agreements between the Parties.

16.2. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

IN WITNESS WHEREOF, Kimberly Markee, Township Clerk hereby acknowledges that he/she has been authorized by a resolution of the Charter Township of Waterford, a certified copy of which is attached, to execute this Agreement on behalf of the Township and hereby accepts and binds the Township to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Kimberley Markee, Township Clerk, Charter Township of Waterford

WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, David Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
David Woodward, Chairperson
Oakland County Board of Commissioners

WITNESSED: _____ DATE: _____
Oakland County Board of Commissioners
County of Oakland