

AGENDA REPORT

TO: Mayor & City Commission
FROM: Jeremy Howard, City Manager

DATE: July 31, 2025

RE: Second Reading & Ordinance 2025-004 Adoption, Amending Chapter 46, Article III, Division 2, Section 46-162 – Wastewater Strength Limitations, of the Ordinance Codes of the City of Clare

For the Agenda of August 4, 2025

Background. Subsequent to a public hearing (*public notice attached*) at its regularly scheduled meeting of June 21, 2025 the Clare City Commission considered and approved a first reading of proposed ordinance (Ordinance 2025-004 – *copy att'd*) incorporating changes to the City's Ordinance Codes a 2025 mandated amendment to the City's wastewater discharge limits.

The City Commission is the approval authority of all ordinance code changes or amendments. And all ordinances require two readings and a public hearing conducted by the City Commission before the City Commission can consider an ordinance for adoption. We ask the City Commission to allow a Second Reading of the proposed ordinance amendments and subsequently approve Ordinance 2025-004 for incorporation to the City's Ordinance Codes.

Issues & Questions Specified. Should the City Commission approve a second reading and subsequently approve Ordinance 2025-004?

Alternatives.

1. Direct a second reading and adopt the ordinance amendments.
2. Direct a second reading but do not adopt the ordinance amendments.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. There is no immediate, direct fiscal impact of this proposed ordinance amendment.

Recommendation. I recommend that the City Commission direct a second reading and adopt Ordinance 2025-004 by approval of Resolution 2025-071 (*copy attached*).

Attachments.

1. Public Notice.
2. Letter from EGLE.
3. Ordinance 2025-004.
4. Resolution 2025-071.



CITY OF CLARE

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PROPOSED ORDINANCE AMENDMENT 2025-004

CITY OF CLARE NOTICE OF PUBLIC HEARING

The Clare Commission will hold a public hearing on Monday, July 21, 2025, at 6:00 p.m., at Clare City Hall, 202 W. Fifth Street, Clare MI to receive public comments pertaining to an Ordinance amendment to Chapter 46 Article III, Division 2, Subdivision I, Section 46-162-Wastewater Strength Limitations. A copy of the proposed Ordinance amendment is available for review by contacting the City Clerk at dlyon@cityofclare.gov or calling 989-424-4068. The Clare City Commission will accept comments during the hearing or in writing if the written comments are delivered to the City Clerk's office not later than 4 p.m. on the date of the hearing. The City of Clare is an equal-opportunity employer and provider.

DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or

989.386.7541 x202

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UTILITY BILLING

Ph 989.386.7541 x201

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Ph 989.386.2321

Fx 989.386.2387

Diane M. Lyon
Clare City Clerk

POLICE DEPT. NON-EMERGENCY

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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

June 23, 2025

VIA EMAIL

Dale Clark, Director of Water Treatment
City of Clare
202 West Fifth Street
Clare, MI 48617

Dear Dale Clark:

SUBJECT: Industrial Pretreatment Program (IPP) – Non-Substantial Modification Submittal
National Pollutant Discharge Elimination System (NPDES)
Permit No. MI0020176
Designated Name: Clare WWTP

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD) staff have reviewed the request of the City of Clare (the city) dated January 18, 2023, and revised April 24, 2025 and June 6, 2025, for a non-substantial modification to your Industrial Pretreatment Program (IPP), which is contained in National Pollutant Discharge Elimination System (NPDES) Permit No. MI0020176. This program modification meets the minimum requirements and is hereby approved.

Parameter	Current Limit (ng/L)	Proposed Limit (ng/L)
Perfluorooctane sulfonate (PFOS)	--	474
Perfluorooctanoic acid (PFOA)	--	60,000
Perfluorobutanesulfonic acid (PFBS)	--	336,000,000
Perfluorohexanesulfonic acid (PFHxS)	--	127,000

As part of the submission, the city evaluated the need to establish a local limit for perfluorononanoic acid (PFNA), and concluded a limit for this pollutant is not warranted at this time due to PFNA not being detected in the domestic background. In addition, loadings from industrial users are well below the calculated Maximum Allowable Headworks Loading (MAHL). We agree with the city's assessment.

Staff review of the local limits submittal considered methodology and data provided by the permittee to demonstrate that the limits will protect against the pass-through of pollutants and prevent interference with land application of biosolids.

As a condition of approval, the City has responsibilities under R323.2303(4) of the Michigan Administrative Code that requires that each POTW with an approved pretreatment program review and update the local limits when:

1. New pollutants are introduced.
2. New pollutants that were previously unevaluated are identified.
3. Substantial increases of pollutants are proposed as required in the notification of new or increased uses in accordance with the provisions of Title 40 of the Code of Federal Regulations, Section 122.
4. As a condition of this approval, we require the city to monitor the Clare Wastewater Treatment Plant (WWTP) influent, effluent, and biosolids at least annually for all pollutants with local limits. Results should be summarized and submitted to the district as part of the City's "Industrial Pretreatment Program Annual Report," unless otherwise directed.

This approval is not an endorsement of the local limits and does not constitute a release or waiver of liability for compliance with your NPDES permit, your NPDES permit application or Part 31 of the Natural Resources and Environmental Protection Act, 1994, as amended.

This approval is effective immediately.

We encourage the city to adopt these approved local limits into its Sewer Use Ordinance as quickly as possible. Once the new local limits have been adopted, please provide a copy of the adopted sewer use ordinance via the MiEnviro Portal for our records.

Should you require further information please contact Anne Tavalire at 248-508-1102; TavalireA@Michigan.gov, or EGLE, WRD, Emerging Pollutants Section, 525 West Allegan Street, P.O. Box 30458, Lansing, Michigan 48909-7973.

Sincerely,



Stephanie Kammer, Manager
Emerging Pollutants Section
Water Resources Division - EGLE

cc: Nathan Beese, Williams & Work
Jill Edelbrock, EGLE
Amy Clark, EGLE

ORDINANCE NO. 2025-004

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 46.

Chapter 46, Article III, Division 2, Subdivision I, Section 46-162, of the Clare City Code is hereby amended and restated as follows:

Sec. 46-162. – Wastewater Strength Limitations.

- (a) *Federal categorical pretreatment standards.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal pretreatment standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- (b) *Modification of federal categorical pretreatment standards.* Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. The term "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), entitled General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.
- (c) *State requirements and limitations.* State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which such requirements and limitations are more stringent than federal requirements and limitations or those in this division or any other applicable ordinance.
- (d) *Right of revision.* The city reserves the right to amend this division to provide for more stringent limitations or requirements on

discharges to the POTW where deemed necessary to comply with the objectives set forth in section 46-161.

- (e) *Excessive discharges.* No user shall at any time increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or any other pollutant-specific limitation developed by the city or state.
- (f) *Specific pollutant limitations.* No person shall discharge wastewater containing in excess of the following:

Material	Concentration (mg/l)
Arsenic	0.008
Benzene	8.8
Cadmium	0.0111
Carbonaceous Biochemical Oxygen Demand	400
Chromium	1.73
Copper	0.336
Cyanide	0.123
Ethylbenzene	6.3
Lead	0.202
Mercury	0.000010
Methylenechloride	16.5
Nickel	0.873
Phenol	338
Phosphorus	16.7
Silver	0.016
Toluene	31.4
Xylene	8.4
Total Suspended Solids	600
Zinc	1.321
111.Trichloroethane	23.4
NH3	39.5
Perfluorooctane sulfonate (PFOS)	.000474
Perfluorooctanoic acid (PFOA)	.06
Perfluorobutanesulfonic acid (PFBS)	336
Perfluorohexanesulfonic acid (PFHxS)	.127

(g) *Mass limitations.* The city may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this division or in other cases where the imposition of mass limitations is deemed appropriate by the city.

Passed by the City Commission of the CITY OF CLARE on _____, 2025, at its regular meeting with _____ commissioners in attendance, _____ voting aye, _____ nay. Adopted by the City Commission of the City of Clare this _____ day of _____ 2025.

Patrick Humphrey, Mayor

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the _____ of _____, 2025, that of _____ members of the City Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date: _____

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Diane M. Lyon, Clerk

RESOLUTION 2025-071

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING ORDINANCE 2025-004 FOR THE CITY OF CLARE TO AMEND ITS WASTEWATER STRENGTH LIMITATIONS, CHAPTER 46 OF THE ORDINANCE CODES OF THE CITY OF CLARE, TO REFLECT THE CURRENT, APPROVED DISCHARGE LIMITS PERMIT ISSUED TO THE CITY BY THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY.

WHEREAS, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) has mandated that the City of Clare amend its Wastewater Strength Limitations Ordinance (Chapter 46) of the City's Codes of Ordinance to reflect the current, approved discharge limits permit issued to the City; and

WHEREAS, the City Staff has presented said mandated change to the City Commission in the form of a proposed Ordinance 2025-004; and

WHEREAS, the Clare City Commission, at a scheduled public meeting on the 21st day of July, 2025, reviewed and considered said Ordinance; held an appropriately noticed public hearing related to said Ordinance; and directed a first reading of said City Ordinance 2025-004, an ordinance to amend Chapter 46, Article III, Division 2, Section 46-162-Wastewater Strength Limitations of the Ordinance Codes of the City of Clare; and

WHEREAS, the Clare City Commission again considered said proposed Ordinance on the 4th day of August, 2025 and subsequently directed a second reading of Ordinance 2025-004.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves Ordinance 2025-004, thereby amending Chapter 46, Article III, Division 2, Section 46-162-Wastewater Strength Limitations of the Ordinance Codes of the City of Clare and declares that said Ordinance shall become effective fifteen (15) days following publication of the Summary of Ordinance Adoption.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 4th day of August, 2025.

Diane M. Lyon, City Clerk