

RESOLUTION NO. 2024-14

RESOLUTION TO ADOPT A REVISED SEWER USE ORDINANCE

WHEREAS, the Charter Township of Ypsilanti (“Township”) Municipal Sewer Use and Industrial Waste Pretreatment Ordinance (hereinafter “Sewer Use Ordinance”), Chapter 62, section 106 through section 229, was last revised in 2010; and

WHEREAS, the Sewer Use Ordinance implements the provisions of the Federal Water Pollution Control Act of 1972 and all federal regulations adopted thereunder, and the Michigan Natural Resources and Environmental Protection Act and all regulations adopted thereunder, and is a local environmental protection ordinance that is required by these federal and state statutes and regulations; and

WHEREAS, the Sewer Use Ordinance contains provisions relating to, among other things, sewer use and construction and the local limits on the concentration of certain pollutants in wastewater discharged to the Township’s sewage works and the Ypsilanti Community Utilities Authority (YCUA) wastewater treatment plant designed to protect the integrity and operation of that wastewater treatment plant, and empowers the Township, through YCUA, to enforce these clean water environmental provisions; and

WHEREAS, this local enforcement authority is required by both federal and state law and includes the authority to require businesses and industries that discharge certain pollutants to self-monitor themselves and to report to YCUA, and also permits YCUA to sample and test wastewater discharges, to make on-site inspections, and to take enforcement action against violators, as required by federal and state law; and

WHEREAS, the Sewer Use Ordinance and federal regulations require periodic review of the limits placed on the concentration of certain pollutants in wastewater discharged to YCUA; and

WHEREAS, substantial revisions to the Sewer Use Ordinance are necessary due to the establishment and implementation of local limits for certain Perfluoroalkyl and Polyfluoroalkyl substances (PFAs -PFOS, PFOA, PFBS, PFNA and PFHxs); and

WHEREAS, Ordinance 2024-14 (hereinafter referred to as the “Ordinance”) revises and expands the scope of the Sewer Use Ordinance to, among other things, include a new section (Sec. 62-181(8)) for mitigating Perfluoroalkyl and Polyfluoroalkyl substances (PFAs) and implementation of Best Management Practices (BMPs) for the control of PFAs, which are a group of pollutants of emerging concern for YCUA and the Michigan Department of Environment, Great Lakes and Energy; and

WHEREAS, the Ordinance includes Special Alternative Limits (SAL) for certain compatible pollutants that will allow YCUA to better accommodate industrial and commercial needs in the community by allocating available capacity of certain compatible pollutants directly to permitted discharges; and

WHEREAS, the Ordinance contains revisions to existing limits and language primarily to improve clarity and adopt compatible pollutant limits to allow better implementation of the Special Alternative Limits Program; and

WHEREAS, the Ordinance includes revisions to existing limits for certain toxic pollutants of concern, including inclusion of instantaneous limits for available Cyanide and Bis (2-ethylhexyl) phthalate, and reduction in existing maximum allowable limits for Arsenic, Nickel and Silver; and

WHEREAS, the Ordinance removes promulgation dates associated with applicable regulations and deletes “from time to time” in reference to any amendments thereof, as it is sufficient to state, for example, “40 CFR Part 136 as amended.” The Ordinance also streamlines certain definitions pertaining to the wastewater discharge permits for industries, and clarifies language regarding the Fats, Oils and Grease mitigation program policy; and

WHEREAS, the applicable state regulations require definitions of certain terms used in the Sewer Use Ordinance to meet current standards on emerging contaminants and sample testing, to properly identify possible sources of pollution, and to more accurately define pretreatment requirements and similar provisions, all of which are incorporated into the Ordinance; and

WHEREAS, the Ordinance improves and brings into regulatory compliance the self-monitoring and other reporting requirements for non-domestic users of the Township sewage works and YCUA system and wastewater treatment plant, and the procedures to be engaged in by these users in sampling, testing and reporting to YCUA; and

WHEREAS, the Ordinance contains a new section (Sec 62-181(9)) for implementation of a “local initiative limit,” which provides another “tool” that can be used by YCUA staff to regulate a previously unevaluated pollutant.

NOW, THEREFORE,

Be it resolved that Ordinance 2024-14, which is attached hereto and which modifies

Sections 62-106 through 62-229 of the Code of Ordinances, is adopted in its entirety.

I, Heather Jarrell Roe, Clerk of Charter Township of Ypsilanti, County of Washtenaw, State of Michigan, hereby certify the above resolution is a true and exact copy of Resolution No. 2024-14 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at the Regular Meeting held on November 19, 2024



Heather Jarrell Roe, Clerk
Charter Township of Ypsilanti