

**Village of Beverly Hills
Regular Village Council Meeting
Tuesday, January 3, 2023**

**Municipal Building
18500 W. 13 Mile Road
7:30 p.m.**

Zoom link: <https://us02web.zoom.us/j/84069014573>

Meeting ID: 840 6901 4573

Dial in: 1-646-876-9923 (US)

AGENDA

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of [minutes](#) of a regular Council meeting held December 20, 2022.
2. Review and file [bills](#) recapped as of Tuesday, January 3, 2023.

Business Agenda

1. Review and consider subcommittee's [recommendation](#) for an appointment to the Planning Commission.
2. Public hearings to receive comments on proposed Ordinance 383, amending Chapter 22, Section 22.08.290; Ordinance 384, amending Chapter 22, Section 22.09; and Ordinance 385, amending Chapter 30 of the Municipal Code.
3. First reading of [Ordinance 383](#), amending Chapter 22, Section 22.08.290 of the Municipal Code.
4. First reading of [Ordinance 384](#), amending Chapter 22, Section 22.09 of the Municipal Code.
5. First reading of [Ordinance 385](#), amending Chapter 30 of the Municipal Code.

Public Comments

Manager's [report](#)

Council comments

Adjournment

This will be a hybrid meeting held in person in the Village Council Chambers with a remote participation option available via Zoom due to the COVID-19 pandemic.

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

REGULAR COUNCIL MEETING MINUTES – DECEMBER 20, 2022 – PAGE 1

Present: President George; President Pro-Tem Hrydziusko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and White

Absent: None

Also Present: Village Manager, Campbell via Zoom
Village Clerk/Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:30 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Hrydziusko, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion by Mooney, second by Hrydziusko, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held December 6, 2022.
2. Review and consider approval of minutes of a Closed Session meeting held December 6, 2022.
3. Review and file bills recapped as of Monday, November 21 and Monday, December 19, 2022.
4. Review and consider authorizing Administration to publish request for proposals (RFP) for cyber security services.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA**REVIEW AND CONSIDER PURCHASE OF A VEHICLE FOR THE PUBLIC SAFETY DEPARTMENT**

Torongeau provided an overview of the request. The Public Safety Department is respectfully requesting to replace one unmarked Detective Bureau car with funds from the 2023 budget. The purchase would be for one 2023 Chevy Malibu LT bought from Berger Chevrolet in Grand Rapids Michigan. Berger has been selected as both the state of Michigan and Oakland County cooperative purchase bids provider. The Village has purchased previously from Berger with very positive results. The total cost of purchasing this vehicle is \$22,082.00.

The car to be replaced is a 2007 Dodge Charger with over 81,000 miles. This decommissioned car would then be offered for sale via a website used for car selling and purchasing that the department is currently utilizing. Resulting revenues would be deposited into the vehicle fleet account for future vehicle purchases.

Funds are available from the Capital Expenditures Account 205-900-980.02 for Police Vehicle Purchase.

Motion by Abboud, second by Mooney, be it resolved, the Beverly Hills Village Council approves the purchase of a 2023 Chevy Malibu LT from Berger Chevrolet in Grand Rapids, Michigan in the amount of \$22,082.00 for the Public Safety Department. Funds are available in Account #205-900-980.02.

Roll Call Vote:
Motion passed (7-0)

SECOND ANNOUCEMENT OF A VACANCY ON THE PLANNING COMMISSION

Campbell made the second announcement of a vacancy on the Planning Commission. There is a vacancy on the Planning Commission for a partial term ending June 30, 2025.

The Planning Commission generally meets on the fourth Wednesday of the month at 7:30 p.m. The Planning Commission advises Council regarding the proper physical development of Beverly Hills. The Commission recommends ordinances or amendments to existing ordinances. It also makes recommendations on zoning changes, site plan developments, and special approval uses.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Planning Commission. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted to the Clerk's office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025). Applications are due Tuesday, December 27, 2022.

SET 2023 STRATEGY SESSION MEETING DATE

George provided an overview. Each year in January the Village Council and Administration hold a special strategy meeting to discuss goals and priorities for the upcoming calendar year. This item was before Council to set the meeting date. Administration recommended setting the strategy session for Saturday, January 7, 2023 at 9:00 a.m.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council sets a special meeting date for Saturday, January 7, 2023 at 9:00 a.m. in the Village Council Chambers located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025 for the purpose of holding the annual strategy session.

Motion passed.

DISCUSS LIAISON ASSIGNMENTS

George provided an overview of the Council Liaison assignments for the 2022-2024 term. Members of Council were appointed as liaisons and alternates to various Boards, Commissions, and subcommittees.

Mooney asked Administration who would be on the Council subcommittee for the upcoming Planning Commission appointment. Rutkowski stated that O’Gorman (chair), Abboud, and George would serve on the subcommittee. Traditionally, the liaison serves as the chair and the other two members are appointed alphabetically.

UPDATE ON THE MICHIGAN NATURAL RESOURCES TRUST FUND ACQUISITION GRANT APPLICATION

George provided an update on the Village’s Michigan Natural Resources Trust Fund (MNRTF) Acquisition Grant application. Members of Council and Administration attended the MNRTF meeting on December 14, 2022 where the Board recommended awarding the Village of Beverly Hills \$1,000,000 for the acquisition of the property located at 30815 Wendbrook Lane. He spoke about the difference between development and acquisition grants and that the Board focused more on acquisition grants this year since there is development funding available through the Michigan Spark Grant. He talked more about the meeting and the financial update that was provided which was based on September 30, 2022 figures. He discussed the Board’s gains and losses, which may have accounted for the Village not receiving the full amount requested, which was \$1.5 million. Nonetheless, he noted local governments received about \$4 million total, of which the Village received \$1 million. He said the Village is not precluded from applying for the remaining balance next year. He said the plan is to meet with Six Rivers Land Conservancy, who helped with the grant application, to discuss the options going forward. The Village will look for additional funding sources. He talked about an estimated timeline and said he believes the Village would have until 2024 to complete the acquisition. He said the project is now 75% funded and this is a great and rare opportunity.

Hrydziusko, who was also at the MNRTF Board meeting, stated that there were several local communities who had multiple grant applications in for one jurisdiction and that they were approved. She was hopeful for the Village moving forward.

O’Gorman clarified that it would be 4 to 6 months before the Legislature even appropriates the funding for the grant and the Project Agreement does not need to be approved until mid-2024, so there is time to vet the options and better understand the alternatives.

Kecskemeti clarified that the Board would allow the Village to apply again next year. She stated that the Council is not obligated to accept the grant.

White noted that he is the owner of the subject property, which is why he has been silent during the discussion. He asked to be recused from any further discussion on this matter.

Motion by Mooney, second by O’Gorman, the Beverly Hills Village Council recuses Council member White from any discussion or action regarding the MNRTF grant and/or the acquisition of the property located at 30815 Wendbrook Lane.

Motion passed.

Mooney stated that the Village is 4 square miles and home to 5 parks, 3 of which are on the Rouge River. He said he does not think the Village needs to acquire more park land. He said not developing this land would mean the Village is missing out on tax dollars. He was concerned where the remaining \$500,000 would come from for the acquisition. He stated the rehabilitation and development of a park at this location would cost even more money. He said the Council should focus on the development of east side parks instead of trying to acquire this land. He was further concerned because Council member White owns the subject property and said the Village cannot purchase land from a Council member. He was concerned about any legal ramifications.

George said that he appreciated Mooney's thoughts. He said there are other options available to acquire the property. He referred back to the February 1, 2022 Council meeting and said it appears that everyone is acting in good faith. He said the challenge going forward is to fill the funding gap. He looks at this as an opportunity to problem solve. He said he is happy to lead the team to get this accomplished and said the Village is fortunate to receive \$1 million.

PUBLIC COMMENTS

David Tobaben, Orchard Way, wished Beverly Park a happy 100th birthday. He said maintenance at Beverly Park seems to be an ongoing problem. He commented on the Parks budget. He said the Village should take care of what it has before adding more.

Karen Daykin, Buckingham, said she has watched the changes in the community over the last several years. She said the buckthorn removal project has been a big step and has beautified the parks. She said she is thrilled about the sidewalk program. She said the acquisition of property on the Rouge River would be great. She thanked Council for their vision and persistence.

Dale Wolicki, Amherst, agreed with Mooney's comments regarding the development of taxable property. He said that he did not think there was mention in the Village Master Plan about acquiring the property to turn it into a park. He said the Village should focus on maintenance.

Roger Meyers, Hampton, via Zoom, regarding the MNRTF grant, said the Village is partly along in the race and has hit a big milestone. He said a decision does not need to be made at this point in time and that there are opportunities available to bridge the gap. He said it is difficult to see the downside of the acquisition, especially during hard financial times.

MANAGER'S REPORT

14 Mile Construction Update - Administrative staff met with HRC and the contractor, ASI, on December 14, 2022. Weather permitting, ASI was scheduled to finish the grading and landscape blanket on Friday, December 16. Additional repairs to the approaches and other issues will be completed over the winter months. The road is open and striped. Additional work may require a flagger and will be done as time and weather allows.

Holiday Trash Pickup - Trash pickup will not be interrupted during the holidays. Trash will be picked up on normal days the week of December 26th and January 2nd.

Christmas Tree Chipping - Comeau will be chipping Christmas trees the weeks of January 2 and January 9, 2023. Please remove all decorations and plastic bags and place trees at the curb to be chipped.

Winter Storm – A snowstorm may occur in the area this Thursday night or Friday morning. Please look out for snow emergency notices on the Village website, Facebook page, and email blast.

COUNCIL COMMENTS

White stated that sidewalks are important for the community. He said people will enjoy them and they will last a long time. He noted that the Michigan Spark Grant was made possible by ARPA funding and so far, there were 600 open applications. He said he was not sure how many of those would be funded. He wished everyone Happy Holidays.

Keckskemeti said she appreciated tonight's robust discussion. She agreed with Mr. Meyer's comments. She said the potential acquisition of the property was not planned, but it is a once in a generation opportunity. She said the Council is not making a decision at this moment. She thanked Council and Administration for their work so far. She said she was working with Administration and HRC on updates to Chapter 30 of the Municipal Code.

O'Gorman wished everyone great and safe holidays. He congratulated those who worked on the MNRTF grant for being offered \$1 million. He said \$1 million is no small amount and is a great start. He said we could have the opportunity to enjoy nature in our own backyard.

Abboud provided an update on SEMCOG's green task force initiative. He encouraged Council to attend MML's weekender courses, which they can earn credits for. He gave an update on the Senior Advisory Council. There is ARPA funding available for Senior Centers. He stated that there are a few reported cases of polio in the County. He referred to a seminar called Beyond Driving with Dignity which is about how to effectively talk to older loved ones about driving. He said Next serves 600 Beverly Hills members. Abboud is involved in the Seniors to Seniors program with Next and Seaholm. He wished everyone Happy Holidays and encouraged people to be good Samaritans. He thanked all of his Zoom followers.

Mooney wished everyone Happy Holidays, Merry Christmas, and a prosperous New Year.

Hrydziusko thanked residents who attend meetings and who stay informed and engaged. She stated that people have different opinions of different pieces of land. She said "special" means something different to everyone. She said finding 8 acres of undeveloped land in this area is few and far between. She thanked the representative from Highland who attended the MNRTF meeting for speaking to the Village's request and telling the Board more about the area. She said the discussions are what make the Village so great.

George said the Council had a great discussion tonight. The discussion is not done. He said there are a lot of projects that they are trying to accomplish. He said he is trying to advance projects and make for a good hand off in the future. He said Beverly Park evolved over time and so can other parks. He said the Village has a great opportunity before it. He talked about legacy giving. He wished everyone Happy Holidays.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:51 p.m.

Motion passed.

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE VILLAGE COUNCIL.

John George
Council President

Kristin Rutkowski
Village Clerk



TO PRESIDENT GEORGE & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 12/19/2022 THROUGH 01/03/2023.

ACCOUNT TOTALS:

101	GENERAL FUND	\$59,089.89
202	MAJOR ROAD FUND	\$28,743.96
203	LOCAL STREET FUND	\$18,049.59
205	PUBLIC SAFETY DEPARTMENT FUND	\$7,928.03
287	ARPA FUND	\$1,981.86
592	WATER/SEWER OPERATION FUND	\$6,927.13
730	RETIREE HEALTH CARE FUND	\$5,000.00
	TOTAL	<u>\$127,720.46</u>
	MANUAL CHECKS- COMERICA	\$8,322.65
	MANUAL CHECKS- INDEPENDENT	\$0.00
	ACCOUNTS PAYABLE	<u>\$136,043.11</u>
	GRAND TOTAL	<u>\$136,043.11</u>

12/29/2022

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS
CHECK DATE FROM 12/19/2022 - 01/03/2023

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank ARPA COMERICA - ARPA FUNDS					
01/03/2023	ARPA	7	08500	HUBBELL ROTH & CLARK INC	1,981.86
ARPA TOTALS:					
Total of 1 Checks:					1,981.86
Less 0 Void Checks:					0.00
Total of 1 Disbursements:					1,981.86
Bank COM COMERICA					
12/19/2022	COM	86433	38145	SOUTHFIELD POSTAL SERVICE	1,000.00
12/20/2022	COM	86434	53583	GUARDIAN	7,322.65
01/03/2023	COM	86435	60217	AMAZON CAPITAL SERVICES	512.68
01/03/2023	COM	86436	31164	APOLLO FIRE APPARATUS	797.35
01/03/2023	COM	86437	53284	APPLIED INNOVATION	14.38
01/03/2023	COM	86438	59125	APPRIVER, LLC	445.12
01/03/2023	COM	86439	51802	ARROW OFFICE SUPPLY CO.	129.22
01/03/2023	COM	86440	51409	BEVERLY HILLS ACE	11.32
01/03/2023	COM	86441	MISC	BRIAN MORRELL	300.00
01/03/2023	COM	86442	MISC	BRUTTELL ROOFING INC	700.00
01/03/2023	COM	86443	49980	C&G PUBLISHING	230.00
01/03/2023	COM	86444	58959	CADILLAC ASPHALT, LLC	580.80
01/03/2023	COM	86445	03700	CARRIER & GABLE	35.10
01/03/2023	COM	86446	59347	CINTAS CORPORATION #31	54.74
01/03/2023	COM	86447	51439	COMCAST	46.81
01/03/2023	COM	86448	04500	COMEAU EQUIPMENT CO INC.	28,567.61
01/03/2023	COM	86449	MISC	CORINNE MARTEL YANOSY	300.00
01/03/2023	COM	86450	51052	DELL MARKETING L.P.	628.65
01/03/2023	COM	86451	MISC	DRAPAL, DANIEL S	300.00
01/03/2023	COM	86452	60372	EAGLE LANDSCAPING & SUPPLY	577.00
01/03/2023	COM	86453	MISC	FINISHED BASEMENT PLUS LLC	700.00
01/03/2023	COM	86454	MISC	FIRST WINDOWS PLUS	200.00
01/03/2023	COM	86455	MISC	FOUNDATION SOLUTIONS 360	400.00
01/03/2023	COM	86456	MISC	FRANK ELDON SNELL IV	300.00
01/03/2023	COM	86457	60206	GREAT LAKES WATER AUTHORITY	1,005.98
01/03/2023	COM	86458	31202	HOME DEPOT CREDIT SERVICES	63.34
01/03/2023	COM	86459	MISC	HOME EXTERIORS OF MICHIGAN	500.00
01/03/2023	COM	86460	MISC	HOME INSPECTION PLUS INC	400.00
01/03/2023	COM	86461	08500	HUBBELL ROTH & CLARK INC	24,919.84
01/03/2023	COM	86462	59010	HUNT SIGN COMPANY	230.00
01/03/2023	COM	86463	60750	HURON VALLEY GUNS	544.96
01/03/2023	COM	86464	59839	J.C. EHRLICH	57.63
01/03/2023	COM	86465	39070	J.H. HART URBAN FORESTRY	390.00
01/03/2023	COM	86466	60503	JOHN FERGUSON	192.17
01/03/2023	COM	86467	59108	JOHN GEORGE IV	100.38
01/03/2023	COM	86468	59582	JOHNSON THERMOL-TEMP INC.	7,375.00
01/03/2023	COM	86469	MISC	KEYSTONE HOME IMPROVEMENTS INC	400.00
01/03/2023	COM	86470	60077	KRISTIN RUTKOWSKI	89.50
01/03/2023	COM	86471	51350	LOU'S TRANSPORT INC.	1,651.65
01/03/2023	COM	86472	60620	MACQUEEN EMERGENCY	4,152.29
01/03/2023	COM	86473	MISC	MAINSTREET DESIGN BUILD	700.00
01/03/2023	COM	86474	59330	MIKE SAVOIE CHEVROLET	94.50
01/03/2023	COM	86475	MISC	NEHRA, MICHAEL A	700.00
01/03/2023	COM	86476	59112	NEXT	1,320.00
01/03/2023	COM	86477	MISC	NORTHGATE CONSTRUCTION LLC	200.00
01/03/2023	COM	86478	51799	NYE UNIFORM EAST	390.00
01/03/2023	COM	86479	51540	O'REILLY AUTO PARTS	179.86
01/03/2023	COM	86480	53298	OCCUPATIONAL HEALTH CENTERS	223.00
01/03/2023	COM	86481	49769	OFFICE EXPRESS	37.07
01/03/2023	COM	86482	60713	PITNEY BOWES BANK PURCHASE POWER	520.99
01/03/2023	COM	86483	59709	PRESSURE VESSEL TESTING	237.50

01/03/2023	COM	86484	MISC	PRIME HOME REMOD	300.00
01/03/2023	COM	86485	60386	PTS COMMUNICATIONS	60.00
01/03/2023	COM	86486	59122	RAPID RESPONSE	59.99
01/03/2023	COM	86487	MISC	RENEWAL BY ANDERSEN	300.00
01/03/2023	COM	86488	49784	ROMA CEMENT	1,350.00
01/03/2023	COM	86489	16500	S.O.C.R.R.A.	32,629.00
01/03/2023	COM	86490	59282	SAFEBUILT INC.	519.12
01/03/2023	COM	86491	MISC	TRESNAK CONSTRUCTION, INC	300.00
01/03/2023	COM	86492	MISC	UNITED BUILDING SERVICE CO	400.00
01/03/2023	COM	86493	38205	VERIZON WIRELESS MESSAGING	1,140.55
01/03/2023	COM	86494	14800	VILLAGE OF BEVERLY HILLS	5,000.00
01/03/2023	COM	86495	MISC	WALLSIDE WINDOWS	300.00
01/03/2023	COM	86496	MISC	WALLSIDE,INC	300.00
01/03/2023	COM	86497	53572	WOW! BUSINESS	573.50

COM TOTALS:

Total of 65 Checks:	134,061.25
Less 0 Void Checks:	0.00
Total of 65 Disbursements:	134,061.25

REPORT TOTALS:

Total of 66 Checks:	136,043.11
Less 0 Void Checks:	0.00
Total of 66 Disbursements:	136,043.11



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Planning Commission Appointment

Date: December 28, 2022

There is a vacancy on the Planning Commission for a partial term ending June 30, 2025.

The Village received two applications to fill the vacancy from residents Neil Hitz and Clifford Raynor. The Village thanks the applicants for their interest in serving on the Commission.

A subcommittee has been formed to meet with the applicants and offer a recommendation to Council. The subcommittee meeting will be held on Tuesday, January 3, 2022 at 7:15 p.m. in the conference room located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025. The subcommittee consists of Councilmember O’Gorman (chair), Councilmember Abboud, and President George.

Suggested Resolution:

Be it resolved, the Beverly Hills Village Council appoints _____ to the Planning Commission for a partial term ending June 30, 2025.



To: Council President John George and Village Council

From: Jeff Campbell, Village Manager

Subject: 1st Reading of Proposed Ordinance Amendments to Chapter 30 (Surface Water Drainage) and Chapter 22 (Zoning Ordinance) to meet EGLE Post-Construction Storm Water Runoff Requirements

Date: December 29, 2022

The Administration is requesting Village Council consider amendments to several Village of Beverly Hills Ordinances to address post-construction storm water runoff requirements. More specifically, we are requesting amendments to the Zoning Ordinance, Sections 22.08 (General Provisions), 22.09 (Site Plan Development), and Chapter 30 (Surface Water Drainage). On November 1, 2022, the Administration presented amendments to the above noted sections of the Zoning Ordinance and Chapter 30. The Village Council tabled the first reading, asking the Administration to present a more comprehensive and understandable ordinance to the Council and residents. On December 6, 2022, the Council set the public hearing for these ordinances for January 3, 2023.

The Village is required to comply with federal requirements for storm water management. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) issues the permits that contain these requirements. One of the requirements is to manage storm water running off newly developed or redeveloped sites to reduce the discharge of pollutants into the Rouge River and to control the flow of water to reduce flooding and protect streambanks. EGLE and Oakland County have recently reached an agreement on the engineering standards to be used to meet these requirements. The Village can adopt these standards to comply with our permit requirements.

EGLE requires that a local government's post-construction storm water runoff program be implemented through an ordinance or other regulatory mechanism.

The proposed post-construction storm water runoff program includes all the following components:

- Water Quality Treatment Performance Standard
- Channel Protection Performance Standard
- Site-Specific Requirements for Contaminated Sites and Potential Hot Spots
- Site Plan Review
- Operation and Maintenance (O&M) Requirements for Best Management Practices
- Enforcement Response Procedure (including Tracking)

Chapter 30, along with the proposed amendments, in their entirety, are attached to this memorandum. These proposed changes were co-authored by our engineering firm, HRC, and reviewed and approved by EGLE and the Village Attorney. All proposed changes to the Ordinances are in red font. Further, Oakland County's MS4 permit is attached that includes Oakland County's Post-Construction Water Runoff standards. Pages 8 – 9 of the permit addresses the County's Post-Construction Water Runoff standards. Please note that the amended applicability section of Chapter 30, states that the Ordinance will apply to all potential MS4 discharges and that post construction water runoff standards shall apply to all non-residential development and redevelopment projects or residential development and redevelopment projects that are part of a common plan of development. These proposed amendments meet EGLE's requirements and Oakland County's standards for construction runoff.

On September 28, 2022, the Planning Commission conducted a public hearing on proposed amendments to Sections 22.08 and 22.09 of the Zoning Ordinance. The Planning Commission recommended that the Village Council approve the amendments to Section 22.08 and 22.09.

Following a public hearing at the January 3, 2023 Village Council meeting, the Village Attorney will conduct the first readings of proposed Ordinances 383, 384, and 385.

Attachments

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 383

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.08.290 Site Plan Review of Chapter 22 is hereby amended to add the following language to read as follows:

SECTION 22.08.290(e)(9) SITE PLAN REVIEW

9. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. **All stormwater drainage and erosion control plans shall meet the standards adopted by the Village and Oakland County for design and construction.**

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on September 28, 2022, and the Village Council on January 3, 2023, the provision of this Ordinance shall become effective 20 days following its publication in The Birmingham-Bloomfield Eagle, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2023.

John George, Village President

Kristin Rutkowski, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the _____ day of _____, 2023.

Kristin Rutkowski, Village Clerk

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 384

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.09 Site Development Requirements of Chapter 22 is hereby amended to add the following language to read as follows:

SECTION 22.09 SITE DEVELOPMENT REQUIREMENTS

h. Address the control and treatment of stormwater runoff by hereby adopting the current “Oakland County Stormwater Engineering Design Standards” as amended from time to time.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

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Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2023.

John George, Village President

Kristin Rutkowski, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the _____ day of _____, 2023.

Kristin Rutkowski, Village Clerk

VILLAGE OF BEVERLY HILLS
ORDINANCE NO 385

AN ORDINANCE TO AMEND CHAPTER 30, SURFACE WATER DRAINAGE, VILLAGE
MUNICIPAL CODE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. Chapter 30, Surface Water Drainage, of the Village of Beverly Hills Municipal Code, shall be amended to read as follows:

30.01 ADMINISTRATION, PURPOSE & OBJECTIVES

(1) Surface water drainage matters and illicit discharge control in Beverly Hills shall be administered by the Village, Oakland County Health Department (herein referred to as OCHD), and the Michigan Department of Environment, Great Lakes, and Energy (herein referred to as EGLE). The Village Engineer and/or its Engineering Consultant shall review and comment on said drainage plans.

(2) This Chapter applies to all residential and commercial areas in the Village of Beverly Hills unless otherwise indicated.

(3) The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Beverly Hills and protect all water bodies within the Village and the Great Lakes through:

- (a) The regulation of illicit discharges to the municipal separate storm sewer system.
- (b) The regulation of post-construction storm water runoff to all Village-owned conveyance systems and Waters of the State.

(4) This Chapter establishes the following measures in order to comply with the requirements of the Clean Water Act and State of Michigan National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit program:

- (a) Methods of controlling the discharge of pollutants into the Municipal separate storm sewer system owned or operated by the Village of Beverly Hills.
- (b) Identifies the post-construction storm water runoff standards in which to comply.

(5) The objectives of this Chapter are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system.
- (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

- (c) Provide acceptable water quality treatment BMPs designed for removal of total suspended solids from the runoff.
- (d) To provide acceptable water quantity controls for post-development runoff in compliance with the standards set herein, including but not limited to:
 - 1. Channel Protection Volume Control (CPVC) to retain onsite post-development runoff.
 - 2. Channel Protection Rate Control (CPRC) to provide extended detention for the post-development runoff.
- (f) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

30.02 DEFINITIONS

For the purpose of this Chapter, the following definitions are applicable:

Authorized Agency: Authorized agency means employees or designees of the director or directors of the municipal agency or agencies of the Village of Beverly Hills designated to administer or enforce this Chapter.

Illicit Connection: Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit Discharge: Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Municipal separate storm sewer: Municipal separate storm sewer or MS4 means a conveyance or systems of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which meets the following criteria:

- (1) Owned or operated by the Village of Beverly Hills.
- (2) Designed or used for collecting or conveying storm water.
- (3) Which is not a combined sewer conveying both sanitary wastewater and storm water.
- (4) Which is not part of publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-storm water discharge: Non-storm water discharge means any discharge to the municipal separate storm sewer system (MS4) or other conveyance systems that collect storm water that is

not composed entirely of storm water.

Post-construction storm water runoff: storm water that would flow from a project site to the municipal separate storm sewer system (MS4) or other conveyance systems that collect storm water after completion of a development or redevelopment (not during the project).

Storm Water: Storm Water means surface runoff and drainage of rainfall and snow or ice melt.

Waters of the State: Waters of the State means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.

30.03 APPLICABILITY

Illicit Discharge Control shall apply to all discharges within the Village of Beverly Hills MS4 and to all activities that can reasonably be expected to result in a discharge to the MS4.

Post-construction Storm Water Runoff requirements shall apply to all non-residential development and redevelopment projects or residential development and redevelopment projects that are part of a common plan of development.

30.04 RESPONSIBILITY FOR ADMINISTRATION

UNCHANGED

30.05 ULTIMATE RESPONSIBILITY

UNCHANGED

30.06 POST-CONSTRUCTION

The Village accepts the following Oakland County Water Resources Commissioner (OCWRC) Stormwater Engineering Design Standards to address Post-Construction Storm Water Runoff controls:

- (1) The OCWRC Stormwater Engineering Design Standards as amended from time to time for the required Water Quality, Channel Protection Rate Control and Channel Protection Rate Control, are hereby adopted by the Village of Beverly Hills in this article for the control and treatment of stormwater runoff. With the exception that all properties identified under Article 30.03 'Applicability' shall be included in this requirement.
- (2) All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this article, are subject to this chapter.
- (3) This article applies to any activities which may affect the quantity or quality of

stormwater conveyance to a Village of Beverly Hills system. Any person(s) engaged in activities that may result in excessive quantities of pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this article. Examples of such pollutants may include, but is not limited to, debris, concrete washings, de-icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

(4) Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year design storm without increased erosion.

(5) The Village recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space. The Village Engineer shall have the authority to grant waivers from specific control provisions of the stormwater management standards due to site-specific conditions, but only if the waiver(s) are as restrictive as the OCWRC Stormwater Engineering Design Standards. The waiver shall be appropriate under the following criteria: (1) Because of unusual topographical or field conditions, there are undue burdens in the way of carrying out the strict letter of this article. (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort, and welfare. (3) Reasonable and appropriate conditions may be attached to a grant of a waiver to ensure that the stormwater system improvements will continue to meet the criteria in the future. To receive a waiver, the owner of the property must provide a written request, engineering drawings and/or plans, stated reason for the waiver, and any other information requested by the Village to help determine whether a waiver is appropriate.

30.07 DISCHARGE PROHIBITIONS

(1) Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 or waters of the State of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited; however, the following discharges are exempt from prohibition as described:

1. Water line flushing and discharges from potable water sources
2. Landscape irrigation runoff, lawn watering runoff, and irrigation waters
3. Diverted stream flows and flows from riparian habitats and wetlands

4. Rising groundwaters and springs
5. Uncontaminated groundwater infiltration and seepage
6. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits
7. Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps provided they are not directly connected, except if the direct connection is determined to be necessary to mitigate subsequent surface water drainage issues based on site specific conditions (determinations to be made by Village Engineer and approved by Village Administration). Direct connections to permitted conveyance systems that exist prior to the date of this ordinance are considered acceptable and may remain now and in the future.
8. Air conditioning condensation
9. Waters from noncommercial car washing
10. Street wash water
11. Dechlorinated swimming pool water from single, two, or three family residences.
12. The discharges or flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state

(2) Prohibition of Illicit Connections.

- (a) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this Chapter if the person connects a line conveying sanitary waste in the MS4 or allows such a connection to continue.
- (d) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request Village approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense and shall be run through the appropriate permitting process.

30.08 WASTE DISPOSAL PROHIBITIONS

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the State, any refuse, rubbish,

garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

30.09 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

30.10 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

30.11 MONITORING OF DISCHARGES

Access to Facilities

The authorized agency shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized agency. During any inspection as provided herein, the authorized agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Notification of Spills

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at 586-

753-3700 or, if the notice is provided after regular working hours, by calling the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.

Within 10 days of the release, the permittee shall submit to the Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/external/home>) a full written explanation as to the cause of the release, the discovery of the release, response measures (clean-up and/or recovery) taken, and preventive measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

30.12 MAINTENANCE AGREEMENTS

A maintenance agreement shall be required between the Village and the Owner for all vegetative, structural, and stormwater best management practices (BMPs) to be constructed on site, as required by this ordinance, and as referenced in Article 22.09.080 of the Village Ordinances. For projects in which the OCWRC Stormwater Engineering Design Standards for Post-Construction Storm Water Runoff apply, stormwater facilities shall be maintained by the Owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Records of installation, maintenance and repair shall be retained by the Owner and shall be made available to the Village upon request. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater management BMPs and facilities and shall be recorded in the office of the Oakland County register of deeds prior to the effectiveness of the approval of the Village of Beverly Hills Village Council. If the stormwater management BMPs and facilities have not been adequately maintained, the Village may notify the Owner(s) in writing and require the necessary maintenance or repairs within 90 days of the written notice. Should the Owner fail to comply with the provisions of this Article, the Village may, after giving reasonable notice and opportunity for compliance, have the necessary work done and the Owner shall be obligated to promptly reimburse the Village for all such costs incurred.

30.13 NOTICE OF VIOLATION

Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. Control measures or BMPs implemented or installed at violation source.

30.14 REQUIREMENT TO REMEDIATE

Whenever the Village finds that a discharge of pollutants or illicit connection is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or waters of the state, the Village may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within 120 days of notification.

30.15 APPEAL

Notwithstanding the provisions of Article 15 below, any person receiving a Notice of Violation under Article 13 above may appeal the determination to the Village Manager. The notice of appeal must be received by the Village Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Village Manager or his/her designee shall take place within 15 days from the date of Village's receipt of the notice of appeal. The decision of the Village Manager or designee shall be final.

30.16 ENFORCEMENT, PENALTIES AND REMEDIES

a. Penalties. Any person(s) violating any provision of this Ordinance shall be responsible for a municipal civil infraction, as referenced in Article 1.06.01 of the Village Ordinances. This procedure is also enforced for the OCWRC Stormwater Engineering Design Standards for Post-Construction Storm Water Runoff, as well as long term operations and maintenance agreements, as referenced in 22.09.080 of the Village Ordinances.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Village Council on January 3, 2023, the amendments to this Ordinance shall become effective 20 days following its publication in The Birmingham-Bloomfield Eagle, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2023.

John George, Village President

Kristin Rutkowski, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the ____ day of _____, 2023.

Kristin Rutkowski, Village Clerk

Chapter 30 - Surface Water Drainage & Illicit Discharge Control

30.01 ADMINISTRATION, PURPOSE & OBJECTIVES

30.02 DEFINITIONS

30.03 APPLICABILITY

30.04 RESPONSIBILITY FOR ADMINISTRATION

30.05 ULTIMATE RESPONSIBILITY

30.06 POST CONSTRUCTION

30.07 DISCHARGE PROHIBITIONS

30.08 WASTE DISPOSAL PROHIBITIONS

30.09 WATERCOURSE PROTECTION

30.10 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

30.11 MONITORING OF DISCHARGES

30.12 MAINTENANCE AGREEMENTS

30.13 NOTICE OF VIOLATION

30.14 REQUIREMENT TO REMEDIATE

30.15 APPEAL

30.16 ENFORCEMENT, PENALTIES, AND REMEDIES

30.01 ADMINISTRATION, PURPOSE & OBJECTIVES

(1) Surface water drainage matters and illicit discharge control in Beverly Hills shall be administered by the Village, Oakland County Health Department (herein referred to as OCHD), and the Michigan Department of Environment, Great Lakes, and Energy (herein referred to as EGLE). The Village Engineer and/or its Engineering Consultant shall review and comment on said drainage plans.

(2) This Chapter applies to all residential and commercial areas in the Village of Beverly Hills unless otherwise indicated.

(3) The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Beverly Hills and protect all water bodies within the Village and the Great Lakes through:

- (a) the regulation of illicit discharges to the municipal separate storm sewer system.
- (b) the regulation of post-construction storm water runoff to all Village-owned conveyance systems and Waters of the State

(4) This Chapter establishes the following measures in order to comply with the requirements of the Clean Water Act and State of Michigan National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit program:

- (a) methods of controlling the discharge of pollutants into the Municipal separate storm sewer system owned or operated by the Village of Beverly Hills
- (b) Identifies the post-construction storm water runoff standards in which to comply.

(5) The objectives of this Chapter are:

- (a) to regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system.
- (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (c) provide acceptable water quality treatment BMPs designed for removal of total suspended solids from the runoff.

(d) to provide acceptable water quantity controls for post-development runoff in compliance with the standards set herein, including but not limited to:

- (1) Channel Protection Volume Control (CPVC) to retain onsite post-development runoff.
- (2) Channel Protection Rate Control (CPRC) to provide extended detention for the post-development runoff.

(f) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

30.02 DEFINITIONS

For the purpose of this Chapter, the following definitions are applicable:

Authorized Agency: Authorized agency means employees or designees of the director or directors of the municipal agency or agencies of the Village of Beverly Hills designated to administer or enforce this Chapter.

Illicit Connection: Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit Discharge: Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Municipal separate storm sewer: Municipal separate storm sewer or MS4 means a conveyance or systems of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which meets the following criteria:

- (1) Owned or operated by the Village of Beverly Hills.
- (2) Designed or used for collecting or conveying storm water.
- (3) Which is not a combined sewer conveying both sanitary wastewater and storm water.
- (4) Which is not part of publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-storm water discharge: Non-storm water discharge means any discharge to the municipal separate storm sewer system (MS4) or other conveyance systems that collect storm water that is not composed entirely of storm water.

Post-construction storm water runoff: storm water that would flow from a project site to the municipal separate storm sewer system (MS4) or other conveyance systems that collect storm water after completion of a development or redevelopment (not during the project).

Storm Water: Storm Water means surface runoff and drainage of rainfall and snow or ice melt.

Waters of the State: Waters of the State means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.

30.03 APPLICABILITY

Illicit Discharge Control shall apply to all discharges within the Village of Beverly Hills MS4 and to all activities that can reasonably be expected to result in a discharge to the MS4.

Post-construction Storm Water Runoff requirements shall apply to all non-residential development and redevelopment projects or residential development and redevelopment projects that are part of a common plan of development.

30.04 RESPONSIBILITY FOR ADMINISTRATION

The Village of Beverly Hills shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed by this Chapter upon the authorized agency may be delegated by the Village to persons or entities acting in the beneficial interest of or in the employ of the Village.

30.05 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated to this Chapter are minimum standards; therefore, this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharges.

30.06 POST-CONSTRUCTION

The Village accepts the following Oakland County Water Resources Commissioner (OCWRC) Stormwater Engineering Design Standards to address Post-Construction Storm Water Runoff controls:

(1) The OCWRC Stormwater Engineering Design Standards as amended from time to time for the required Water Quality, Channel Protection Rate Control and Channel Protection Rate Control, are hereby adopted by the Village of Beverly Hills in this article for the control and treatment of stormwater runoff. With the exception that all properties identified under Article 30.03 'Applicability' shall be included in this requirement.

(2) All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this article, are subject to this chapter.

(3) This article applies to any activities which may affect the quantity or quality of stormwater conveyance to a Village of Beverly Hills system. Any person(s) engaged in activities that may result in excessive quantities of pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this article. Examples of such pollutants may include, but is not limited to, debris, concrete washings, de-icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

(4) Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length,

cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year design storm without increased erosion.

(5) The Village recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space. The Village Engineer shall have the authority to grant waivers from specific control provisions of the stormwater management standards due to site-specific conditions, but only if the waiver(s) are as restrictive as the OCWRC Stormwater Engineering Design Standards. The waiver shall be appropriate under the following criteria: (1) Because of unusual topographical or field conditions, there are undue burdens in the way of carrying out the strict letter of this article. (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort, and welfare. (3) Reasonable and appropriate conditions may be attached to a grant of a waiver to ensure that the stormwater system improvements will continue to meet the criteria in the future. To receive a waiver, the owner of the property must provide a written request, engineering drawings and/or plans, stated reason for the waiver, and any other information requested by the Village to help determine whether a waiver is appropriate.

30.07 DISCHARGE PROHIBITIONS

(1) Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 or waters of the State of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited; however, the following discharges are exempt from prohibition as described:

1. Water line flushing and discharges from potable water sources
2. Landscape irrigation runoff, lawn watering runoff, and irrigation waters
3. Diverted stream flows and flows from riparian habitats and wetlands
4. Rising groundwaters and springs
5. Uncontaminated groundwater infiltration and seepage
6. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits
7. Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps provided they are not directly connected, except if the direct connection is determined to be necessary to mitigate subsequent surface water drainage issues based on site specific conditions (determinations to be made by Village Engineer and approved by Village Administration). Direct connections to permitted conveyance systems that exist prior to the date of this ordinance are considered acceptable and may remain now and in the future.
8. Air conditioning condensation

9. Waters from noncommercial car washing

10. Street wash water

11. Dechlorinated swimming pool water from single, two, or three family residences.

12. The discharges or flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state

(2) Prohibition of Illicit Connections.

(a) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this Chapter if the person connects a line conveying sanitary waste in the MS4 or allows such a connection to continue.

(d) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request Village approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense and shall be run through the appropriate permitting process.

30.08 WASTE DISPOSAL PROHIBITIONS

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the State, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

30.09 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

30.10 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

30.11 MONITORING OF DISCHARGES

Access to Facilities

The authorized agency shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized agency. During any inspection as provided herein, the authorized agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Notification of Spills

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at 586-753-3700 or, if the notice is provided after regular working hours, by calling the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.

Within 10 days of the release, the permittee shall submit to the Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/external/home>) a full written explanation as to the cause of the release, the discovery of the release, response measures (clean-up and/or recovery) taken, and preventive measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

30.12 MAINTENANCE AGREEMENTS

A maintenance agreement shall be required between the Village and the Owner for all vegetative, structural, and stormwater best management practices (BMPs) to be constructed on site, as required by this ordinance, and as referenced in Article 22.09.080 of the Village Ordinances. For projects in which the OCWRC Stormwater Engineering Design Standards for Post-Construction Storm Water Runoff apply, stormwater facilities shall be maintained by the Owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Records of installation, maintenance and repair shall be retained by the Owner and shall be made available to the Village upon request. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater management BMPs and facilities and shall be recorded in the office of the Oakland County register of deeds prior to the effectiveness of the approval of the Village of Beverly Hills Village Council. If the stormwater management BMPs and facilities have not been adequately maintained, the Village may notify the Owner(s) in writing and require the necessary maintenance or repairs within 90 days of the written notice. Should the Owner fail to comply with the provisions of this Article, the Village may, after

giving reasonable notice and opportunity for compliance, have the necessary work done and the Owner shall be obligated to promptly reimburse the Village for all such costs incurred.

30.13 NOTICE OF VIOLATION

Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. Control measures or BMPs implemented or installed at violation source.

30.14 REQUIREMENT TO REMEDIATE

Whenever the Village finds that a discharge of pollutants or illicit connection is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or waters of the state, the Village may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within 120 days of notification.

30.15 APPEAL

Notwithstanding the provisions of Article 15 below, any person receiving a Notice of Violation under Article 13 above may appeal the determination to the Village Manager. The notice of appeal must be received by the Village Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Village Manager or his/her designee shall take place within 15 days from the date of Village's receipt of the notice of appeal. The decision of the Village Manager or designee shall be final.

30.16 ENFORCEMENT, PENALTIES AND REMEDIES

- a. Penalties. Any person(s) violating any provision of this Ordinance shall be responsible for a municipal civil infraction, as referenced in Article 1.06.01 of the Village Ordinances. This procedure is also enforced for the OCWRC Stormwater Engineering Design Standards for Post-Construction Storm Water Runoff, as well as long term operations and maintenance agreements, as referenced in 22.09.080 of the Village Ordinances. {Entire Chapter Added Ord. 352; 10-11-14}

PERMIT NO. MI0060089

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY



**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*, as amended; the "Federal Act"); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2019-06,

Oakland County
Water Resources Commissioner's Office
One Public Works Drive, Building 95 West
Waterford, MI 48328

is authorized to discharge from the Municipal Separate Storm Sewer System (MS4)

designated as **Oakland CDC MS4**

to surface waters of the state of Michigan in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

This permit takes effect on January 1, 2021. This permit is based on a complete application submitted on March 24, 2008, as amended through July 16, 2020.

The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede Certificate of Coverage No. MIG610042, issued on December 16, 2003, which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2023**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department of Environment, Great Lakes, and Energy (Department) by **April 4, 2023**.

Issued: November 12, 2020.

Original signed by Christine Alexander
Christine Alexander, Manager
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3118 of the NREPA, the permittee shall make payment of an annual storm water fee to the Department for each January 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Payment shall be submitted or postmarked by March 15 for notices mailed by February 1. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after February 1.

Annual Permit Fee Classification: Municipal Storm Water – County

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Warren District Office of the Water Resources Division. The Warren District Office is located at 27700 Donald Court, Warren, MI 48092-2793, Telephone: 586-753-3700, Fax: 586-751-4690.

CONTESTED CASE INFORMATION

Any person who is aggrieved by this permit may file a sworn petition with the Michigan Administrative Hearing System within the Michigan Department of Licensing and Regulatory Affairs, c/o the Michigan Department of Environment, Great Lakes, and Energy, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Licensing and Regulatory Affairs may reject any petition filed more than 60 days after issuance as being untimely.

PART I**Section A. Limitations and Monitoring Requirements****1. Authorized Discharges**

- a. **Authorized Outfalls and Points of Discharge**
This permit authorizes the discharge of storm water from the permittee's MS4 to the surface waters of the state via the outfalls and points of discharge identified in the permittee's application and as modified in accordance with this permit. Such discharges shall be controlled and monitored by the permittee in accordance with this permit.
- b. **Nested MS4 Discharges**
This permit authorizes the discharge of storm water to surface waters of the state from a nested MS4 owned or operated by public bodies that include, but are not limited to, public school districts; public universities; airports; or county, state, or federal agencies. The permittee may request to modify permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.
- c. **Discharges Authorized Under Other National Pollutant Discharge Elimination System (NPDES) Permits**
This permit does not prohibit the use of an MS4 for other discharges authorized under other NPDES permits, or equivalent Department approval under the NREPA or the Federal Act.
- d. **Water Quality Requirements**
Discharges from the permittee's MS4 shall not cause or contribute to an exceedance of water quality standards in the receiving waters. This includes, but is not limited to, the requirement set forth in R 323.1050 of the Water Quality Standards stating that the receiving waters shall not have any of the following unnatural physical properties as a result of the discharge, in quantities which are or may become injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.

2. Outfall or Point of Discharge Identified, Constructed, or Installed After Permit Issuance

- a. **Outfall or Point of Discharge Within the Permittee's Regulated Area**
Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located within the permittee's regulated area as identified in the application. For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
 - 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a certification statement that the outfall or point of discharge is within the permittee's regulated area as identified in the application;
 - 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes best management practices (BMPs) to comply with the minimum requirements of the permit for the outfall or point of discharge; and

PART I**Section A. Limitations and Monitoring Requirements**

- 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map required in Part I.A.3.d.1) of this permit.
- b. Outfall or Point of Discharge Outside the Permittee's Regulated Area
Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located outside the permittee's regulated area as identified in the application (e.g., area served by an expanded MS4 or area previously served by a combined sewer system that is now separated). For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
 - 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a map identifying the expanded regulated area served by the permittee's MS4;
- 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes BMPs to comply with the minimum requirements of the permit for the outfall or point of discharge and expanded regulated area; and
- 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the expanded regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map as required in Part I.A.3.d.1) of this permit.
- c. Upon review of the request to authorize the discharge from an outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit in accordance with Part I.A.2.a. or Part I.A.2.b. of this permit, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required.

3. Storm Water Management Program (SWMP)

The permittee submitted a SWMP with its application for an NPDES permit. The SWMP is approved as submitted. The permittee shall implement the approved SWMP to comply with the minimum requirements identified in this permit. The SWMP shall cover the regulated area served by, or otherwise contributing to discharges from, the MS4 owned or operated by the permittee identified in the application. The permittee shall implement and enforce the SWMP to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the NREPA and the Federal Act. The approved SWMP is an enforceable part of this permit and any Department approved modifications made to the SWMP shall also become enforceable parts of this permit.

- a. Enforcement Response Procedure (ERP)
The permittee shall implement the ERP for violations of the permittee's ordinances or regulatory mechanisms identified in the SWMP to the maximum extent practicable. The ERP shall be implemented to compel compliance with the permittee's ordinances and/or regulatory mechanisms and to deter continuing violations.

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Section A. Limitations and Monitoring Requirements

The permittee shall track and document all enforcement conducted pursuant to the permittee's ERP. At a minimum, the permittee shall track and document the following: the name of the person responsible for violating the permittee's ordinance or regulatory mechanism; the date and location of the violation; a description of the violation; a description of the enforcement response used; a schedule for returning to compliance; and the date the violation was resolved.

b. Public Participation/Involvement Program (PPP)

The permittee shall implement the PPP to encourage public participation/involvement in the implementation and periodic review of the SWMP to the maximum extent practicable. The permittee shall implement the PPP as part of the SWMP. The permittee has chosen to work collaboratively with watershed or regional partners to implement the PPP or part of the PPP, therefore each permittee working collaboratively is responsible for complying with the PPP as described in the SWMP.

The PPP requires implementation of the following minimum requirements:

- 1) The procedure for making the SWMP available for public inspection and comment, including complying with local public notice requirements, as appropriate; and
- 2) The procedure for inviting public participation and involvement in the implementation and periodic review of the SWMP.

c. Public Education Program (PEP)

The permittee shall implement the PEP as part of the SWMP to the maximum extent practicable. At the minimum, the PEP shall promote, publicize, and facilitate education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water runoff. The PEP shall be implemented to achieve measurable improvements in the public's understanding of storm water pollution and efforts to reduce the impacts of storm water pollution.

The PEP requires implementation of the following minimum requirements:

- 1) BMPs to address the following PEP topics:
 - (a) Promote public responsibility and stewardship in the permittee's watershed.
 - (b) Inform and educate the public about the connection of the MS4 to area waterbodies and the potential impacts discharges can have on surface waters of the state.
 - (c) Educate the public on illicit discharges and promote public reporting on illicit discharges and improper disposal of materials into the MS4.
 - (d) Promote preferred cleaning materials and procedures for car, pavement, and power washing.
 - (e) Inform and educate the public on proper application and disposal of pesticides, herbicides, and fertilizers.
 - (f) Promote proper disposal practices for grass clippings, leaf litter, and animal wastes that may enter into the MS4.
 - (g) Identify and promote the availability, location, and requirements of facilities for collection or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, and motor vehicle fluids.
 - (h) Inform and educate the public on proper septic system care and maintenance, and how to recognize system failure.

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Section A. Limitations and Monitoring Requirements

- (i) Educate the public on, and promote the benefits of, green infrastructure and Low Impact Development.
- (j) Identify and educate commercial, industrial, and institutional entities likely to contribute pollutants to storm water runoff.

2) The procedure for determining the overall effectiveness of implementation and the process for modifying the PEP to address ineffective implementation. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the PEP. The Department will notify the permittee if a modification is required.

d. Illicit Discharge Elimination Program (IDEP)

The permittee shall implement and enforce the IDEP to detect and eliminate illicit discharges and connections to the permittee's MS4. The permittee shall implement the IDEP as part of the SWMP to the maximum extent practicable. The permittee has chosen to work collaboratively with watershed or regional partners to implement the IDEP or part of the IDEP, therefore each permittee working collaboratively is responsible for complying with the IDEP as described in the SWMP.

The IDEP requires implementation of the following minimum requirements:

1) An available, up-to-date storm sewer system map identifying the following: the storm sewer system, location of all outfalls and points of discharge the permittee owns or operates in the regulated area, and the names and location of all surface waters of the state that receive discharges from the permittee's MS4. The map shall be retained by the permittee and made available to the Department upon request. The map shall be maintained and updated as outfalls and points of discharge are identified, constructed, and installed in accordance with Part I.A.2. of this permit.

2) The plan to detect and eliminate non-storm water discharges to the permittee's MS4, including illegal dumping/spills. The plan includes the following:

- a) A procedure for identifying priority areas for field observations. The permittee shall conduct field observations in accordance with the procedure identifying the priority area(s) developed as part of the IDEP.
- b) A procedure for conducting field observations, field screening, and source investigations. The permittee shall conduct a field observation in accordance with the procedure during dry-weather at least once during the term of the permit. Field screening and source investigation shall be conducted in accordance with the schedule in the procedure.

Field observations, field screening, and source investigations shall include the following:

(1) Field Observation – The permittee shall observe the outfall or point of discharge for the following during dry-weather in accordance with the procedure: presence/absence of flow, water clarity, color, odor, floatable materials, deposits/stains on the discharge structure and bank, vegetation condition, structural condition, and biology (e.g. bacterial sheens, algae, and slimes).

(2) Field Screening – If flow is observed at an outfall or point of discharge, the permittee shall analyze the flow for the indicator parameters identified in the procedure. If the source of an illicit discharge is identified during the field observation, field screening may not be necessary.

PART I**Section A. Limitations and Monitoring Requirements**

(3) Source Investigation – If the source of the illicit discharge was not identified by the field screening, the permittee shall conduct an investigation to identify the source in accordance with the procedure. If the permittee opts to use tracer dyes, the discharge of the dyes shall be authorized in accordance with Part I.A.6. of this permit.

If the permittee is made aware of non-storm water discharges outside the priority areas, illegal dumping/spills, or complaints received, the permittee shall conduct field observations and follow-up field screening and source investigations as appropriate in accordance with the procedure, including the schedule, in the IDEP. The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state in accordance with Part II.C.7. of this permit.

- c) A procedure for responding to illicit discharges and pursuing enforcement action. The permittee shall implement the procedure to respond and pursue enforcement action once the source of the illicit discharge is identified, including the corrective action required to eliminate the illicit discharge. The permittee shall also implement the procedure to respond to illegal spills/dumping. For each illicit discharge not eliminated within 90 days of its discovery, the permittee shall provide, with the next progress report due, a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.

- 3) The employee training program, which includes the following:

- a) Training on techniques for identifying illicit discharges and connections, including field observations, field screening, and source investigations;
- b) Training on procedures for reporting, responding to, and eliminating an illicit discharge or connection and the proper enforcement response; and
- c) A schedule and requirement for training at least once during the term of the permit for existing staff and within the first year of hire for new staff.

- 4) The procedure for IDEP evaluation and determining the overall effectiveness of the IDEP.

e. Construction Storm Water Runoff Control Program

The permittee shall implement the construction storm water runoff control program to address areas of construction activity that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale. The permittee shall implement the construction storm water runoff control program as part of the SWMP to the maximum extent practicable.

The construction storm water runoff control program requires implementation of the following minimum requirements:

- 1) The procedure to notify the Part 91 Agency, or appropriate staff (if the permittee is a Part 91 Agency), when soil or sediment is discharged to the permittee's MS4 from a construction activity.
- 2) The procedure to notify the Department when soil, sediment, or other pollutants are discharged to the permittee's MS4 from a construction activity.
- 3) The procedure for ensuring that construction activity one (1) acre or greater in total earth disturbance with the potential to discharge to the permittee's MS4 obtains a Part 91 permit or is conducted by an approved Authorized Public Agency, as appropriate.
- 4) The procedure to advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (R 323.2190 of the Part 21 Rules promulgated pursuant to Part 31 of the NREPA).

PART I**Section A. Limitations and Monitoring Requirements****f. Post-Construction Storm Water Runoff Program**

The permittee shall implement and enforce the program to address post-construction storm water runoff from new development and redevelopment projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and that discharge into the permittee's MS4. The permittee shall implement and enforce the post-construction storm water control program as part of the SWMP, to the maximum extent practicable and in accordance with the approved ordinance or regulatory mechanism.

1) On or before March 1, 2021, the permittee shall submit to the Department for approval an in-effect Post-Construction Storm Water Control regulatory mechanism to achieve the post-construction storm water runoff performance standards set forth in a) and b) below at the project site (including projects where the permittee is the project developer). Upon Department approval of the in-effect regulatory mechanism, the permittee shall implement and enforce the regulatory mechanism requiring implementation of BMPs by the project developer (including the permittee if the permittee is the project developer) to achieve the post-construction storm water runoff performance standards at the project site to the maximum extent practicable.

a) **Water Quality Control Performance Standard**

Treat the post-development runoff volume generated from a 1.0-inch rainfall event. BMPs shall be designed on a site-specific basis to achieve a minimum of 80 percent removal of total suspended solids (TSS) as compared with uncontrolled runoff or a discharge concentration of TSS not to exceed 80 milligrams per liter (mg/l).

b) **Channel Protection Control Performance Standard (CPC)**

The CPC shall be implemented to limit the surface runoff rate and volume at the project site to maintain or restore stable hydrology in receiving waters. An alternative CPC was approved as part of the SWMP. The alternative CPC requires implementation of the following at the project site to the maximum extent practicable:

(1) **Channel Protection Volume Control (CPVC):** Retain onsite the post-development runoff volume from a 1.3-inch rainfall event, and

(2) **Channel Protection Rate Control (CPRC):** Provide extended detention for the post-development runoff volume from a 1.9-inch rainfall event.

On or before April 1, 2022 and on or before April 1 of each year following, as part of the approved alternative, the permittee shall submit an annual report to the Department for the previous calendar year documenting the results of implementing the alternative CPC within the regulated area. The annual report shall tabulate the following for each development or redevelopment project subject to the permittee's alternative CPC (including projects where the permittee is the project developer) and provide an overall summary for each reporting line:

- (1) Change in impervious area, pervious area by cover type, and total area by site.
- (2) CPVC volume provided at the site.
- (3) Difference between required and provided CPVC volume by site.
- (4) Percent of site in each Hydrologic Soil Group (Type A, B, C, D).
- (5) Site location in geographic information system (GIS) polygon format.
- (6) Site outfalls and points of discharge in GIS point format.

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Section A. Limitations and Monitoring Requirements

(7) Site MS4 outfall drainage area in GIS polygon format, including any offsite drainage that passes through the outfall or points of discharge.

(8) CPRC volume provided at the site.

(9) Difference between required and provided CPRC volume by site.

The Department will provide a written determination to the permittee based on the review of each progress report. The permittee shall submit available documentation to support implementation of the alternative CPC, such as approved project plans, upon request. The permittee may submit information to support implementation of the alternative CPC in addition to the reporting requirements above as part of the progress report.

The alternative CPC approval is limited to the permit term. The results from the annual reports will be evaluated as part of permit reissuance using methods agreed to by the permittee and the Department, which may result in an updated alternative CPC. A modification to the alternative CPC during the permit term will result in a permit modification after opportunity for public comment.

2) The permittee shall implement and enforce the following site-specific requirements as part of meeting the post-construction storm water runoff performance standards set forth in a) and b), above:

- a) The procedure for reviewing the use of infiltration BMPs to achieve the performance standards in areas of soil or groundwater contamination in a manner that does not exacerbate existing conditions.
- b) The ordinance or regulatory mechanism requiring BMPs to address the associated pollutants in potential hot spots as part of meeting the performance standards. Hot spots include areas with the potential for significant pollutant loading including, but not limited to, the following: gas stations; vehicle maintenance and repair; auto recyclers; recycling centers and scrap yards; landfills; solid waste facilities; and railroads. Hot spots also include areas with the potential for contaminating public water supply intakes.

3) All structural and vegetative BMPs installed and implemented to meet the performance standards shall be operated and maintained in perpetuity by the BMP owner/operator. The permittee shall implement and enforce the ordinance or regulatory mechanism program to ensure long-term operation and maintenance of BMPs.

4) The ordinance or regulatory mechanism and procedures for site plan review and approval for projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and discharge to the permittee's MS4, including projects where the permittee is the developer. The site plan review and approval shall demonstrate compliance with the performance standards and long-term operation and maintenance requirements of this permit.

- g. **Pollution Prevention and Good Housekeeping Activities for Municipal Operations**
The permittee shall implement the pollution prevention and good housekeeping program with the goal of preventing or reducing pollutant runoff from municipal facilities and operations that discharge storm water to surface waters of the state. The permittee shall implement the program as part of the SWMP to the maximum extent practicable.

PART I

Section A. Limitations and Monitoring Requirements

1) Municipal Facility and Structural Storm Water Control Inventory

The permittee shall make available to the Department upon request an up-to-date map or maps of the facilities and structural storm water controls owned or operated by the permittee with a discharge to surface waters of the state in the regulated area. In accordance with the procedure for updating and revising the permittee's facility inventory and map(s), the permittee shall submit to the Department the type and location for any new facility obtained or constructed during this permit term with a discharge of storm water to surface waters of the state and the information requested in Part I.A.2. of the permit.

2) Facility-Specific Storm Water Management

The permittee shall implement the facility-specific standard operating procedure (SOP) for each facility the permittee identified as having the high potential to discharge pollutants to surface waters of the state. The permittee shall implement the BMPs identified in the procedure to prevent or reduce pollutant runoff at each facility the permittee identified as having the medium or low potential to discharge pollutants to surface waters of the state. The permittee shall assess new facilities for the potential to discharge pollutants to surface waters of the state in accordance with the procedure to determine a priority level. High-priority facilities shall include permittee-owned or operated fleet maintenance and storage yards unless a demonstration is submitted and approved by the Department demonstrating how the permittee's fleet maintenance or storage yard has the low potential to discharge pollutants to surface waters of the state. The assessment shall be submitted in writing to the Department for approval within 30 days of ownership or operation of the new facility. The permittee shall certify in writing to the Department that a facility-specific SOP is being implemented within 90 days of ownership or operation of a new high-priority facility. Within 90 days of ownership or operation, the permittee shall certify in writing to the Department that BMPs are being implemented in accordance with the procedure developed to prevent or reduce pollutant runoff at each new medium- or low-priority facility. For new facilities, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required. The permittee shall document all other changes to the facility assessment as part of the progress report and as an update to the procedure.

The facility-specific SOP shall be kept at the site described in the SOP and made available upon request by the Department. The facility-specific SOP for each high-priority facility shall include implementation of the following.

- a) Structural and non-structural storm water controls to prevent or reduce the discharge of pollutants to surface waters of the state.
- b) Up-to-date list of significant materials stored on-site that could pollute storm water with a description of the handling and storage requirements and potential to discharge for each significant material.
- c) Good housekeeping practices including, but not limited to, maintaining a clean and orderly facility, properly storing and covering materials, and minimizing pollutant sources to prevent or reduce pollutant runoff.
- d) Routine maintenance and inspections of storm water management and control devices to ensure materials and equipment are clean and orderly and prevent or reduce pollutant runoff. The written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.
- e) Comprehensive site inspections at least once every six (6) months. The comprehensive site inspection shall include an inspection of all structural storm water controls and a review of non-structural storm water controls to prevent or reduce pollutant runoff. A written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.

PART I**Section A. Limitations and Monitoring Requirements****3) Structural Storm Water Control Operation and Maintenance Activities**

- a) The permittee shall implement the procedures for inspecting, cleaning, and maintaining permittee-owned or operated catch basins in the regulated area using the priority level assigned to each catch basin. The permittee shall document changes to the priority level for a catch basin as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of materials extracted from the catch basins in accordance with Part 111 (Hazardous Waste), Part 115 (Solid Waste), and Part 121 (Liquid Industrial Waste) of the NREPA.

- b) The permittee shall implement the procedure for inspecting and maintaining permittee-owned or operated structural storm water controls other than catch basins in the regulated area. The permittee shall document changes to the procedure as part of the progress report and as an update to the procedure.
- c) The permittee shall implement the procedure requiring that new permittee-owned or operated facilities or structural storm water controls to address water quantity be designed and implemented in accordance with the post-construction storm water runoff performance standards and long-term operation and maintenance requirements in Part I.A.3.f. of this permit.

4) Municipal Operations and Maintenance Activities

- a) The permittee shall implement the procedure, including the BMPs identified, to prevent or reduce pollutant runoff from the permittee's operation and maintenance activities identified in the SWMP. The permittee shall document changes to the assessment of operation and maintenance activities for the potential to discharge pollutants to surface waters of the state as part of the progress report and as an update to the procedure.
- b) The permittee shall implement the procedure for the street sweeping program for permittee-owned or operated streets, parking lots, or other impervious infrastructure in the regulated area using the sweeping methods and assigned priority levels identified in the procedure. The permittee shall document changes to the priority level for a street, parking lot, or other impervious infrastructure as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of street sweeper waste material.

5) Managing Vegetated Properties

The permittee shall implement the procedure requiring the permittee's pesticide applicator to be certified by the State of Michigan as an applicator in the applicable category, to prevent or reduce pollutant runoff from vegetated land.

6) Employee Training

The permittee shall implement the employee training program to train employees involved in implementing pollution prevention and good housekeeping activities. At a minimum, existing staff shall be trained once during the permit cycle and new hire employees within the first year of their hire date.

7) Contractor Requirements and Oversight

The permittee shall implement the procedure requiring contractors hired by the permittee to perform municipal operation and maintenance activities that comply with the permittee's pollution prevention and good housekeeping program and contractor oversight to ensure compliance.

PART I**Section A. Limitations and Monitoring Requirements**

- h. Total Maximum Daily Load (TMDL) Implementation Plan
The permittee shall implement the TMDL Implementation Plan to reduce the discharge of pollutants from the permittee's MS4 to make progress in meeting Water Quality Standards. The permittee shall implement the TMDL Implementation Plan as part of the SWMP.

The following TMDLs are applicable to the discharge from the permittee's MS4:

<u>Name of TMDL</u>	<u>Pollutant of Concern</u>
Clinton River	<i>E.coli</i>
Red Run Drain and Bear Creek	<i>E.coli</i>
Rouge River	Biota (sediment) and <i>E.coli</i>
Johnson Creek	Dissolved oxygen
Kent Lake	Phosphorus
Norton Creek	Dissolved oxygen
Strawberry Lake	Phosphorus

The permittee shall implement the prioritized BMPs included in the TMDL Implementation Plan during the permit cycle to make progress in achieving the pollutant load reduction requirement in the TMDL. The permittee shall review, update, and revise the list of BMPs implemented as part of the TMDL Implementation Plan in accordance with the procedure included in the SWMP. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the TMDL Implementation Plan. The Department will notify the permittee if a modification is required.

The permittee shall implement the monitoring plan included in the TMDL Implementation Plan for assessing the effectiveness of the BMPs implemented in making progress toward achieving the TMDL pollutant load reduction. Available monitoring data shall be submitted with each progress report.

4. SWMP Modifications

- a. SWMP Modifications Requested by the Permittee
Modifications to the previously approved SWMP may be requested by the permittee as follows:
- 1) Modifications adding BMPs (but not replacing, subtracting, or affecting the level of implementation of any other BMP) to the previously approved SWMP may be made by the permittee at any time upon written notification to the Department. Notification shall include a description of the modification, which may include a description of a new BMP with a corresponding measurable goal. Upon notification to the Department, the modification is considered an enforceable part of the approved SWMP.
 - 2) Modifications replacing an ineffective or unfeasible BMP identified in the previously approved SWMP with an alternative BMP may be requested at any time by written notification to the Department. The ineffective or unfeasible BMP identified shall not be replaced in the previously approved SWMP unless the replacement is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:
 - a) an analysis of why the BMP is ineffective or unfeasible (including cost-prohibitive);
 - b) a measurable goal for the replacement BMP; and
 - c) an analysis of why the replacement BMP is expected to achieve the intent of the BMP to be replaced.

PART I

Section A. Limitations and Monitoring Requirements

3) Modifications subtracting an ineffective or unfeasible BMP identified in the previously approved SWMP may be requested by written notification to the Department. The identified BMP shall not be subtracted from the previously approved SWMP unless the subtraction is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:

- a) an analysis of why the BMP is ineffective or unfeasible (including cost prohibitive); and
- b) a determination of why the removal of the BMP will not change the permittee's ability to comply with the permit requirements.

b. Modifications Required by the Department

The Department may require the permittee to modify the SWMP as needed to:

- 1) address contributions from the permittee's MS4 discharge that impair receiving water quality;
- 2) include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; and/or
- 3) include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Federal Act or the NREPA, including the requirement to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

5. Request for Approval to Use Water Treatment Additives

This permit does not authorize the use of any water treatment additive without prior written approval from the Department. Such approval is authorized under separate correspondence. Water treatment additives include any materials that are added to water used at the facility, or to wastewater generated by the facility, to condition or treat the water. Permittees proposing to use water treatment additives, including a proposed increased concentration of a previously approved water treatment additive, shall submit a request for approval via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Instructions for submitting such a request may be obtained at <http://www.michigan.gov/npdes> (near the bottom of that page, click on one or both of the links located under the Water Treatment Additives banner). Additional monitoring and reporting may be required as a condition of approval to use the water treatment additive.

A request for approval to use water treatment additives shall include all of the following usage and discharge information for each water treatment additive proposed to be used:

- a. The Safety Data Sheet (SDS);
- b. Ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient;
- c. The proposed water treatment additive discharge concentration with supporting calculations;
- d. The discharge frequency (i.e., number of hours per day and number of days per year);
- e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged;
- f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge;
- g. The water treatment additive's function (i.e., microbiocide, flocculant, etc.);
- h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated; and

PART I

Section A. Limitations and Monitoring Requirements

- i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

6. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department in accordance with Rule 1097 (R 323.1097 of the Michigan Administrative Code).

7. Storm Water Program Manager (Facility Contact)

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
 - for a corporation, a principal executive officer of at least the level of vice president; or a designated representative if the representative is responsible for the overall operation of the facility from which the discharge originates, as described in the permit application or other NPDES form,
 - for a partnership, a general partner,
 - for a sole proprietorship, the proprietor, or
 - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.
- b. A person is a duly authorized representative only if:
 - the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
 - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

PART I**Section B. Program Assessment and Reporting****1. Progress Reports**

Progress reports shall be submitted on or before April 1, 2022 and on or before April 1 every two (2) years following. The Department may approve alternate dates for progress report submittal if requested and adequately justified by the permittee. Each progress report shall contain the following information for the entire period that has elapsed since the last progress report submittal (i.e., the reporting cycle):

a. **Compliance Assessment**

The permittee shall describe the status of compliance with the approved SWMP identified in Part I.A.3 of this permit. The permittee shall assess and describe the appropriateness of the BMPs identified in the SWMP. The report shall describe the progress made towards achieving the identified measurable goals for each of the BMPs, and specific evaluation criteria as follows:

1) For the PEP, provide a summary of the evaluation of the overall effectiveness of the PEP, using the evaluation methods described in the PEP.

2) For the IDEP, provide a summary of the evaluation and determination of the overall effectiveness of the IDEP, using the evaluation methods described in the IDEP. For each illicit discharge that was not eliminated within 90 days of its discovery the permittee shall provide a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.

3) If applicable, the permittee shall submit to the Department any new outfall or point of discharge information as required in Part I.A.2. of this permit.

4) For the TMDL Implementation Plan, if monitoring data is available in accordance with the monitoring plan, provide an assessment of progress made toward achieving the TMDL pollutant load reduction requirement.

b. **Data and Results**

The permittee shall provide a summary of all of the information collected and analyzed, including monitoring data, if any, during the reporting cycle.

c. **Upcoming Activities**

The permittee shall provide a summary of the BMPs to be implemented during the next reporting cycle.

d. **Changes to BMPs and Measurable Goals**

The permittee shall describe any changes to BMPs or measurable goals in the approved SWMP. In accordance with the permit, these changes will be reviewed to determine if a permit modification is necessary. The Department will notify the permittee if a permit modification is required.

e. **Notice of Changes in Nested Jurisdiction Agreements**

The permittee shall identify any nested jurisdictions that enter into or terminate permit agreements with the permittee which were not identified in the SWMP. The permittee may request to modify the permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval in accordance with Part I.A.1.b. of this permit. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.

f. **Required Signatures**

All reports required by this permit, and other information requested by the Department, shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person in accordance with 40 CFR 122.22(b).

PART II

Part II may include terms and /or conditions not applicable to discharges covered under this permit.

Section A. Definitions

Acute toxic unit (TU_A) means $100/LC_{50}$ where the LC_{50} is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

Annual monitoring frequency refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Authorized public agency means a state, local, or county agency that is designated pursuant to the provisions of Section 9110 of Part 91, Soil and Sedimentation Control, of the NREPA, to implement soil erosion and sedimentation control requirements with regard to construction activities undertaken by that agency.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into storm water, to direct the flow of storm water, or to treat polluted storm water.

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

Certificate of Coverage (COC) is a document, issued by the Department, which authorizes a discharge under a general permit.

Chronic toxic unit (TU_C) means $100/MATC$ or $100/IC_{25}$, where the maximum acceptable toxicant concentration (MATC) and IC_{25} are expressed as a percent effluent in the test medium.

Class B biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules, Land Application of Biosolids, promulgated under Part 31 of the NREPA. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Combined sewer system is a sewer system in which storm water runoff is combined with sanitary wastes.

Continuous monitoring refers to sampling/readings that occur at regular and consistent intervals throughout a 24-hour period and at a frequency sufficient to capture data that are representative of the discharge. The maximum acceptable interval between samples/readings shall be one (1) hour.

PART II

Section A. Definitions

Daily concentration

FOR PARAMETERS OTHER THAN pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – Daily concentration is the sum of the concentrations of the individual samples of a parameter taken within a calendar day divided by the number of samples taken within that calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations. For guidance and examples showing how to perform calculations using results below quantification levels, see the document entitled “Reporting Results Below Quantification,” available at https://www.michigan.gov/documents/deq/wrd-npdes-results-quantification_620791_7.pdf.

FOR pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – The daily concentration used to determine compliance with maximum daily pH, temperature, and conductivity limitations is the highest pH, temperature, and conductivity readings obtained within a calendar day. The daily concentration used to determine compliance with minimum daily pH and dissolved oxygen limitations is the lowest pH and dissolved oxygen readings obtained within a calendar day.

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMRs.

Daily monitoring frequency refers to a 24-hour day. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Department means the Michigan Department of Environment, Great Lakes, and Energy.

Detection level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

Discharge means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any surface water of the state.

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

Fecal coliform bacteria monthly

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a discharge event. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR. If the period in which the discharge event occurred was partially in each of two months, the calculated monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a reporting month. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR.

PART II

Section A. Definitions

Fecal coliform bacteria 7-day

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days of discharge during a discharge event. If the number of daily concentrations determined during the discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean value for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days in a reporting month. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. The first calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

Flow-proportioned composite sample – See definition of **24-hour composite sample**.

General permit means an NPDES permit authorizing a category of similar discharges.

Geometric mean is the average of the logarithmic values of a base 10 data set, converted back to a base 10 number.

Grab sample is a single sample taken at neither a set time nor flow.

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Individual permit means a site-specific NPDES permit.

Inlet means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

PART II

Section A. Definitions

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) 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 Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource 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. [This definition does not apply to sample matrix interference].

Land application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

Maximum extent practicable means implementation of best management practices by a public body to comply with an approved storm water management program as required by a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

MBTU/hr means million British Thermal Units per hour.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a reporting period. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR.

Monthly monitoring frequency refers to a calendar month. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Municipal separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a POTW as defined in the Code of Federal Regulations at 40 CFR 122.2.

PART II

Section A. Definitions

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the Clean Water Act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Clean Water Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact cooling water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Nonstructural controls are practices or procedures implemented by employees at a facility to manage storm water or to prevent contamination of storm water.

NPDES means National Pollutant Discharge Elimination System.

Outfall is the location at which a point source discharge first enters a surface water of the state.

Part 91 agency means an agency that is designated by a county board of commissioners pursuant to the provisions of Section 9105 of Part 91 of the NREPA; an agency that is designated by a city, village, or township in accordance with the provisions of Section 9106 of Part 91 of the NREPA; or the Department for soil erosion and sedimentation control activities under Part 615, Supervisor of Wells; Part 631, Reclamation of Mining Lands; or Part 632, Nonferrous Metallic Mineral Mining, of the NREPA, pursuant to the provisions of Section 9115 of Part 91 of the NREPA.

Part 91 permit means a soil erosion and sedimentation control permit issued by a Part 91 agency pursuant to the provisions of Part 91 of the NREPA.

Partially treated sewage is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's NPDES permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

Point of discharge is the location of a point source discharge where storm water is discharged directly into a separate storm sewer system.

Point source discharge means a discharge from any discernible, confined, discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source discharge where the runoff from the site is ultimately discharged to waters of the state.

PART II

Section A. Definitions

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment work.

Predevelopment is the last land use prior to the planned new development or redevelopment.

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

Public (as used in the MS4 individual permit) means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

Public body means the United States; the state of Michigan; a city, village, township, county, school district, public college or university, or single-purpose governmental agency; or any other body which is created by federal or state statute or law.

Qualified Personnel means an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Storm Water Certified Operator to collect the storm water sample.

Qualifying storm event means a storm event causing greater than 0.1 inch of rainfall and occurring at least 72 hours after the previous measurable storm event that also caused greater than 0.1 inch of rainfall. Upon request, the Department may approve an alternate definition meeting the condition of a qualifying storm event.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly monitoring frequency refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Regulated area means the permittee's urbanized area, where urbanized area is defined as a place and its adjacent densely-populated territory that together have a minimum population of 50,000 people as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Secondary containment structure means a unit, other than the primary container, in which significant materials are packaged or held, which is required by state or federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface waters or groundwaters of the state.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which is not a combined sewer where storm water mixes with sanitary wastes, and is not part of a POTW.

PART II

Section A. Definitions

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Significant materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111, Hazardous Waste Management, of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills and significant leaks means any release of a polluting material reportable under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

Special-use area means storm water discharges for which the Department has determined that additional monitoring is needed from: secondary containment structures required by state or federal law; lands on Michigan's List of Sites of Environmental Contamination pursuant to Part 201, Environmental Remediation, of the NREPA; and/or areas with other activities that may contribute pollutants to the storm water.

Stoichiometric means the quantity of a reagent calculated to be necessary and sufficient for a given chemical reaction.

Storm water means storm water runoff, snow melt runoff, surface runoff and drainage, and non-storm water included under the conditions of this permit.

Storm water discharge point is the location where the point source discharge of storm water is directed to surface waters of the state or to a separate storm sewer. It includes the location of all point source discharges where storm water exits the facility, including *outfalls* which discharge directly to surface waters of the state, and *points of discharge* which discharge directly into separate storm sewer systems.

Structural controls are physical features or structures used at a facility to manage or treat storm water.

SWPPP means the Storm Water Pollution Prevention Plan prepared in accordance with this permit.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Total maximum daily loads (TMDLs) are required by the Clean Water Act for waterbodies that do not meet water quality standards. TMDLs represent the maximum daily load of a pollutant that a waterbody can assimilate and meet water quality standards, and an allocation of that load among point sources, nonpoint sources, and a margin of safety.

Toxicity reduction evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

PART II

Section A. Definitions

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

Weekly monitoring frequency refers to a calendar week which begins on Sunday and ends on Saturday. For a calendar week that falls entirely within a single calendar month, then when required by this permit, an analytical result, reading, value, or observation shall be reported for that week if a discharge occurs during that week. For a calendar week split across two (2) calendar months, a separate analytical result, reading, value, or observation shall be reported for each part of that week/month in which a discharge occurs.

WWSL is a wastewater stabilization lagoon.

WWSL discharge event is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 14 day period.

3-portion composite sample is a sample consisting of three equal-volume grab samples collected at equal intervals over an 8-hour period.

7-day concentration

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily concentrations determined. If the number of daily concentrations determined during the WWSL discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the WWSL discharge event in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations in the reporting month. When required by the permit, report the maximum calculated 7-day concentration for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

PART II

Section A. Definitions

7-day loading

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily loadings determined. If the number of daily loadings determined during the WWSL discharge event is less than 7 days, the number of actual daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the WWSL discharge event in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days in a reporting month divided by the number of daily loadings determined. If the number of daily loadings determined is less than 7, the actual number of daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations in the reporting month. When required by the permit, report the maximum calculated 7-day loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

24-hour composite sample is a flow-proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period and in which the volume of each portion is proportional to the discharge flow rate at the time that portion is taken. A time-proportioned composite sample may be used upon approval from the Department if the permittee demonstrates it is representative of the discharge.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations.** Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Manager of the Permits Section, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control program.

3. Instrumentation

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

1. Start-Up Notification

If the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department within 14 days following the effective date of this permit, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," the permittee shall submit self-monitoring data via the Department's MiWaters system.

The permittee shall utilize the information provided on the MiWaters website, located at <https://miwaters.deq.state.mi.us>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20th day of the month following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th (April 1st for animal feeding operation facilities) of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee. Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act, 1987 PA 96, as amended, for assurance of proper facility operation, shall be submitted as required by the Department.

PART II

Section C. Reporting Requirements

5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a *written* notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Clean Water Act, Parts 31 and 41 of the NREPA, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

- a. 24-Hour Reporting
Any noncompliance which may endanger health or the environment (including maximum and/or minimum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. Other Reporting
The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if the notice is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from **out-of-state** call 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventive measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

PART II**Section C. Reporting Requirements****8. Upset Noncompliance Notification**

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset shall notify the Department by telephone within 24 hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

9. Bypass Prohibition and Notification

- a. Bypass Prohibition
Bypass is prohibited, and the Department may take an enforcement action, unless:
 - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
 - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass
If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass
The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the second page of this permit (if the notice is provided after regular working hours, call: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.

PART II

Section C. Reporting Requirements

d. Written Report of Bypass

A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.

e. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.

f. Definitions

- 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of R 323.1098 and R 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

11. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, as soon as possible but no later than 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit, for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

PART II

Section C. Reporting Requirements

12. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under R 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such notice, the permit or, if applicable, the facility's COC may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

14. Operations and Maintenance Manual

For wastewater treatment facilities that serve the public (and are thus subject to Part 41 of the NREPA), Section 4104 of Part 41 and associated Rule 2957 of the Michigan Administrative Code allow the Department to require an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information: permit standards; descriptions and operation information for all equipment; staffing information; laboratory requirements; record keeping requirements; a maintenance plan for equipment; an emergency operating plan; safety program information; and copies of all pertinent forms, as-built plans, and manufacturer's manuals.

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least sixty days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing wastewater treatment facility.

PART II

Section C. Reporting Requirements

15. Signatory Requirements

All applications, reports, or information submitted to the Department in accordance with the conditions of this permit and that require a signature shall be signed and certified as described in the Clean Water Act and the NREPA.

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

The NREPA (Section 3115(2)) provides that a person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, COC, or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or COC or in a notice or report required by the terms and conditions of an issued permit or COC, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the Department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, permit, or COC of the Department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

16. Electronic Reporting

Upon notice by the Department that electronic reporting tools are available for specific reports or notifications, the permittee shall submit electronically all such reports or notifications as required by this permit, on forms provided by the Department.

PART II

Section D. Management Responsibilities

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit, more frequently than, or at a level in excess of, that authorized, shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the NREPA and/or the Clean Water Act and constitutes grounds for enforcement action; for permit or Certificate of Coverage (COC) termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the NREPA. Permittees authorized to discharge storm water shall have the storm water treatment and/or control measures under direct supervision of a storm water operator certified by the Department, as required by Section 3110 of the NREPA.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

4. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

5. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

PART II

Section D. Management Responsibilities

6. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code). For a POTW, these facilities shall be approved under Part 41 of the NREPA.

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the NREPA, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, or the Regional Administrator, upon the presentation of credentials and, for animal feeding operation facilities, following appropriate biosecurity protocols:

- a. to enter upon the permittee's premises where an effluent source is located or any place in which records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act and Rule 2128 (R 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit, shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Clean Water Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Clean Water Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

10. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

PART II**Section E. Activities Not Authorized by This Permit****1. Discharge to the Groundwaters**

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the NREPA.

2. POTW Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities at a POTW. Approval for the construction or modification of any physical structures or facilities at a POTW shall be by permit issued under Part 41 of the NREPA.

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environment, Great Lakes, and Energy permits, or approvals from other units of government as may be required by law.



To: Honorable President George; Village Council Members

From: Jeff Campbell, Village Manager

Subject: Manager's Report

Date: December 29, 2022

Christmas Tree Chipping

Comeau will be chipping Christmas trees the weeks of January 2 and January 9, 2023. Please remove all decorations and plastic bags and place trees at the curb to be chipped.

Upcoming Strategy Session

The annual Council Strategy Session will be held on Saturday, January 7, 2023 at 9:00 a.m. in the Village Council Chambers.

Joint Council/Parks & Recreation Board Meeting

The joint Council/Parks & Recreation Board meeting will be held on Thursday, January 19, 2023 at 7:30 p.m. in the Village Council Chambers.

Offices Closed – Village Offices will be closed on Monday, January 16th in observance of Martin Luther King, Jr. Day. Trash collection will not be interrupted.

Beverly Hills Public Safety

Activity Report

Dec. 15th - Dec. 29th 2022

- The Public Safety Department is currently looking for applicants for Public Safety Officer. Please visit our website, www.beverlyhillspolice.com to see if you qualify.

CALLS FOR SERVICE

- **177 Calls for Service.**
- **66 Tickets issued.**
- **13 Arrests.**
- Crime Prevention at Greenfield School.
- Suspicious Person on Embassy.
- Medical on Foxboro Way.
- Medical on Georgina.
- Motorist Assist on Southfield and Beverly.
- Medical at Mission Point.
- Crime Prevention at Greenfield School.
- Suspicious Persons in Huntley Square Apartments.
- Suspicious Circumstances at Berkshire School.
- Assisted Birmingham PD with a search for a stolen automobile.
- Crime Prevention on Wilshire and Sunset.
- Suspicious Vehicle in Beverly Park after hours.
- Traffic Enforcement at Saxon and Beaconsfield.
- Extra Patrol in the area of Pierce and Kirkshire.
- Animal Complaint at 14 Mile and Lahser.
- Crime Prevention at Beverly School.
- Crime Prevention at Market Fresh Shopping Center.
- Abandoned Vehicle reported in Huntly Square Apartments.
- Crime Prevention at Beverly School.
- Crime Prevention at Greenfield School.
- Crime Prevention at the Corners Shopping Mall.
- Officers stopped a speeding vehicle at 13 Mile and Stellamar. The driver was taken into custody without

incident for driving on a suspended license. The driver was cited and released at the scene.

- Medical on Nottingham.
- Medical on 14 Mile.
- Crime Prevention at the Corners Shopping Mall.
- Animal Complaint on Crossbow.
- Fraud Report taken on Southfield.
- Assisted Royal Oak PD with a traffic accident at Greenfield and Beverly.
- Identity Theft reported on Glencoe.
- Assisted DPW with a watermain break on Beverly and Southfield.
- Officers stopped a vehicle driving around with no license plate at 13 Mile and Southfield. The driver was taken into custody without incident for driving on a suspended license. The vehicle was impounded and the driver was cited & released at the scene.
- Medical on Coryell.
- Suspicious Person on Evergreen.
- Noise Complaint in Huntley Square Apartments.
- Medical on Sheridan.
- Odor Investigation on Buckingham.
- Fire Truck Checks at the station.
- Metal Health Call on Elizabeth.
- Suspicious Persons at Market Fresh Shopping Center.
- Crime Prevention at the Corners Shopping Mall.
- Medical at Mission Point.
- Traffic Accident at 13 Mile and Pierce.
- Traffic Enforcement at 14 Mile and Bellvine.
- Medical on Plantation.
- Officers stopped a vehicle with defective equipment at Southfield and 13 Mile. The driver was taken into custody without incident for driving on a suspended license. The vehicle was impounded and the driver was cited & released at the scene.
- Extra Patrol at Beverly Park after hours.
- Officers stopped a vehicle for defective equipment at 13 Mile and Southfield. The driver was taken into custody without incident for driving on a suspended license. The vehicle was impounded and the driver was cited & released at the scene.
- Extra Patrol at the DPW Building.
- Traffic Enforcement at Southfield and Gould.
- Crossing Guard Detail at Beverly and Southfield.

- Crime Prevention at Greenfield School.
- Animal Complaint on Nottingham.
- Assisted DPW with Traffic Sign in the ditch.
- Welfare Check on Elizabeth.
- Crime Prevention at Greenfield School.
- Crime Prevention at Beverly School.
- Crime Prevention at the Corners Shopping Mall.
- Motorist Assist at 13 Mile and Lahser.
- Suspicious Person on Southfield.
- Public Relations at Royal Oak Beaumont for Moonbeams and Sweet Dreams with the ladder truck.
- Medical on Riverbank.
- Hospice Death at Mission Point.
- Officers stopped a vehicle for defective equipment at Greenfield and 13 Mile. The odor of burnt marijuana was emanating from the passenger and officers verified their ID. The Passenger showed a felony warrant for assault from Detroit PD. The passenger was taken into custody without incident and turned over to Detroit PD.
- Medical on Normandale.
- Officers stopped a vehicle for speeding at Wilshire and Evergreen. The driver was suspended with a warrant and was taken into custody without incident.
- Crime Prevention at Greenfield School.
- Assist Citizen at 14 Mile and Lahser.
- Animal Complaint on Hampton.
- Medical on Amherst.
- Medical at Mission Point.
- Medical on Kirkshire.
- Suspicious Person at the Corners Shopping Mall.
- Alarm on Birwood.
- Welfare Check on Birwood.
- Animal Complaint on Nottingham.
- Crime Prevention at Beverly School.
- Traffic Complaint in Huntley Square Apartments.
- Crime Prevention at Market Fresh Shopping Center.
- Crime Prevention at Greenfield School.
- Crime Prevention at Beverly School.
- Crime Prevention at the Corners Shopping Mall.
- Animal Complaint on Lahser.
- Traffic Enforcement at 14 Mile and Bellvine.
- Officers stopped a driver for defective equipment at Southfield and 13 Mile. The driver was suspended

with warrants and was taken into custody without incident. The driver was cited and released.

- Beverly Park checked after hours.
- Groves High School checked after hours.
- Motorist Assist at 13 Mile and Evergreen.
- Crime Prevention at Detroit Country Day School.
- Extra Patrol at the DPW Building after hours.
- Officer stopped a driver for defective equipment at Southfield and 13 Mile. The driver had a warrant from Oak Park PD and was taken into custody without incident. The driver was turned over to Oak Park PD.
- Suspicious Person at Birmingham and Locherbie.
- Officer stopped a driver for an expired license plate at 13 Mile and Southfield. The driver was suspended with multiple warrants and was taken into custody without incident. The driver was cited and released.
- Traffic Complaint on Hill Crest.
- Reckless Driving reported at 13 Mile and Southfield.
- Crime Prevention at Market Fresh Shopping Center.
- Alarm on Amherst.
- Suspicious Circumstances on Faircrest.
- Suspicious Persons on Vernon.
- Medical on Locherbie.
- Officers stopped a driver for defective equipment at Southfield and Beverly. The driver was suspended with multiple warrant and was taken into custody without incident. The driver was cited and released.
- Larceny reported in the Huntley Square Apartments.
- Noise Complaint on Birwood.
- Larceny reported on Stafford.
- Alarm on Nottingham.
- Alarm on Bellvine.
- Assisted Franklin PD with performing CPR on a victim on Bingham Court.
- Traffic Accident on Beverly and Southfield.
- Medical on Vernon.
- Alarm on Sunset.
- Medical at Mission Point.
- Suspicious Circumstances on Tremont.
- Medical on Evergreen.
- Traffic Accident at 13 Mile and Chelton.
- Citizen Assist on Plantation.
- Crime Prevention at Detroit Country Day School.
- Crime Prevention at Berkshire School.
- Crime Prevention at the Corners Shopping Mall.

- Officer Standby Detail at Groves High School Auditorium.
- Medical on Old Post.
- Suspicious Persons on Lahser.
- Medical at Mission Point.
- Alarm on Village Pines.
- Mutual Aid Fire Response to a house fire in Berkley.
- Crime Prevention in the Huntley square Apartments.
- Extra Patrol in the area of Sunset and Waltham.
- Road Hazard in the area of 13 Mile and Southfield.
- Medical on Hampstead.
- Medical at Mission Point.
- Crime Prevention at Groves High School.
- Suspicious Circumstances on Kirkshire.
- Motorist Assist on Southfield.
- Citizen Assist on Chelton.
- Warrant audit performed at the station.
- Extra Patrol request on 13 Mile.
- Extra Patrol request on Marguerite.
- Extra Patrol request on Reedmere.
- Extra Patrol request on Beechwood.
- Extra Patrol request on Hill Crest.
- Extra Patrol request on Kirkshire.
- Traffic Accident on Southfield.
- Crime Prevention at Market Fresh Shopping Center.
- Crime Prevention at the Corners Shopping Mall.
- Assisted DPW with a water main break on Southfield.
- Warrant Arrest pick up from Troy PD.
- Medical on Kirkshire.
- Crime Prevention at Groves High School.
- Suspicious Person in Beverly Park.
- Reckless Driving reported at 13 Mile and Greenfield.
- Suspicious Vehicle on Southfield.
- Officers stopped a driver for speeding at 14 Mile and Greenfield. The driver was taken into custody without incident for drunk driving.
- Traffic Enforcement at 13 Mile and Southfield.
- Suspicious Vehicle on Southfield.
- Parking Complaint in Huntley Square Apartments.
- Crime Prevention at the Beverly Hills Club.
- Citizen Assist on Warwick.
- Road Hazard removed at 13 Mile and Southfield.
- Natural Gas Leak on Saxon.
- Crime Prevention at the Corners Shopping Mall.

- Officers stopped a vehicle at Southfield and Beverly. The driver was not licensed and was taken into custody without incident. The driver was cited and released at the scene.
- Suspicious Persons on Pierce.
- Police Training at Seaholm High School.
- Crime Prevention in Beverly Park.
- Road Hazard removed at Beverly and Southfield.
- Radar Detail at 14 Mile and Carriage.
- Traffic Accident on Southfield.
- Medical on Old Coach.
- Crime Prevention at Groves High School.
- Radar Detail in front of Berkshire School.
- Crime Prevention at the Corners Shopping Mall.
- Extra Patrol in the area of Kirkshire and Edgewood.

Fire & Emergency Medical Services

- 1 Structure Fire (Automatic Aid Response to Berkley).
- 1 Chimney Fire.
- 23 EMS Call - Medicals.
- 1 Gas Leak.
- 3 Lift Assists.
- 1 Fire Alarm.
- 2 Weekly Apparatus Checks.
- Supervise Midnight Platoons 3 and 4.
- Bi-Weekly NFIRS data export uploaded to FEMA.
- Squad 31 Annual Pump Test Completed.
- Attend monthly MABAS Meeting.
- Annual Taser in-service Training.
- Complete and submit 2021 FEMA Assistance to Firefighters Grant (AFG) project reimbursement packet.

Detective Bureau and School Liaison

- CPR Recertification.
- SLO Social media presentation at Greenfield Elementary.
- Search warrant obtained for electronic devices.
- Search warrant obtained for DNA- CSC suspect.
- Follow up interview with CSC victim.
- Execute search warrant for residence in Ann Arbor.
- Transport evidence to Oakland County computer crime lab.

- Balagna Swat training.
- Court innovations at the 46th District Court.
- New Hire Background Investigation.
- Arraignment for a subject in custody.
- Walk through for Groves and Seaholm High Schools.

Four Signs That It's a Scam

Federal Trade Commission Consumer Advice webpage

1. Scammers PRETEND to be from an organization you know.

Scammers often pretend to be contacting you on behalf of the government. They might use a real name, like the Social Security Administration, the IRS, or Medicare, or make up a name that sounds official. Some pretend to be from a business you know, like a utility company, a tech company, or even a charity asking for donations. They use technology to change the phone number that appears on your caller ID. so the name and number you see might not be real.

2. Scammers say there's a PROBLEM or a PRIZE.

They might say you're in trouble with the government. Or you owe money. Or someone in your family had an emergency. Or that there's a virus on your computer. Some scammers say there's a problem with one of your accounts and that you need to verify some information. Others will lie and say you won money in a lottery or sweepstakes but have to pay a fee to get it.

3. Scammers PRESSURE you to act immediately.

Scammers want you to act before you have time to think. If you're on the phone, they might tell you not to hang up so you can't check out their story. They might threaten to arrest you, sue you, take away your driver's or business license, or deport you. They might say your computer is about to be corrupted.

4. Scammers tell you to PAY in a specific way.

They often insist that you pay by using cryptocurrency, by wiring money through a company like MoneyGram or Western Union, or by putting money on a gift card and then giving them the number on the back. Some will send you a check (that will later turn out to be fake), then tell you to deposit it and send them money.

How To Avoid a Scam

Block unwanted calls and text messages. Take steps to block unwanted calls and to filter unwanted text messages.

Don't give your personal or financial information in response to a request that you didn't expect. Honest organizations won't call, email, or text to ask for your personal information, like your Social Security, bank account, or credit card numbers.

If you get an email or text message from a company you do business with and you think it's real, it's still best not to click on any links. Instead, contact them using a website you know is trustworthy. Or look up their phone number. Don't call a number they gave you or the number from your caller ID.

Resist the pressure to act immediately. Honest businesses will give you time to make a decision. Anyone who pressures you to pay or give them your personal information is a scammer.

Know how scammers tell you to pay. Never pay someone who insists you pay with cryptocurrency, a wire transfer service like Western Union or MoneyGram, or a gift card. And never deposit a check and send money back to someone.

Stop and talk to someone you trust. Before you do anything else, tell someone — a friend, a family member, a neighbor — what happened. Talking about it could help you realize it's a scam.

BYA 40th Annual Kids' Dog Show

Sign Up Your Pup!

Attention all Kids Aged 4-14!

Do you have a dog with the Waggiest Tail? Could yours have the Best Trick? Then we want to see you and your pooch at the Birmingham Youth Assistance Kids' Dog Show!

Sunday, February 5th
Berkshire Middle School
1 PM - 3 PM

Have fun meeting other dog lovers in our community and compete in up to two wacky performance categories. Win prizes, get goodies and more!

Best Dog Costume ◦ **Best Looking** ◦ **Musical Sit**
Best Trick ◦ **Waggiest Tail**

THE DEADLINE TO REGISTER IS FEBRUARY 3RD

Show Rules:

1. You must register in advance. There is NO registration at the door
2. Dogs must have all immunizations required by law
3. Kids must participate with their own dog. No one over the age of 14 is allowed to assist.
4. Participants must be between 4 and 14 years of age
5. Dogs must be kept on a leash at all times; and under control
6. Dogs in heat may not participate
7. Participants must check-in no later than 12:30 PM on show day

**The cost is \$15 per dog
 and includes admission
 for the whole family!**



Ready to Register?

Go to the website:
www.birminghamyouthassistance.org

Have Questions?

Email: BYAKidsDogShow@gmail.com

Volunteers needed to help look for sensitive aquatic insects that indicate good water quality

Annual Friends of the Rouge

Winter Stonefly Search



Sat. Jan. 21, 2023
10:00 am – approx. 3:00 pm

Dress for the weather. Children age 8 and above welcome, must be accompanied by a participating adult. Households encouraged to sign up together in groups no larger than six.

Volunteers are pre-assigned to teams and meet at the first of two stream sites where they pick through samples collected from the stream by team leaders. Optional "Stonefly Refresher" Jan. 12 6 pm held via Zoom.

PRE-Registration required by Jan. 7, 2023

www.therouge.org

More information: (734) 927-4904 or spetrella@therouge.org



**Friends
of the ROUGE**

