

UTILITY ADVISORY BOARD

Thursday, February 18, 2021

8:30 am.

AGENDA

1. Approval of Minutes –January 21, 2021
2. Public Comment on Agenda Items
3. Approval of Agenda
4. Sewer Ordinance – Kurt Anderson
5. Updates
 - a. January Awards – Jeff McCaul
 - b. KCCA Individual Circuit Breaker Program – Sam Giffel
 - c. Lake Michigan Filtration Plant Solar – Alison Sutter
 - d. SCADA Security – Wayne Jernberg
 - e. Biodigester - Mike Grenier
6. Public Comment
7. Items from Members
8. Next Meeting – March 18, 2021
9. Adjournment

UTILITY ADVISORY BOARD
Thursday, January 21, 2021
8:30 am.
Minutes
AGENDA

Call to Order

The meeting was called to order by Mr. Hurt at 8:40 am. The meeting was conducted virtually through WebEx.

Members Present

Brad Boomstra, Jenessa Carter, Mark Rambo, Mike Grenier, Wayne Jernberg, Jay Ouzts, Ed Robinette, Todd Boerman, Brian, Vu, Darrel Schmalzel, Jeff McCaul, Kolene Allen, Sam Giffel, Ben Swayze, Chuck Schroeder, Dave Datema, Julius Suchy, Tim Burkman, James Hurt, William Kaiser, Eric DeLong

Others Present:

Elissa Soto (Business Manager, City of Grand Rapids), Joa Oliveria (Energy, Climate and Performance Management Specialist, City of Grand Rapids)

Approval of Minutes – December 17, 2020

Motion by Mr. Schmalzel to approve the December minutes second by Mr. Jernberg.

MOTION CARRIED.

Public Comment on Agenda Items

None

Approval of Agenda

Motion by Mr. Robinette to approve the January agenda second by Mr. Rambo.

MOTION CARRIED.

Financial Update

Mrs. Carter gave an overview of the finances for the GR Water System. The YTD revenue is up by \$1.5 million, and expenses are down by \$729k, and net income is up by \$2.2 million. Mrs. Carter reminded members that she worked with the auditors last year to develop a more accurate revenue accrual process. This created a variance for the retail customers for water and sewer. Retail and wholesale billed volume

has increased by 13%. As a reminder, water rates are built on a three-year billed volume; last year, there was a 2% decrease in the three-year billed volume.

The sewer system is experiencing a billed volume reduction of 5% from the previous FY, and the three-year average is down 2%. The reduction in billed volume is attributed to COVID-19. The YTD revenue is \$21 million, and it is down from the previous FY by \$1.6 million. The YTD expenses are \$6.3 million, and the net income loss is \$3.5 million compared to the previous FY. Mrs. Carter presented the pumped/treated and billed volume for water and sewer. Along with the YTD three-year average for billed flow. Mr. Carter will continue to update the board quarterly.

Mr. DeLong asked if the change in billed flow attributed to commercial or residential users? Mrs. Carter said that the data is indicating that it is commercial users.

EPA Lead and Copper Rule

Mr. Jernberg presented a memo that highlights changes to the LCR at the federal level. Even though changes have been made at the federal level. EGLE has a rule promulgation period of three years to make changes to the State of Michigan LCR. Changes to the LCR at the federal include establishing a ten-ppb trigger level, Find and Fix, and lead in drinking water at school and daycares. If the ten ppb is triggered, it would require additional planning, monitoring, and treatment requirements from water systems.

The find and fix would require water systems to take additional steps when a site exceeds the Action Level, for example, additional sampling and possibly replacing the lead service line. The lead in drinking water at schools and daycare requires water systems to sample 20% of elementary schools and childcare facilities.

Mr. DeLong would like to have a direction or plan for when the new rule is implemented. Mr. Jernberg plans to bring this topic to attention at the next State Water Advisory Council meeting.

Lead and Copper Sampling

Mr. Jernberg presented the board with a memo that gives an overview of the lead and copper sampling results for 2020. The GR Water System received its final sampling results from EGLE last month. The Water System sampled 51 homes; the 90th percentile for lead is nine ppb and zero ppb for copper. Due to COVID-19, staff could not enter homes to collect samples. Instead, homeowners collected their samples. Another explanation for a higher 90th percentile could be the warmer water temperature.

Mr. DeLong asked if the Water System is exploring changes to the corrosion control program? Mr. Jernberg said no, but the system is conducting additional corrosion optimization studies to understand lead levels.

Year-End Report

Mr. McCaul gave an overview of the year-end report of awards for 2020. The four-page report can be found in the January agenda packet.

Grant Application for Cascade & Caledonia

Mr. Jernberg said that EGLE is administering a grant program for Consolidation and Contamination Risk Reduction (C2R2) that would fund drinking water system projects that would remove or reduce PFAS or other contaminants from the drinking water. Each applicant could receive a maximum amount of \$5 million. The Water System is working with Cascade and Caledonia Township to complete their grant application. Mr. Boerman said that Caledonia Township is looking into changing its drinking water source from well to city water.

Mr. DeLong asked if it would be beneficial for the Utility Advisory Board to submit a letter of support for the Caledonia and Cascade Township's grant application. Mr. Jernberg said yes, a letter of support could be included in the application. Mr. Jernberg will draft a letter on behalf of the board.

Motion by Mr. Swayze to submit a letter of support for the Cascade and Caledonia Township's C2R2 grant application second by Mr. Grenier.

MOTION CARRIED.

Lake Michigan Filtration Plant Solar

Mr. Jernberg said that at the last Grand Haven Township Zoning Board meeting, the request for the installation of the solar panels was tabled. The Water System will continue to conduct the various studies that the Grand Haven Township has requested and the potential of installing the panels on a roof.

Biodigester

Mr. Grenier gave an update on the biodigester project. The project is reaching completion, and 95% of the equipment has been installed. The thickening and digested sludge transfer tanks have been programmed and are operational. The CHP Sequencing testing will be complete on January 20, and the

WRRF is scheduled to take ownership on January 25. The installation of the RNG equipment is 100% complete and is being punch listed. The phosphorous removal equipment is 80% complete, and it is on schedule.

Approximately 400 new assets have been added to the asset management program, resulting in over 100 new PMs and over 1,700 new work orders. The task is 80% complete for all three projects. Additionally, staff has completed ten new operational SOPs with 20 new associated work instructions. New lockout/tag out and confined space entry procedures have been created and approved by Risk Management. All master agreement for new equipment has been completed, along with service contracts for generator maintenance and HVAC maintenance. Also, the bio-gas testing contract has been completed.

2020 Water/Sewer Rate Study Revised Tallmadge Rates

Ms. Carter said that since the adoption of the 2020 Water/Sewer Rates, there was a decrease in Tallmadge's water rate and the commodity rate, which caused the monthly meter charge to be negative for meter sizes over 2". The adjustment has no impact on the Water System's revenue requirement and does not impact other partner communities. City Commission will ratify the rate resolution on January 12, 2021.

Public Comment

None

Items from Members

Mrs. Soto introduced herself as the Business Manager for the Utility Business Office. Mr. Jernberg said that the EPA and EGLE informed him that they are looking for utility information for the Needs-Based Survey. Water staff will be working on completing the survey in the next couple of months. Mr. Boerman and Mr. Swayze thanked the Grand Rapids Water System staff for their assistance in completing the C2R2 grant application.

Next Meeting – February 18, 2021

Adjournment

The meeting was adjourned at 9:29 am by Mr. DeLong.

Proposed Sewer Use Ordinance – Rewrite History



Summary of Proposed Sewer Use Ordinance Changes

Substantive changes:

- **Regulatory changes:**
 - Baseline discharge limits for conventional pollutants (BOD, TSS, etc.) (to fill gap where no permit).
 - Amalgam discharges (state and federal requirements).
 - Municipal Civil Infraction authority (federal requirements).
 - Other required changes per state/federal requirements (e.g., IPP streamlining requirements – proportional composite sampling; enforceable BMPs; slug plans; notification requirements).
- **New tools:**
 - General Permits (Nondomestic Users that are not SIUs).
 - Special Alternative Limits (SALs).
 - Pollutant Reduction Plans.
 - Best Management Practices (“BMPs”) and BMP Plans.
 - FOG regulations (Interceptor and Alternative FOG Technology)

Procedural changes:

- Informal Administrative Review Process (not new but clarified to conform to current practices).

Summary of Proposed Sewer Use Ordinance Changes

Organizational changes:

- Grouping of like subjects together (e.g., DPW-related, IPP-related).
- More logical order.
- Ease of administration; make more user-friendly.

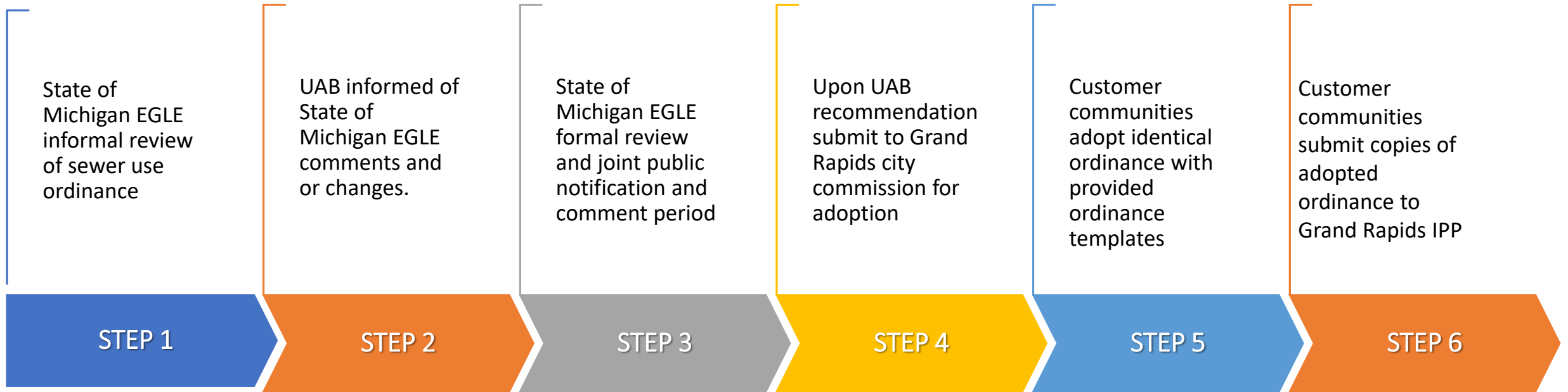
General cleanup:

- Update definitions (outdated, no longer used, consistent with state/federal laws). Add, remove, or clarify language to avoid ambiguities, increase certainty and clarity, minimize likelihood of successful challenges, ensure compliance with City's NPDES permit and state/federal laws.

Retention of current programs:

- Footing drain disconnection program.
- Infill/infiltration elimination provisions.

Proposed Sewer Use Ordinance – Next Steps



City of Grand Rapids

New Sewer Use Ordinance Executive Summary

01-27-21

A proposed new “Sewer Use and Pretreatment” ordinance has been written to replace in its entirety current Chapter 27 (“City Sewage Disposal System”) of Title II (“Utilities and Services”) of Part 2 of the Grand Rapids City Code.

Developed over a several year period, the new ordinance has been drafted and developed with extensive review by, written input from, and consultation with personnel of multiple City Departments, including, but not limited to, Environmental Services, Water, Development Center, the City Attorney’s Office, and the City’s outside legal counsel. At the beginning of the process, the City also retained the services of special legal counsel with extensive experience and specialization in wastewater, industrial pretreatment program (“IPP”), and sewer use ordinance matters to assist with preparing the ordinance.

Following an initial legal and technical review of the current Chapter 27, it became apparent that a large number of changes would be required in order to revise or remove incorrect, inconsistent, ambiguous, outdated, and no longer applicable provisions, and to comply with current requirements of state and federal laws and regulations. Further, there are organizational issues with the current ordinance and provisions scattered throughout the current ordinance that deal with the same or similar subject matter in several different places, sometimes inconsistently.

Working with special legal counsel, the City identified a number of different provisions that City personnel would like to see in the new ordinance to address particular known problems that had arisen when applying the current language of the ordinance to actual past situations; and also provisions that City personnel would like to add to the ordinance to increase the scope and flexibility of the City’s regulatory authority to deal with various types of matters moving forward.

Accordingly, rather than undertake an extensive further “patching” of the current ordinance that would be necessary to correct the issues outlined above, the ordinance has been rewritten and reorganized. Current provisions that deal with various requirements and programs the City wants to retain or that are unique to the City’s sewer-related practices and circumstances have been integrated with recommended revisions into a model template ordinance developed by special legal counsel (for example, the footing drain disconnection program; infill/infiltration elimination provisions; and sewer connection provisions from the existing ordinance have been carried over into the new ordinance).

A number of new administrative and enforcement provisions have been added to ensure that the City has a full array of enforcement “tools” and options to provide the necessary authority and maximum flexibility to effectively and efficiently address everyday IPP-related issues that arise, and be well-equipped to face new challenges to the City’s public sewer and treatment systems emerging now and into the future. A few examples of these new provisions include: authority for

Special Alternate Limits; Pollutant Reduction Plan authority to address PFAS and mercury discharges; enforceable Best Management Practices provisions (“BMPs”); regulation of dental amalgam discharges; and effective fats, oil, and grease (“FOG”) interceptor and alternate FOG pretreatment technology requirements to help minimize sewer clogs and basement backups. The authority of the City to issue violation notices, issue orders, and assess municipal civil infraction fines, combined with an expanded informal administrative appeals process, has also been improved to maximize the opportunities to resolve enforcement proceedings or other disputes early and on an informal basis to minimize the necessity for court proceedings.

And, to the extent possible, similar subjects have been grouped together in proximity to one another to make the ordinance easier to administer and also more user-friendly for City users that need to determine what requirements apply to their discharges.

In general, language has been revised or added throughout the proposed ordinance to clarify, supplement, expand, and improve the City’s authority to administer and implement the ordinance and protect the POTW; to ensure compliance with the City’s NPDES permit; to minimize the likelihood of a successful challenge to the City’s enforcement activities; to encourage efficient and economic resolution of enforcement proceedings on an informal administrative basis without court involvement; and to comply with all applicable state and federal laws as necessary for approval by the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”) and subsequent enactment by the City.

As a “substantial program modification” to the City’s EGLE approved IPP, it will be necessary to submit the new ordinance for EGLE’s review and approval, along with a 30-day joint public notice issued by EGLE and the City. The ordinance would then be brought to the Utility Advisor Board for review and ultimately to the City Commission for review and approval.

An Article-by-Article overview of the proposed new ordinance is set forth below. It is not intended to be an exhaustive listing of all of the subjects addressed by the ordinance. For more detailed information, please consult the ordinance’s table of contents and/or the text of the ordinance itself.

Article 1. In General

This Article sets forth the legislative findings; purposes, objectives, and scope of the ordinance; and the definitions of terms used throughout the ordinance.

Findings:

The legislative findings include the need for effective regulations consistent with state and federal laws to assure the quality of discharges into the City’s sewer system and the City’s Water Resource Recovery Facility (“GRWRRF”) to protect the systems, their operation, and infrastructure and to assure the quality of discharges from the GRWRRF into the Grand River to prevent degradation of the river.

(The City’s sewer system and GRWRRF are collectively referred to as the publicly owned treatment works or “POTW.”)

Purposes:

The purposes of the ordinance include the following: To establish minimum standards, rules, and regulations with respect to the use of the POTW; to provide for rates and charges for connection to and use of the POTW; to establish limits for the discharge of pollutants into the POTW; and to enable the POTW to protect the public health, safety, and welfare, and the environment.

Objectives:

The objectives of the ordinance include the following:

To establish uniform requirements for discharges by all users to the POTW, and to enable the City to comply with the City's NPDES Permit and applicable State and Federal laws;

To prevent the discharge of wastewater or pollutants into the POTW that do not meet applicable pretreatment standards and requirements, that could interfere with the operation of the POTW, that could pass through the POTW into the receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW, that could inhibit or disrupt the POTW's processing, use, or disposal of sludge, that could cause health or safety problems for POTW workers, or that could result in a violation of the City's NPDES permit or of other applicable laws and regulations;

To regulate the discharge of wastewater and/or pollutants to the POTW or the environment and to enforce the requirements of the ordinance through the issuance of permits and through other means as provided by the ordinance;

To authorize and require all inspection, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations;

To provide for the equitable distribution and recovery of costs from users of the POTW sufficient to administer regulatory activities; and

To otherwise protect the public health, safety, and welfare, and the environment.

Scope:

The ordinance applies to all discharges by any person to the POTW. The ordinance also applies to any person owning, using, constructing, or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the City or under the City's jurisdiction.

The ordinance requires any other local unit of government that discharges into the POTW (or that has users or premises that discharge into the POTW), as a condition to discharge: (1) to adopt and keep up-to-date a sewer use ordinance substantially identical to the City's ordinance with respect

to IPP-related provisions that apply to discharges to the POTW and to designate the City to act as the local unit's agent for purposes of administering and enforcing the those IPP-related provisions within the local unit; and (2) to enter into an interjurisdictional agreement with the City that allows the City, as the designated control authority for the POTW, to implement and enforce its IPP-related provisions with regard to users throughout the City's service area and regardless of jurisdictional or political boundaries.

The ordinance makes it unlawful for any person to discharge any wastewater or pollutant to the POTW or to any storm sewer or natural outlet within the City or in any area under the jurisdiction of the City, except in full and timely compliance with the provisions of the ordinance and other applicable laws and regulations. If any User discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by the ordinance, the City may take any action as provided by the ordinance or other applicable laws or regulations to assure and require compliance with the provisions of the ordinance.

Definitions:

Article 1 contains the main definition section for the ordinance. There are additional definitions in other Articles and Sections where the terms used pertain specifically to the subject matter being addressed by those Articles or Sections (e.g., Footing Drain Connection Program; Dental Amalgam; Amalgam Separators).

Article 2. Use Of Public Sewers Required; Private Wastewater Disposal

This Article includes a declaration that a public sanitary sewer system is essential to the health, safety, and welfare of the people of the City, and further, that septic tanks or other similar private wastewater disposal systems are subject to failure that creates the potential for transmission of disease and a threat to the quality of surface and subsurface waters.

This Article requires that where public sewer is or becomes available, a property served by a private wastewater disposal system must connect to the public sewer and abandon the private system in accordance with applicable City, County, and State requirements. If public sewer is not available, a private wastewater disposal system must conform with the permitting and construction requirements provided by this Article and by other applicable City, County, and State requirements.

Article 3. Sewer Use Standards

This Article provides the procedures, standards, and requirements applicable to obtaining sewer service; sizing and extension of sewer lines; property owner responsibilities for building sewers; connection permits; sewer connections; and wastewater meters. It also prohibits the connection to the public sewer of roof drains, footing drains, basement waterproofing systems, and storm drains; and authorizes the City to order such facilities to be disconnected.

Article 4. Footing Drain Disconnection Program

The Footing Drain Disconnection Program (“FDD”) is intended to promote the public health, safety and welfare by reducing improper stormwater inflow connections in a cost-effective manner; reducing or eliminating instances of surcharged sanitary sewers caused by improper stormwater inflows; reducing the occurrence of sanitary sewer backups into occupied structures; maximizing the efficient operation of the POTW; and to assist the City in complying with its NPDES permit and related applicable laws and regulations.

This Article sets forth the authority, procedures, requirements, and regulations for the FDD program, including provisions regarding participation/non-participation in the program; responsibility, billing, and eligibility of reimbursement of disconnection costs; FDD funding caps; approved contractors; and responsibility for maintenance, repair, and replacement of FDD equipment, facilities, and systems.

Article 5. Building Sewers; Elimination Of Inflow/Infiltration

This Article provides the procedures and regulations for the City’s program to encourage and facilitate the elimination of inflow and infiltration from building sewers into the public sewer for purposes of compliance with the State combined sewer overflow and sanitary sewer overflow requirements and regulations.

Article 6. Discharge Prohibited Without Required Approvals, Permits, And Treatment

This Article contains general prohibitions and regulations regarding discharges of various types of polluted and unpolluted water to sanitary sewers, storm sewers, or waters of the State and provides the City with the authority to order disconnection of unlawful discharges and connections.

Article 7. Regulation Of Discharges To The POTW

This Article prohibits discharges that do not comply with specified general and specific discharge prohibitions and limits (narrative and numeric), including discharges that interfere with the wastewater treatment processes or “pass-through” the GRWRRF; sets forth the minimum requirements for a user discharges to the POTW; requires compliance with applicable state and federal pretreatment standards and requirements; and authorizes the GRWRRF to refuse or condition discharge of wastewater that does not meet applicable standards and requirements.

For significant industrial users and other nondomestic users that are issued a permit, the users discharge limits shall be subject to the discharge limits (concentration or loadings) as specified in the user permit. Users that have not been issued a permit shall be subject to the Standard Local Limits listed for the toxic and compatible pollutants as specified by the ordinance.

This Article also provides authorization to develop:

Special Alternative Limits (“SALs”) in place of one or more pollutant parameters discharged by individual nondomestic users to the POTW as specified in a user’s permit; and

Pollutant Reduction Plans for any regulated pollutants (including, but not limited to, mercury, PCBs, and PFAS) discharged by a user that may cause interference or pass through; adversely impact the POTW, its processes or beneficial use of biosolids; cause noncompliance with applicable federal or state laws or regulations; cause the POTW to violate its NPDES permit, or otherwise fail to meet the purposes and objectives of the ordinance. Pollutant Reduction Plans shall include requirements and conditions regarding user source identification; best management practices; schedules of compliance; monitoring, sampling and analysis; reporting; treatment system for removal of the pollutant from the discharged wastewater; and other requirements and conditions as determined necessary by the City Manager.

Article 8. User Permits

This Article sets forth the procedures and requirements to issue discharge permits to nondomestic users that meet certain criteria (e.g., significant industrial users) and the authority to issue permits to other users where there is the potential for those users' discharges to adversely impact the sewers or treatment processes. It includes permit application requirements; provisions regarding permit issuance or denial; authority for permit conditions and permit discharge limits; and provisions for permit duration, modification, reissuance, suspension, revocation, transfer, permit fees, and appeals.

Article 9. Reporting And Notice Requirements

This Article requires nondomestic users (i.e., non-residential users) to comply with reporting, notice, record-keeping, and signature and certification requirements with respect their discharges to the POTW. It includes reports required by state and federal laws for categorical users subject to categorical pretreatment standards and requirements; non-categorical user reports; and user notices of such things as potential problems, violation of pretreatment standards, and discharges of hazardous wastes. It contains requirements that apply to all required reports, notifications, and written submissions, including user signature and certification requirements.

Article 10. Sampling, Analysis, And Monitoring Requirements

This Article provides the minimum requirements for sampling, analysis, and monitoring for nondomestic user discharges to the POTW, including provisions related to required sampling and analytical techniques and procedures; sampling frequency, sample types, sampling equipment and location, and sampling costs; self-monitoring; sampling by the POTW; split samples; maintenance, repair, and calibration of sampling equipment; and required sampling structures and devices.

Article 11. Accidental Discharges

This Article contains the required procedures for nondomestic users to prevent and mitigate the effects of accidental discharges to the POTW. It includes provisions related to designation by each user of the persons in charge of discharges to the POTW; description of chemicals stored, used, or manufactured by the user; secondary containment requirements; pollution incident prevention

plans; posting of accidental discharge information; notice of accidental discharge; and slug control plans.

Article 12. Upset And Additional Affirmative Defenses

This Article sets forth the requirements necessary to establish the upset defense and other affirmative defenses under state and federal laws for noncompliance for various discharge violations.

Article 13. Bypass

This Article establishes the requirements applicable to bypasses of required pretreatment facilities, including the general bypass prohibition and applicable notice requirements, as provide by state and federal laws.

Article 14. Confidential Information

This Article contains provision regarding the treatment by the POTW of confidential user information submitted to or obtained by the City in the administration of the ordinance.

Article 15. Records Retention

This Article sets forth the requirements for nondomestic users to retain and preserve records, including, books, documents, memoranda, reports, correspondence and similar materials, related to matters regulated by the ordinance.

Article 16. Administration Of The POTW

This Article provides that the operation, maintenance, alteration, repair, and management of the POTW is under the supervision and control of the City Manager (which includes the City Manager's designees), including the City Manager's authority to establish laws, rules, regulations, and procedures to meet the purposes and objectives of the ordinance subject to the rights powers and duties reserved to the City Commission. It also sets forth various powers of the City Manager with respect to implementation of the ordinance, including various IPP- and enforcement-related actions.

Article 17. User Pollution Controls

This Article contains the authority to require nondomestic users to provide pretreatment of discharges to the POTW as necessary to meet applicable discharge limits and pretreatment standards and requirements; to require the proper operation and maintenance of pretreatment equipment; to require users to halt or reduce activity to meet applicable standards and requirements; to require users to mitigate adverse impacts of discharges to the POTW; to implement required best management practices; to require fat, oil, and grease interceptors and other required alternate pretreatment technology; and to enable the City to comply with applicable

state and federal requirements applicable to the discharge mercury containing dental amalgam from dental offices.

Article 18. Enforcement

This Article sets forth the authority of the City to carry out various enforcement related activities consistent with the purposes and intent of the ordinance, including provisions related to: inspection, surveillance and monitoring authority; right of entry; publication of users in significant noncompliance; notices of violation; enforcement orders; municipal civil infractions; criminal penalties; cost reimbursement; determination of number of violations; severance or suspension of sewer service; and judicial relief and remedies.

Article 19. Administrative Review And Appeals

This Article provides informal administrative review and appeal processes for any person aggrieved by a notice of violation, order, final decision, final determination, or other final action taken by the City Manager under the ordinance. The Article includes the procedures and requirements to request the informal review, including deadlines to request review, required documentation and information, and other matters.

The person aggrieved must request an informal review and reconsideration of the action by the City Manager. Following the review, the City Manager may affirm or reverse, in whole or in part, the action for which the review was requested, or may make any order, requirement, determination, or decision that in the City Manager's opinion ought to be made in the case under consideration. The person that requested the review is notified of the City Manager's final decision in writing within 30 calendar days of the meeting. The City Manager's decision on the matter is a final determination for purposes of judicial review in a court of competent jurisdiction

Article 20. Protection From Damage

This Article makes it unlawful for any person to break, damage, destroy, uncover, remove, deface or tamper with any structure, appurtenance, equipment, valve, asset, equipment, or infrastructure that is part of the POTW, subject to the sanctions and remedies as provided by the ordinance.

Article 21. Municipal Liability

This Article provides that the City is not responsible for interruptions of service due to natural calamities, equipment failures, or the actions of users.

Article 22. Use Of Public Sewers Conditional

This Article provides that use of the POTW is conditional upon the user complying with all applicable provisions of the ordinance, the rules and regulations promulgated pursuant to the ordinance, user permits, and all other applicable local, state, and federal laws, rules, regulations, standards and requirements.

Article 23. Industrial Pretreatment Program Fees

This Article provides for the recovery from users of the POTW costs that are incurred by the City in connection with the administration and implementation of the City's IPP established by the ordinance and as required by applicable State and Federal laws and regulations. The IPP fees are established from time-to-time by the City and are set, to the extent possible, to reflect the average cost of providing each IPP service. In addition to the IPP fees established by the City, the ordinance provides for the recovery of additional costs in connection with IPP-related activities undertaken by the POTW with regard to a particular user's discharges. The IPP fees are separate from, and in addition to, amounts chargeable to users for sewage disposal services, and costs required to be paid or reimbursed to the City and/or the POTW under any other provisions of the ordinance or other laws and regulations.

This Article also includes provisions regarding surcharges for treating handling or treating a discharge of wastewater that contains pollutants in excess of specified surcharge threshold concentrations, loadings, or other applicable limits. These costs may include, but are not limited to, the actual cost of treatment, including chemical, equipment, and personnel costs. Surcharge threshold limits and surcharge rates for any pollutant parameter for which a surcharge is determined appropriate by the City Manager are to be established from time to time by resolution of the City Commission

This Article also provides for billing and collection of IPP fees and surcharges.

Article 24. User Rates And Charges

This Article contains provisions regarding the establishment and billing of rates and charges for the installation of, connection to, and use of the POTW. The rates and charges are for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation, depreciation, and replacement of the POTW and a reasonable rate of return of the City's investment in the POTW. Such rates and charges along with other miscellaneous charges are to be established from time to time by resolution of the City Commission typically following an annual rate study. This Article also contains provisions related to user classes, determination of user charges.

Article 25. Plainfield Charter Township Sanitary Sewer System

This Article contains provisions applicable to users located within the City but use the Plainfield Charter Township sanitary sewer system for the transport of sewage for treatment and disposal by the North Kent Sewer Authority System pursuant to the applicable agreements between the City and the Township. Such user's discharges shall be governed by the Authority's discharge regulations to be administered and enforced by the City Manager.

Summary of Sewer Use Ordinance Changes

1. **Add language to create and enforce general permits with BMPs (breweries, laundries, car washes, etc).** [Proposed ordinance Section 2.67.01](#)

Why? Current ordinance only allows for administering Significant Industrial User (SIU) permits, which require annual inspections, minimum sampling by the SIU and the city due to federal regulations. General Permits can be administered and are not subject to the more expansive federal SIU permit requirements, allowing greater flexibility in permitting and managing wastewater discharges to the Grand Rapids POTW.

2. **Add baseline discharge limits for conventional pollutants (BOD, TSS, etc).** [Proposed ordinance Section 2.66.01](#)

Why? To prevent a non-permitted facility to discharge compatible pollutants unrestricted thus having the potential to impact the POTW with high strength waste discharges.

3. **Expand language to incorporate state and federal requirements for Dental Amalgam.** [Proposed ordinance Section 2.76.09](#)

Why? To provide the city with the authority to adequately address dental amalgam while adding language to the ordinance consistent with the state and federal requirements.

4. **Update the minimum fines to match the federal requirements.** [Proposed amendment to section 9.857.27 of chapter 170.](#)

Why? Enforcement of fines for MCIs in the court system has left the decision of the amount of the fine to the court system without complying with the federal requirements. This will ensure that future fines will meet the federally required minimums.

5. **Add Special Alternative Limits (SALs) language to include this new tool to the ordinance.** [Proposed ordinance Section 2.66.01\(C\)](#)

Why? SALs provide flexibility to allow providing an industry with a special alternative limit for a pollutant when certain circumstances are met.

6. **Expand trucked or hauled waste provisions to require that trucked or hauled waste must be approved by the city manager in accordance with the ordinance and any regulations specified by the City of Grand Rapids.** [Proposed ordinance Section 2.66.01\(B\)\(10\)](#)

Why? Due to the biodigesters and the possibility of accepting trucked or hauled waste at the POTW, additional requirements are necessary to ensure permitting and regulating in accordance with state and local regulations and to protect the WRRF.

7. **Update Pollutant Reduction Plan language to include PFAS and other pollutants.** [Proposed ordinance Section 2.66.01\(D\)](#)

Why? Due to State PFAS initiatives, Pollutant Reduction Plans for PFAS are a necessary tool to assist the city in meeting the State initiative of reducing/eliminating PFAS.

8. **Best Management Practices and Plans (BMPP's) section added with enforceable implementation schedule.** [Proposed ordinance Section 2.76.07](#)

Why? To allow another tool for the city to control, reduce or prevent discharge of wastewater or pollutants to the POTW. Included submission timelines, BMPP requirements, and permit medication language. Required by state and federal regulations.

9. **Utility Vaults discharging to the sanitary sewer can be charged a fee similar to footing drains opt out fee based on current ordinance Section 2.115.** [Proposed ordinance Section 2.83.04](#)

Why? There is a cost of treatment for stormwater discharged to the POTW. This fee recoups that cost.

10. **Catch basins connected to sanitary sewer can be billed similar to the roof drain program.** [Proposed ordinance Section 2.83.04](#)

Why? Catch basins improperly connected to the sanitary sewer create additional water flow to the POTW, there is a cost of treatment, the fee recoups that treatment cost.

11. **City cannot be required to sign confidentially agreements or contractor forms as a condition for entry, inspection, monitoring or any other purpose.** [Proposed ordinance section 2.77.01\(C\)](#)

Why? Additional clarification language was needed based on confidentiality issues occurring at inspections. The right of entry section has been expanded to cover photographs and video recordings necessary to document industrial processes and to indicate city IPP personnel are not contractors.

12. **Added language that oil/water separators are installed at gas stations to collect any fuel/oil spills and cannot be connected or discharged to sanitary sewer. Provisions revised so as to not cause conflict within the ordinance which currently indicates to discharge to building drainage system (Section 2.66 (1)(d)). Oil/water separators must discharge to onsite storm system containment/detention system.** [Proposed ordinance Section 2.76.08 \(C\)\(3\)](#)

Why? To prevent the release of flammable liquids to the sanitary sewer which is a prohibited discharge and a safety issue.

13. **Radioactive waste shall not be discharged except for exempted discharges per 10 CFR Part 20 or interfere with operation of POTW** [Proposed ordinance section 2.66.01\(B\)\(19\)](#)

Why? Clarification to add any applicable local, state, or federal laws, rules or regulations that address radioactive waste.

14. **Change inspection and monitoring availability to anytime determined necessary to protect POTW and/or public health and safety** [Proposed ordinance Section 2.77.01\(B\)](#)

Why? To remove ambiguity of the term “reasonable” times for inspection. City IPP personnel need to be able to access facilities that discharge to the sanitary sewer system at any time.

15. **Inspections and monitoring – add language that photographs can be taken and can be subject to the confidentiality rules except for areas that require intrinsically safe electronic equipment.** [Proposed ordinance Section 2.77.01\(B\)](#)

Why? Additional language for photographs and video recordings to document facility treatment systems or processes is needed in response to issues that have arisen during inspections.

16. **Add language requiring grease interceptor maintenance records must be maintained for 3 years.** [Proposed ordinance Section 2.76.08\(A\)\(8\)](#)

Why? Grease interceptor maintenance records are reviewed during site inspections to demonstrate user compliance with maintaining treatment equipment; this mirrors the federal pretreatment regulations for records retention

17. **Add language for wastewater discharge temperature allowed to POTW is at or below 140 degrees to match plumbing code.** [Proposed ordinance Section 2.66.01\(B\)\(6\)](#)

Why? Mirror the plumbing code for temperature to protect piping and worker safety.

18. **Add language that any requests for permit limit review be made in writing or at the time of permit application or renewal.** [Proposed ordinance Section 2.67.14](#)

Why? To obtain and record documentation of permitted industrial user requests for permit limit reviews and changes. Industry requests were coming through phone calls, which are hard to document all the request details accurately.

19. **Add language for compliance schedules and or consent orders that can be utilized to return industrial user back to compliance.** [Proposed ordinance Section 2.77.03\(F\)](#)

Why? Compliance schedules are used with industrial users who are operating in good faith to return to compliance. Consent orders are used when user is not acting in good faith, failing to implement changes to return to compliance, or to otherwise resolve compliance proceedings.

20. **Remove Section 2.107 in its entirety and just include it by reference to the water system rules and regulations.** [Proposed ordinance section 2.83.08](#)

Why? This issue came up at an admin hearing with an industry where the language in the water system rules and regulations did not reflect the IPP description of wastewater metering. The rules and regulations IPP sections have been changed to reflect current practices. This change also addresses when the water system rules and regulations are changed, the sewer use ordinance does not have to be updated.

21. **Revise sewer meter failure language: remove the words “in dispute” based on administrative hearing decision.** [Proposed ordinance Section 2.62.05\(E\)](#)

Why? Language should be changed to failure, suspected failure, and or notification by user that meter is out of service or not properly registering accurate flow. The wastewater volume will then be calculated to determine the average daily flow based on the last 30 days of metered sewer volume when the sewer meter was in service and registering accurate flow and used for sewer commodity and surcharge volume for the time period the sewer meter was out of service. During an administrative hearing with an industrial user, they did not dispute the meter inaccuracy, however the terms for a water meter and wastewater meter were not defined accurately and led to confusion.

22. **Include in sewer meter language that for new facility construction, no discharge is permitted until sewer meter is installed, verified, and calibrated.** [Proposed ordinance section 2.62.05\(E\)](#).

Why? This is to prevent an industry from having to change plumbing and wastewater metering on new facility construction when the industry fails to contact IPP to discuss proper placement and potential permitting that may affect the plumbing and wastewater metering.

23. **Add sampling language to current ordinance to conform with state and federal pretreatment regulation requirements.** [Proposed ordinance Section 2.69\(D\), 2.69.03](#)

Why? To match language and be consistent with the state and federal pretreatment regulations regarding sampling violations and resampling requirements.

24. **Add language to allow use of COD or BOD concentrations to determine surcharges. Current ordinance allows BOD only.** [Proposed ordinance Section 2.66.01\(Table 1A\)](#)

Why? Certain industrial process discharges cause interference or toxicity to the BOD test resulting in invalid samples. The BOD analytical test requires 5 days to run along with additional days for QA/QC review. This causes a lag in receiving results and knowing if the results are valid. The COD analytical test takes 4 hours to run and does not have a biological component to it and does not cause toxicity issues. This will allow IPP to receive and review results faster and have valid sample results.

25. Update grease interceptor language, remove minimum 1000-gallon 3 compartment language. [Proposed ordinance Section 2.76.08](#)

Why? The Fats, Oils and Grease (FOG) section of the ordinance included outdated requirements for grease interceptors that did not keep up with current FOG technology, there are smaller, higher capacity interceptors that are tested, validated, and outperform the old 1000 gallon, 3 compartment outside interceptor. The updated FOG language provides more flexibility in addressing FOG issues and explains requirements for industries more clearly.

26. How to differentiate between daily maximum limit and instantaneous limits for local limit table. [Proposed ordinance Section 2.60.03, 2.66.01 \(Table 2\)](#)

Why? Definitions added to clearly define the difference between and daily maximum sample and an instantaneous sample as it relates to enforcement of limits in Table 2. Definitions added to explain current IPP process for enforcing violations.

27. Add language that footing drain disconnection area must be real property. [Proposed ordinance Section 2.63.02](#)

Why? This is to clearly define that FDD project areas must be real property within the city to be considered as a designated project area.

28. Update language for informal administrative review process. [Proposed ordinance Section 2.78.01](#)

Why? To update the current ordinance language to correspond to our current practice.

Water/Sewer UAB Report
January 2021

[illegible]

Kent County Community Action (KCCA)
Water/Sewer Assistance - Individual Circuit Breaker Program (ICBP)
Contract Years 2020 & 2019
Fourth Calendar Quarter - October 1 thru December 31

	2020		2019	
	Q4	YTD	Q4	YTD
City of Grand Rapids				
ICBP Authorized	\$ -	\$ 120,486.00	\$ -	\$ 140,923.00
Non Operating Revenue Authorized	\$ -	\$ 80,000.00	\$ -	\$ 80,000.00
Carryover	\$ -	\$ -	\$ -	\$ 6,199.07
Draw Disbursement(s)	-	(200,486.00)	-	(140,923.00)
Available ICBP Balance	\$ -	\$ -	\$ -	\$ 86,199.07
KCCA				
Carryover	\$ -	\$ -	\$ -	\$ 6,199.07
Draw Receipt(s)	-	200,486.00	-	140,923.00
Available ICBP Balance	\$ -	\$ 200,486.00	\$ 22,984.77	\$ 147,122.07
Total Assistance Award(s)	\$ (29,605.89)	\$ (91,355.20)	\$ (29,747.31)	\$ (133,029.77)
Total Administrative Fee(s)	(5,838.39)	(15,553.73)	(2,799.65)	(14,092.30)
Total ICBP Used	\$ (35,444.28)	\$ (106,908.93)	\$ (32,546.96)	\$ (147,122.07)
Remaining ICBP Funds Already Drawn	\$ 93,577.07	\$ 93,577.07	\$ -	\$ -
ICBP Funds Available for Draw		\$ -		\$ 86,199.07
ICBP Funds to be Refunded to Rates		\$ 13,577.07		\$ -
Demographic Summary				
Household(s) Served	104	283	100	426
Person(s) Served	296	842	314	1,306
Average Household Size	2.80	2.98	3.14	3.07
Single Head of Family Served	37	91	53	119
Average Assistance Amount	(\$284.67)	(\$322.81)	(\$297.47)	(\$312.28)
Failed Screening Process	0	10	7	10
Denied After Completed Process	0	1	0	0
Repeat Household(s) Served	28	32	25	42
Jurisdiction Summary				
Grand Rapids	98	274	141	523
Cascade Township	0	0	0	0
Grand Rapids Township	0	1	0	0
Kentwood	2	3	0	2
Tallmadge Township	0	0	0	0
Walker	4	5	2	3
Wright Township	0	0	0	0

