

ELECTRONIC (VIRTUAL) ZOOM SPECIAL COUNCIL MEETING NOTICE
VILLAGE OF GRAND BEACH
48200 PERKINS BLVD., GRAND BEACH, MI
MONDAY, APRIL 12, 2021
9:00 A.M. (CST) – 10:00 A.M. (EST)

THE VILLAGE OF GRAND BEACH COUNCIL, in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.264), and pursuant to the provisions of enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act to allow meeting remotely under Berrien County's Declared State of Emergency, hereby gives notice of a Special Council meeting to be held electronically due to the COVID-19 pandemic.

The Village Hall will not be open during the meeting, so you will need to attend the meeting electronically.

There will be a limited amount of time at the start of the meeting for the public to speak on agenda items and the public will be allowed to speak to other topics during the "public comments – general" portion of the meeting.

- If you would like to speak about an agenda item at the start of the meeting or would like to speak during the "public comments – general" portion of the meeting, please send an email prior to 9:00 A.M. EST on April 12, 2021 to clerk@grandbeach.org stating your name, Grand Beach address, which agenda item you would like to speak about, or that you would like to speak during "public comments – general" and include Council Meeting in the subject line of the email. If you do not send an email, you will still be given an opportunity to speak at the meeting. Contact the clerk with any questions.
- Council members may be contacted by email with any questions or input regarding the agenda. Email addresses can be found at grandbeach.org.

We are asking you to send an email if you plan to speak so that the moderator of the meeting will be able to call on those that wish to speak when the time comes during the meeting.

INSTRUCTIONS ON HOW TO JOIN THE ELECTRONIC (VIRTUAL) ZOOM MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/83604228217?pwd=OGJmQXdRNFZoSStmbGQxbyt3NkNrQT09>

Meeting ID: 836 0422 8217

Passcode: 938876

One tap mobile

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888 475 4499 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

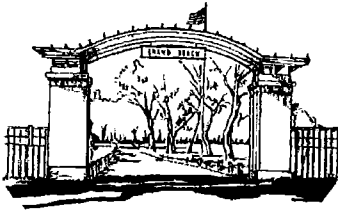
877 853 5257 US Toll-free

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Passcode: 938876

This notice is posted in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 41.72a(2)(3)) and the Americans With Disabilities Act. The Village of Grand Beach Council will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon five days' notice to the Village of Grand Beach Council. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Grand Beach Council by email at clerk@grandbeach.org or calling 269-469-3141.

MARY J. ROBERTSON, CLERK – TREASURER
(269) 469-3141



**Village of Grand Beach
48200 Perkins Blvd.
Grand Beach, MI 49117**

**AGENDA FOR SPECIAL COUNCIL MEETING
ELECTRONIC (VIRTUAL) MEETING**

**APRIL 12, 2021
9:00 A.M. CST – 10:00 A.M. EST**

1. Call to Order
2. Adoption of Agenda
3. Comments on Agenda Items
4. Unfinished Business
5. New Business
 - a. Storm Water Management
 - b. Amendment to Ordinance #64 Regulating Illicit Discharges
6. Public Comments - General
7. Correspondence
8. Adjournment



STORM WATER MANAGEMENT PROGRAM
FOR THE
VILLAGE OF GRAND BEACH

MUNICIPAL SEPARATE STORM SEWER SYSTEM

PREPARED FOR:
VILLAGE OF GRAND BEACH
BERRIEN COUNTY, MICHIGAN

APRIL 23, 2014

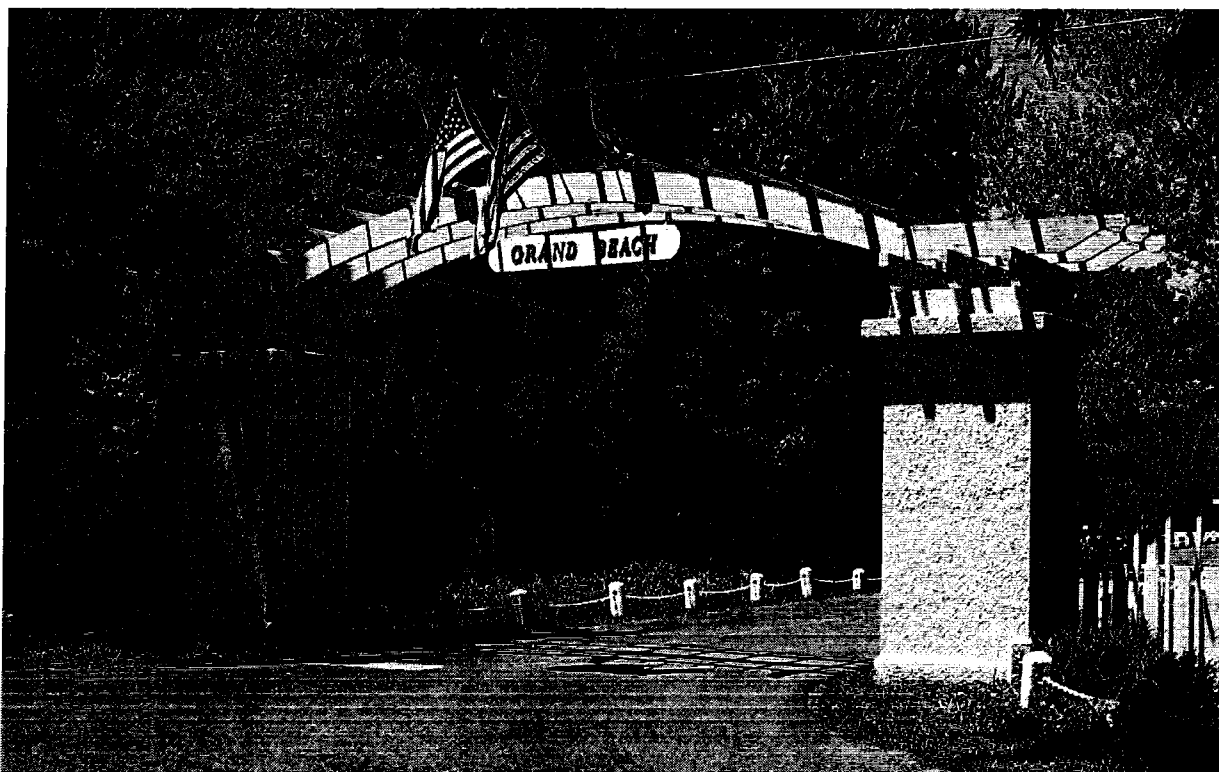




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ABBREVIATIONS/ACRONYMS

CAC	Citizens' Advisory Committee
DPW	Department of Public Works
IDEP	Illicit Discharge Elimination Plan
MDEQ	Michigan Department of Environmental Quality
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination Systems
SESC	Soil Erosion and Sedimentation Control
SWMP	Storm Water Management Program
SWMPC	Southwest Michigan Planning Commission
USEPA	U.S. Environmental Protection Agency
Village	Village of Grand Beach



1 Purpose

The purpose of this Storm Water Management Program (SWMP) is to comply with the provisions of the Federal Water Pollution Control Act, as amended (33 USC 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act") Part 31, and the Michigan Part 21 Rules, Wastewater Discharge Permits (R 323.2101 et seq.). The SWMP is designed to do both of the following:

- (a) Reduce the discharge of storm water pollutants to the maximum extent practicable (MEP), and
- (b) Protect water quality and satisfy the appropriate water quality requirements of the federal act.

2 Background

The Village of Grand Beach (Village) has nine point source discharges from its Municipal Separate Storm Sewer System (MS4) (Figure 1). Eight of these point sources discharge only street surface runoff to Lake Michigan or White Creek. The ninth source discharges street surface runoff and golf course runoff to White Creek. The area drained by these conveyances is very limited (Table 1). Most storm water drainage in the Village is achieved via subsurface percolation. White Creek originates in Indiana and flows through the Village into Lake Michigan. There are no other point source discharges to surface waters of the State of Michigan (State) from the Village. There are no non-storm water discharges to the Village storm sewer system. The Village has no other structural storm water controls.

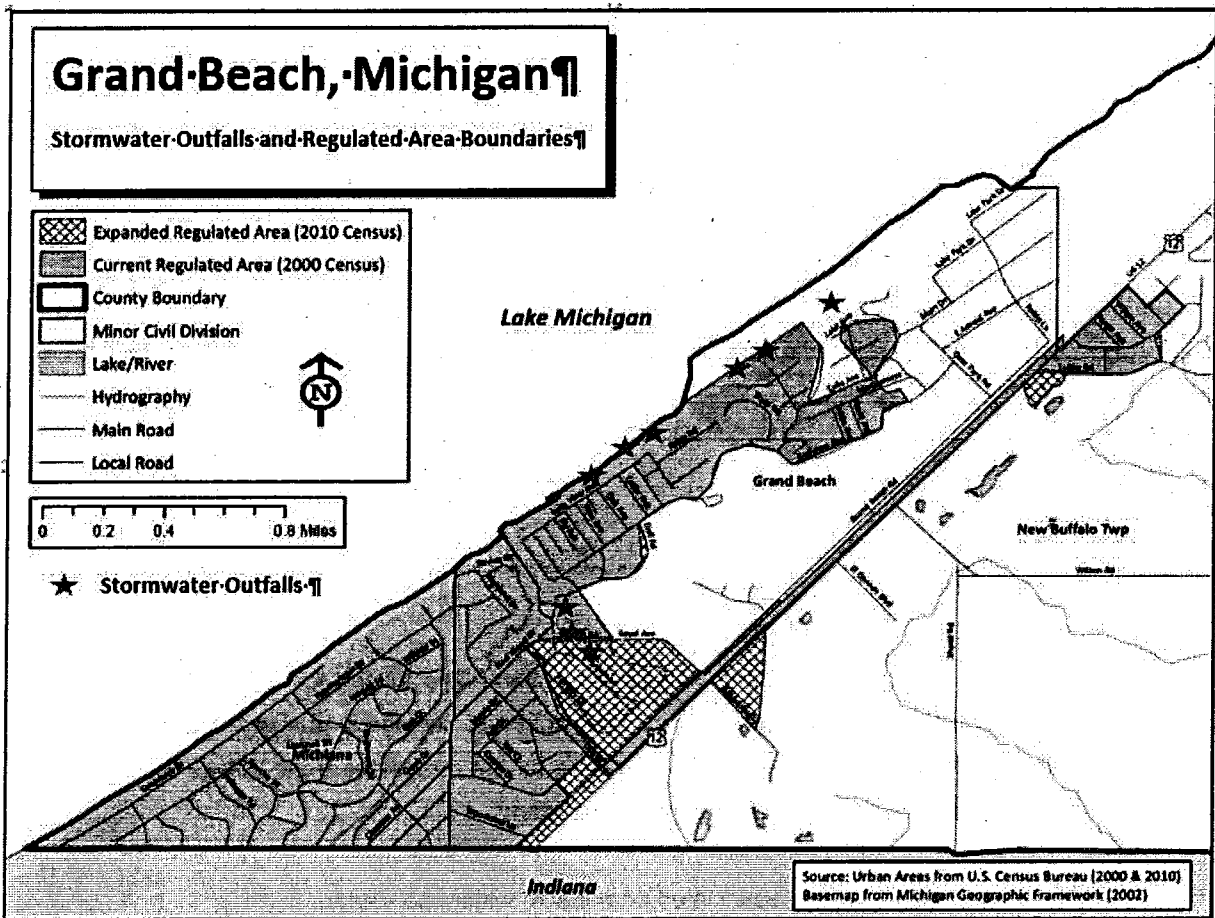
Table 1 - Grand Beach Outfall Drainage Areas

Outfall	Number of Catchbasins	Approximate Area Drained	Receiving Water
GB1801	2	Less than 1,000 feet of roadway	Lake Michigan
GB1806	1	Approximately 200 feet of roadway	Lake Michigan
GB1808	1	Approximately 200 feet of roadway	Lake Michigan
GB1809	1	Approximately 200 feet of roadway	Lake Michigan
GB1810	1	Approximately 200 feet of roadway	Lake Michigan
GB1811	3	Approximately 1,000 feet of roadway	Lake Michigan
GB1901	3	1,200 feet of perforated storm sewer. Drains a short section of Royal Avenue plus a couple acres of golf course and playground.	White Creek
GB1902	2	Approximately 250 feet of roadway	White Creek
GB1906	0	Roadway at stream crossing	White Creek

The Village owns, operates, and maintains a number of other catchbasin structures that drain small sections of roadway. These catchbasins are really drywells. The drywell structures are typically 1 to 6 feet in diameter

and 3 to 5 feet deep. They contain a vertical perforated pipe in the center surrounded by crushed stone. They function by capturing and holding storm water until the soil surrounding the drywell has opportunity to absorb the water and percolate it to the groundwater. These structures are not regulated by the NPDES Storm Water Program and are not discussed further in this SWMP.

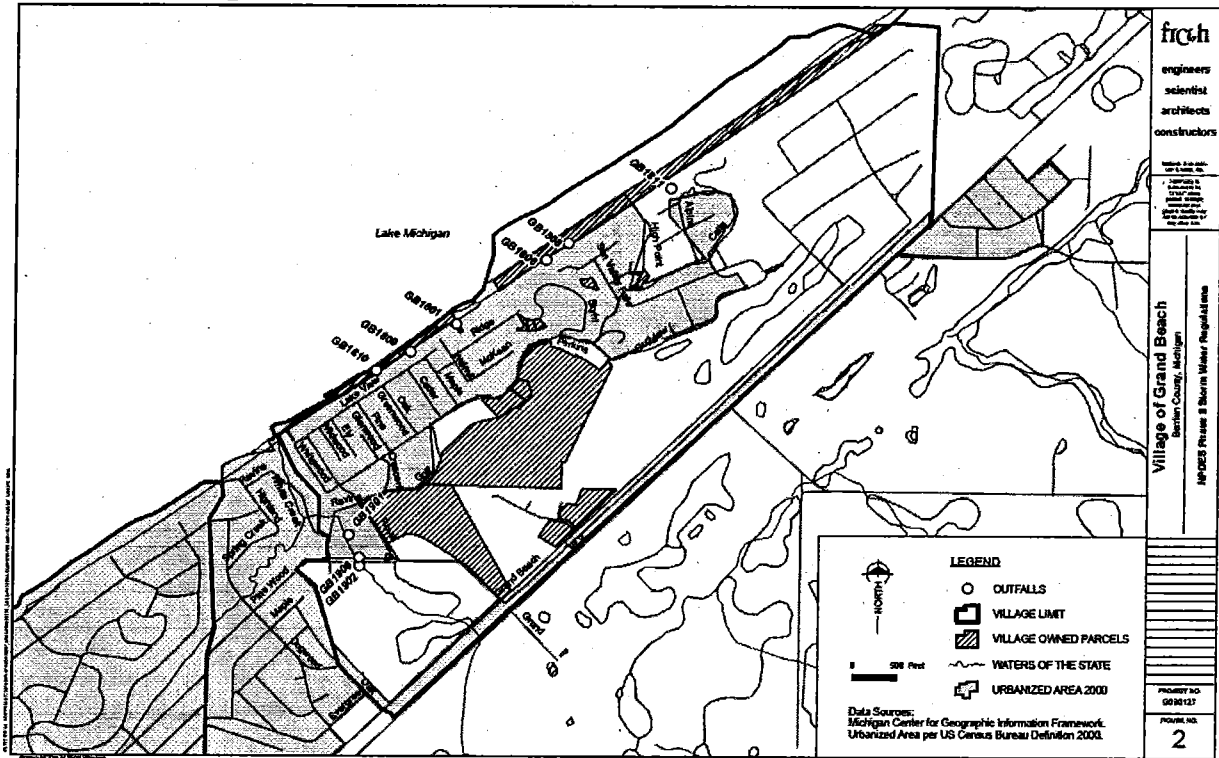
Figure 1 – Grand Beach Stormwater Outfalls and Regulated Area Boundaries



The Village is a residential single family home community consisting of approximately four hundred (400) houses. There are no commercial, industrial, or institutional land uses in the Village (no retail, no medical, no businesses, no factories, no schools, no churches, and no multi-family residential). The only governmental uses are the Village Hall, the Department of Public Works (DPW)/Police Building, Water Tower, Water Distribution Pump Station, Golf Course, Parks, Beach, and Beach Easements. Village owned parcels are indicated on Figure 2. The general population swings from about one hundred (100) people in winter to almost one thousand (1,000) in summer. The population was 272 at the 2010 census. The Village staff consists of one clerk/treasurer, one deputy clerk/treasurer; three public works employees, and four police officers. The Village council is composed of five members elected at large. It is a home rule charter village. According to the United States Census Bureau, the village has a total area of 0.91 square miles.



Figure 2 - Village Owned Parcels



No part of the Village is served by a combined sewer system. The Village has one subdivision, called Golfmore 2 Estates, with a sanitary sewer system. The collected sewage is pumped to the Galien River Sanitary District Authority in New Buffalo. Sanitary wastes for the remainder of the Village are handled by individual dwelling septic tank and subsurface disposal systems.

There are no "nested jurisdictions" or "associated permittees" within the Village.



3 Storm Water Management Program

The Storm Water Management Program (SWMP) is implemented by the Village of Grand Beach utilizing the following Enforcement Response Procedure. Actions will be taken to control storm water pollution to the maximum extent practicable, including, where appropriate, enforcement action. Instances of non-compliance will be tracked from initial report/discovery to verification of resolution. An example tracking sheet is included in Appendix 1.

The Village of Grand Beach uses education, assistance, and enforcement to assure compliance with the SWMP. The Village views enforcement as only one tool available to achieve compliance. Enforcement in and of itself is not a goal – compliance is the goal.

- Enforcement actions must be timely.
- Enforcement actions must be appropriate to the violations alleged.
- Enforcement actions must be consistent for like violations.
- Enforcement actions in response to repeat or continuing violations must be progressive in nature.
- Enforcement actions must be responsive to program priorities and needs.

By judiciously using education, assistance, and enforcement tools, the goals of reducing the discharge of storm water pollutants to the maximum extent practicable (MEP) and protecting water quality should be met.

4 Public Education Program

4.1 Public Education Program

The Village of Grand Beach adopts the Public Education Plan developed by the Southwest Michigan Planning Commission (SWMPC) dated August 19, 2011 (see Appendix 4).

4.1.1 Impacts

The residents of the Village will be advised as to the adverse impacts to White Creek and Lake Michigan of discharging pollutants to the storm sewer systems via posting on the Village website. In addition, each year the *Spring Newsletter* will contain a link to Storm Water Management Program educational information. The *Spring Newsletter* reaches essentially all of the seasonal residents of the Village. The fact sheets available from the Southwest Michigan Planning Commission (SWMPC) will be posted on the Village website and available at the Village clerk's office.

Other means of public education may be utilized such as:



- A. Written notification by means of a bulletin mailed with the water bills.
- B. Posting of the written notification on the Village bulletin boards strategically located on the heavily travelled areas, including a major beach access point.
- C. Educational materials available for inspection at the Village office.

4.1.2 Public Actions

The residents of the Village will be advised as to the actions they can take to prevent the discharge of pollutants to the storm sewer systems via the Village website. Additionally bulletins may be mailed with their water bills or notices posted on the Village's Public Notice bulletin boards.

4.1.3 Public Education

The public education materials will state:

- A. What illicit discharges are and that the public can report illicit discharges and improper disposal of materials to the storm sewer systems by calling the Village Clerk at (269) 469-3141.
- B. That household hazardous wastes can be taken to the Berrien County Resource Recycling Center. Call (269) 983-7111, extension 8234 for detailed information.
- C. That non-hazardous wastes are picked up by private contractor (currently, Able Disposal) on Monday and recyclable wastes are picked up by private contractor (currently, Lakeshore Recycling & Disposal) on alternate Mondays.
- D. That yard wastes are picked up by the Village DPW for composting if left in the road right-of-way.
- E. That application rates for horticultural chemicals are listed on the manufacturer's packaging and should not be exceeded.
- F. That wastewater from vehicle washing is prohibited from entering the storm sewer systems.
- G. That deicing chemicals should be used sparingly, with sand preferred for environmental reasons.
- H. That native vegetation, such as dune grass, should be planted to the maximum extent possible on slopes.
- I. That septic tank maintenance information can be obtained from the Berrien County Health Department in Three Oaks, Michigan by calling (269) 756-2008.
- J. That evidence of pollution to White Creek or Lake Michigan should be reported to the MDEQ at (269) 567-3578; soil erosion from sloping land into White Creek or Lake Michigan should be reported by calling the Berrien County Soil Erosion and Sedimentation Control (SESC) Department at (269) 983-7111, extension 8255.

4.1.4 Non-Residential Entities

There are no nonresidential entities in the Village other than the Village Government.

4.1.5 Village Website

The Village website will be utilized for conveying more detailed information to the citizens regarding storm water. It will contain downloadable material as well as links to important sites. Materials will be available on the following subjects:

- A. Water bodies that could be affected by storm water
- B. Southwest Michigan Water Quality Partnership
- C. Pet Waste
- D. Septic Tank Maintenance
- E. Car Washing
- F. Motor Vehicle Wastes
- G. Low Impact Development
- H. Watershed Basics
- I. Proper Salt Use
- J. Lawn Care – No Phosphorus Fertilizers
- K. Illicit Discharges
- L. Travel Trailer Waste

4.1.6 Village PEP Commitments

Table 2 – PEP Activity Commitments

PEP Activity	Village Commitment
Provide website link to SWMPC	Yes
Provide additional information on municipal website	Yes
Have Table Top Display in Community with Fact Sheets	Optional
Distribute Fact Sheets to residents	Yes, via website
Distribute Educational Messages	Yes, via newsletter
SWMPC presentation to Planning Commission or Board/Council	Optional
Storm drain markers	No
Distribute soil erosion brochure	Yes
Provide Planning Commission with information on Green Infrastructure, Low Impact Development, etc.	Optional
Native plantings; Rain Gardens and/or Riparian Buffer Plantings	Optional
Conduct a brief citizen survey to track progress (2014 and 2018)	Yes



5 Public Involvement and Participation

5.1 Public Notification

Notification to the public that a SWMP has been developed and how to view a copy will be made via posting on the Village website.

Other means of public notification may be utilized such as:

- A. Written notification by means of a bulletin mailed with the water bills.
- B. Posting of the written notification on the Village bulletin boards strategically located on the heavily travelled areas, including a major beach access point.
- C. Copy of SWMP available for inspection at the Village office.

The means used will, at a minimum, comply with state and local public notice requirements for implementing a public involvement/participation program.

5.2 Citizens' Advisory Committee (CAC)

The Village council will serve as a CAC to encourage public involvement in all aspects of the SWMP and its implementation. The council will:

- A. Consider local legislation or administrative actions that will protect the quality of White Creek and Lake Michigan.
- B. Meet or select a designee to meet with neighboring citizens' organizations in Michigan and Indiana to foster protection of White Creek and the Lake Michigan shoreline when interest in such a meeting is expressed by these organizations.
- C. The Village will cooperate with the Village of Michiana, the Berrien County Drain Commissioner's office, and the township of New Buffalo on implementing joint water quality goals of the respective SWMPs.

The Village Council will allow for public comment on the SWMP (or any other topic) at every regularly scheduled council meeting.



6 ILLICIT DISCHARGE ELIMINATION PROGRAM

6.1 Definitions

Illicit Connection: Any method, or means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by Village Ordinance.

6.2 Map of Storm Water Point Sources

Figure 1 is a map of storm water point sources and Table 1 describes each point source. There are no nested jurisdictions within the Village. The contributions to these sources are almost exclusively road runoff. There are no known illicit discharges to these point sources and the possibility for Illicit connections is remote.

6.3 Program to Eliminate Illicit Discharges

The Village has implemented a program to find, prioritize, and eliminate illicit discharges with the following results:

- A. There are no known illicit discharges to the previously enumerated nine (9) point sources. The catchbasins, tributary to these point sources, are inspected frequently for any required sediment or debris removal. The DPW staff has received training on identification of suspected illicit discharges, so inspections include concern for illicit discharges. Staff training included reporting & response procedures and will be repeated every 5 years. The outfall locations do not receive as frequent inspections, however they are observed on an irregular basis several times per year.
- B. Village Ordinance No. 64 (Appendix 2) prohibits illicit discharges and connections to the storm water drainage system. It is the purpose of this ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:
 1. To regulate the contribution of pollutants to the storm water drainage system and natural water bodies by storm water discharges by any user.
 2. To prohibit illicit discharges and connections to the storm water drainage system and natural water bodies.
 3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.
 4. To provide appropriate remedies for failure to comply with this ordinance.
- C. The Village building inspector, a contract employee, will be charged to ensure that all new construction and renovation needing a building permit conforms to Ordinance No. 64. This prevents future illicit connections.

- D. There is no indication of infiltration of sanitary wastes into the municipal storm drains. There is no evidence of seepage from onsite sewage disposal systems into the Village's storm sewer system.
- E. Through State, County, and Village statutes and ordinances, all construction of new homes is reviewed to prohibit and prevent any illicit discharges to the storm drain system. The Village Zoning Administrator will review site plans and location plans to prevent any designs from making illicit connections to the storm drain system.
- F. All point sources will be observed by DPW staff at least once every five years during dry weather and will be documented using the IDEP Dry Weather Screening Data Sheet included in Appendix 1. This is in addition to the informal inspections noted in Paragraph A above. The first documented inspections will occur before the fall of 2014. The documentation will include:
1. Outfall identification;
 2. Date and time of inspection;
 3. Number of days since the last rainfall;
 4. Water clarity and color; (if discharge is occurring);
 5. Presence of other materials near the outfall, i.e. suds, oil sheen, sewage, floatable materials, bacterial sheens, algae, trash, and/or slime;
 6. Staining of banks, outfall structures, and/or vegetation;
 7. Excessive vegetative growth;
 8. Odor;
 9. Presence of undocumented connections;
 10. Integrity of the outfall structure; and
 11. Initial recommendation for follow up activity.

If there is a dry weather flow, the Village will attempt to identify and eliminate the discharge. Due to the nature of the Village owned storm sewers, there should never be a dry weather discharge.

If sampling and analyses are necessary to identify and track the discharge, assistance will be sought from trained and experienced individuals, such as staff from other communities or consultants. It is impractical to maintain a staff trained in sampling, analysis, sewer investigation techniques, and personnel safety for nine outfalls that drain less than one mile of roadway. Analyses will be selected based on professional experience and the facts of the case at hand. They most likely will include, but are not limited to, pH, ammonia, surfactants, and temperature. Samples will likely be initially analyzed with field kits, but chain-of-custody quality assured analyses may be warranted depending on the situation. Tracer dyes will not be used to track illicit discharges or connections without approval from the MDEQ.



- G. Within twenty-four hours of discovery of a significant illicit discharge that has the potential to seriously affect surface waters or groundwaters, designated uses, or public health, the Village will verbally notify the Berrien County Health Department and the MDEQ. As a guideline, the Village will consider 50 pounds of oil or 50 pounds of salt or any amount of other polluting materials that cause unnatural turbidity, color, visible sheens, oil films, foams, solids, or deposits in the receiving waterbody to be significant. Once a significant illicit discharge is recognized, the discharge site will be isolated, and the flow and discharge from the site will be eliminated as soon as possible, taking into account circumstances that cannot be foreseen. The timeframe for follow up of other illicit discharges or illicit connections, including investigation and elimination, will depend on the potential for environmental harm. Ongoing discharges will receive high priority with a 30-day goal of resolution. Potential or highly intermittent discharges will receive lower priority with a 6-month goal of resolution.
- H. A short narrative evaluation of program efficiency will be provided with every progress report.

7 Post Construction Storm Water Management Program

The Village Zoning Ordinance allows only single family residential units. Rainfall runoff from buildings and drives is handled either through dry wells for in-ground seepage of storm water or over land sheet drainage for percolation into the very sandy soils. The Village has a process for ensuring this consisting of a Village policy. The policy is enforced through the Master Plan and Zoning Ordinance (see excerpts in Appendix 3). Before a building permit for new construction or re-development is issued, the contractor and owner must sign an agreement that all storm water must be managed onsite. A copy of the current agreement is in Appendix 3. The Village Building Inspector ensures compliance and signs off on the document when the project is complete. If the project will disturb an acre or more of soil to construct and it requires use of a structural Best Management Practice to manage the storm water onsite, then the landowner/developer will also be required to enter into a Storm Water System Maintenance Agreement (see Appendix 3). No drainage from private property has been authorized into the MS4. The Village is almost entirely composed of sand dunes of significant height. The vegetation on both developed and undeveloped sites is extensive.

A few currently developed sites may in-fact discharge small quantities of storm water offsite. Upon redevelopment of these sites, the post-development rate and volume of storm water discharge shall be no greater than the pre-development rate and volume of storm water discharge. In this case, an engineering report might be required to show that the rate and volume of storm water discharge is no greater than the pre-development. Storm water discharge rate and volume shall be calculated by "Urban Hydrology for Small Watersheds – TR-55" by USDA/NRCS, June 1986, or other generally recognized method (www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/16/stelprdb1044171.pdf). TR-55 presents simplified procedures for estimating runoff and peak discharges in small watersheds. Figure B-3 of TR-55 shall be used for rainfall data.



8 Construction Storm Water Runoff Control

8.1 Controls Authorized by Zoning Ordinance

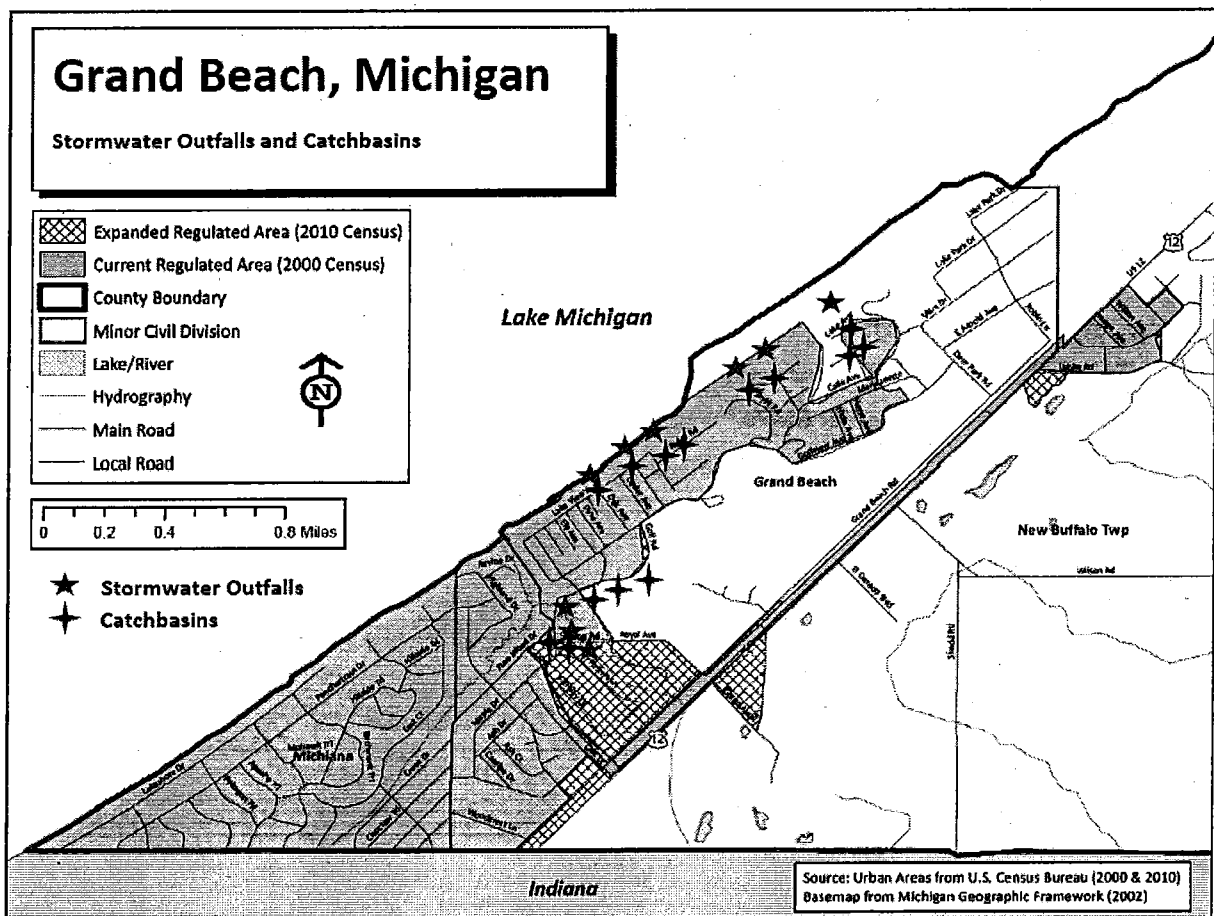
- A. As previously indicated, all Village zoning is limited to single family residential and public use zoning. The building inspector has the authority and unfettered access to inspect sites to verify information submitted for a building permit and to ensure compliance with all provisions of the Zoning Ordinance.
- B. Violations of the Zoning Ordinance can result in cessation of construction and revocation of the building permit, and other judicial remedies, if required.
- C. No building permit will be issued without a permit from the MDEQ where high risk erosion areas are involved, or where critical dune areas are involved.
- D. No building permit will be issued without a permit from the Berrien County Drain Commissioner's Office for Soil Erosion and Sedimentation Control, where required. Building permit applicants will be advised that a State of Michigan Permit by Rule may also be required.
- E. No structure is permitted within fifty (50) feet of the centerline of White Creek.
- F. The following are either prohibited or controlled by the Zoning Ordinance: Airborne emissions beyond the property lines other than wood-burning fireplace; contamination of water of the State beyond the standards approved by the MDEQ; and the storage of flammable or explosive materials or their unregulated use.
- G. No building permit will be issued without assurance that storm water generated during construction will be managed onsite, or other provisions are made to prevent storm water pollution.
- H. The building inspector and DPW staff will be instructed to identify any construction activity resulting in the deposit or imminent threat to deposit solids or other waste materials into the drainage system that may endanger the health or the environment and to provide verbal notification of the Berrien County SESC Agency and the MDEQ within twenty-four (24) hours of the incident.
- I. The Berrien County Drain Commissioner will be relied upon to establish and assess measureable goals for construction site stormwater BMPs.

9 Pollution Prevention/Good Housekeeping for Municipal Operations

9.1 Structural Controls

All storm drains and all 14 catch basins (See Figure 3) undergo frequent irregular inspection by Village staff as they go through the Village and beaches on their normal routine. All storm drains and appurtenances are inspected and cleaned of sediment and vegetative residue at least once each year. This will be documented. This program will continue and whenever significant clogging of inlets is noticed it will be acted upon. Residents will be encouraged to contact the Village to report clogged inlets. Foreign materials removed from the drainage system are disposed of according to class of materials. Any materials removed from catch basins, including sand, will be disposed of in accordance with the MDEQ Catch Basin Cleaning Activities Guidance document. Leaves are temporarily retained in an enclosed area, and a separate MDEQ permit has been issued (registered composting facility) for yard wastes. The compost facility is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.

Figure 3 – Grand Beach Stormwater Outfalls and Catchbasins





9.2 Roadways

Village roads are sanded in the winter as required. Sand and salt are used only at intersections where stop signs are posted and on hills or other areas needing extra traction. Minimum quantities are also used at these intersections. All road waste is stored away from water bodies, and snow is mounded and stored away from water bodies and storm drains. Coal tar emulsions will not be used to seal asphalt surfaces. There are no unpaved roads contributing storm water to the MS4. The goal of reducing total suspended solids in storm water is achieved through improved materials handling (salt/sand applications) and catchbasin cleaning. The Village will not discharge to the surface waters of the State any wastewater generated from cutting, grinding, drilling, or hydrodemolition of concrete without authorization under a NPDES wastewater discharge permit.

9.3 Fleet Maintenance and Storage Yards/Facilities

9.3.1 Department of Public Works Equipment

Village trucks and tractors are maintained at the Village garage. No maintenance is done outside. Oil changes and other disposables are recovered by recyclers of these materials. Wash-downs of equipment are usually done on the garage's apron driveway and consist of removing sand and soil. The runoff from the wash-down is sheet drainage that goes into the adjacent vegetated soil. No contamination of waters of the State occurs. Major vehicle maintenance is conducted at commercial facilities out of the Village. The DPW Building is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.

9.3.2 Police Equipment

The Village's three (3) police vehicles (one car, one sport utility vehicle, and one quad-runner) are maintained offsite at commercial facilities which are not located in the Village. The cars are usually washed offsite at commercial facilities outside the Village, while the quad-runner is usually washed on the garage apron with sheet drainage flowing into adjacent vegetated soil. No contamination of the waters of the State occurs. The police share a building with the DPW which is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.

9.3.3 Fuel for Public Works and Police Vehicles

Fuel is stored in tanks that are within approved containers with secondary containment and are inspected annually for any leaks as is the containment. The fuel storage area is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.

9.3.4 Salt and Sand Storage

The road sand and salt piles located behind the Public Works Department are securely covered with tarps to prevent contamination of rainwater and runoff. The Village sets aside money each budget cycle to purchase a salt dome. This area is also inspected at least monthly. The salt and sand storage area is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.



9.3.5 Storm Water Pollution Prevention Plan (SWPPP)

All of the fleet maintenance and storage yards/facilities owned by the Village are located outside of the Urbanized Area and are not regulated by the NPDES Storm Water Program. A SWPPP is not required for these facilities, nor is a certified storm water operator required.

9.3.6 Storage, Collection, Transport, and Disposal of Refuse

All refuse generated by the Village is stored, collected, transported, and disposed outside of the Urbanized Area.

9.4 Flood Control Structures

The Village has no existing flood control structures and none are planned. Long-time residents have indicated that there has not been any flooding in the Village from White Creek in more than forty years.

9.5 Pesticides and Fertilizers

The Village does not routinely use any pesticides or fertilizers on any public or private property, except for mosquito control. Mosquito control chemicals are applied by a licensed applicator in accordance with the labeling instructions. To be a licensed applicator, proper training is required. Phosphorus fertilizer may be used only if soil tests conducted every 4 years show a phosphorous deficit. The contract with the golf course maintenance provider calls for discretionary use of fertilizers by licensed operator only. The golf course is outside the Urbanized Area and is not regulated by the NPDES Storm Water Program.

9.7 Training Program

The Village will utilize training materials that are available from the U.S. Environmental Protection Agency (USEPA), the State, the SWMPC, or other organizations. The program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, illicit discharges, new construction, and storm water system maintenance. All new employees, including contractors hired by the Village to perform municipal operation and maintenance activities, shall undergo training at the onset of employment, at least during the first year of employment. Existing employees will receive refresher training at least every five years. The contract employees maintaining the golf course work only on the golf course which is outside the Urbanized Area. Therefore training is not mandatory, but recommended.

10 Total Maximum Daily Loads (TMDL)

There are no TMDLs approved by the USEPA within the Village. Therefore it is not necessary to identify and prioritize actions to reduce pollutants to be consistent with the requirements and assumptions of the TMDL.



11 SCHEDULE OF IMPLEMENTATION AND MEASURABLE GOALS

Table 3 – Schedule of Implementation and Measurable Goals

Action Item	Measure	Deadline
Bulletins mailed with water bills – See 4.1.3 for list of potential content	Number of bulletins mailed	Summer 2014, 2016, 2018 (optional)
Notices posted to the Village's public notice bulletin boards	Number of bulletin boards posted upon	Summer 2014, 2015, 2016, 2017, 2018, 2019 (optional)
Information available from the Village's website (SWMPC Materials)	Listing of storm water related content	Current and continuing
Spring Newsletter to contain a link to Storm Water Management Program (SWMP) educational information. See 4.1.5 for list of potential content	Confirmation that link was included in Newsletter	Spring 2014, 2015, 2016, 2017, 2018, 2019
Allow for public comment at every regularly scheduled council meeting	Confirmation that agendas contain public comment period	Current and continuing
Track PEP Progress	Brief citizen survey	2014 and 2018
Inspect and clean (as needed) sediment and vegetative residue from catchbasins each year	Number of catchbasins cleaned and estimated volume of residue removed	Current and continuing
Maintain trucks and tractors at the Village garage or at commercial facilities	Confirmation that procedure is being followed	Current and continuing
Confirm that runoff from vehicle wash-down goes into the adjacent vegetated soil	Confirmation that procedure is being followed	Current and continuing
DPW staff will receive training on identification of illicit discharges, reporting, pollution prevention, and good housekeeping (use DVD from SWMPC)	Number of employees receiving training	Refresher every 5 years; new permanent employees during first year of employment
Confirm building inspector aware of stormwater duties	Confirmation of communication	Spring 2014

Action Item	Measure	Deadline
Village Planning and Zoning Committee will review site plans to prevent any illicit connections	Confirmation of procedure being followed	Current and continuing
Documented dry weather outfall inspections	Inspection reports on every outfall	Before the fall of 2014, 2019
Continue implementation of on-site storm water management policy	Compare the number of Building Permits for new construction or re-development (involving soil disturbances of 1 acre or more) with the number of Storm Water Management Agreements. Explain any differences.	Current and continuing
Building inspector will not issue building permits without assurance that storm water generated during construction will be managed onsite	Confirmation of procedure being followed	Current and continuing
Building inspector will not issue building permits without assurance that storm water generated after construction will be managed onsite	Confirmation of procedure being followed	Current and continuing
Test soils before using phosphorus fertilizers on Village property within the Urbanized Area	Confirmation of procedure being followed	Current and continuing



12 RECEIVING WATER QUALITY STATUS

Water quality monitoring conducted by the Berrien County Health Department of the Public Beach at Grand Beach is presented in Appendix 1. Only seven days in twelve years of sampling indicated a water quality standard violation for bacterial quality. This is an excellent record indicating superlative water quality. The water quality of White Creek is known to be variable, however no studies are known to be available that quantify the changes or identify the source or cause of the variability. The occasional discoloration of the water may be due to natural decomposition of vegetation in upstream wetlands or anthropogenic contamination from agricultural operations. The discoloration is unlikely to be caused by urban storm water impacts and certainly not caused by storm water discharges within Grand Beach.

13 RECEIVING WATER QUALITY STRESSES

The Grand Beach area contains High Risk Erosion Areas and Critical Dunes. High Risk Erosion Areas are those shorelands of the Great Lakes where erosion has been occurring at a long-term average rate of one foot or more per year. The erosion may be caused by high water levels, storms, wind, groundwater seepage, surface water runoff, or frost, among other causes. While many of these factors occur naturally, surface water runoff and irresponsible development can increase erosion rates. Critical Dune Areas have been designated by the MDEQ. All development within High Risk Erosion Areas and Critical Dune Areas must be done in accordance with permits issued by the MDEQ.



Appendix 1 – Forms & Data

- a. Grand Beach Storm Water Management Program - Non-Compliance and Illicit Discharge Tracking Sheet
- b. IDEP Dry Weather Screening Data Sheet
- c. Lake Michigan Water Quality Data at Grand Beach



a. Grand Beach Storm Water Management Program - Non-Compliance and Illicit Discharge Tracking Sheet

Grand Beach Storm Water Management Program Non-Compliance and Illicit Discharge Tracking Sheet											
DATE	NAME OF PERSON MAKING	NAME OF VIOLATOR	LOCATION OF THE VIOLATION	DESCRIPTION OF THE VIOLATION	NAME OF INVESTIGATOR	RESULT OF INVESTIGATION	DATE OF INVESTIGATION	ACTION TAKEN	DATE ACTION WAS TAKEN	ACTION CONFIRMING RESOLUTION	DATE RESOLUTION CONFIRMED
Examples											
1985-0924	Mrs Nell Ferwick, Neighbor	Mr. Sridely, Whiplash, Dyer	Catchbasin on Elm Street	Cleaning paint brushes in the street	Dudley Do-Right, Mountie	Claim was true	same day	Told Sridely not to do it anymore	same day	Stopped by the next day and found no evidence of paint in the catchbasin	1985-0925
1985-0927	Dudley Do-Right, Mountie	Comrade Boils Badenov, Contractor	123 Sesame Street	Began construction without permit from BCDC	Dudley Do-Right, Mountie	Stopped construction	same day	Stopped construction until permit obtained	same day	Confirmed by phone that BCDC had issued SESC permit	1985-1001



b. IDEP Dry Weather Screening Data Sheet

GENERAL
Date _____ Time _____ Air Temp _____ °F
Crew Name _____ Date of Last Rain _____ Clear/Sunny
Photograph # _____ Partly Cloudy
GPS Coordinates _____ °N _____ °W (decimal degrees) _____ Overcast

TYPE OF OUTFALL

Material & Size		Condition	Flow Observations
<input type="checkbox"/> (In) Concrete	<input type="checkbox"/> (In) PVC	<input type="checkbox"/> Like New	<input type="checkbox"/> (In) Depth
<input type="checkbox"/> (In) RCP	<input type="checkbox"/> (In) Metal	<input type="checkbox"/> Good	<input type="checkbox"/> Standing water in pipe, no flow
<input type="checkbox"/> (In) CMP	<input type="checkbox"/> (In) Clay	<input type="checkbox"/> Broken	<input type="checkbox"/> Trace, insufficient to quantify
<input type="checkbox"/> (In) CPP	<input type="checkbox"/> (In) Ditch	<input type="checkbox"/> Impaired	<input type="checkbox"/> Dry, no water present
<input type="checkbox"/> (In) Other-describe below _____			

If evidence of illicit connection, describe below _____

FLOW OBSERVATIONS (skip if no water present in outfall)

Odor	<input type="checkbox"/> None	<input type="checkbox"/> Musty	<input type="checkbox"/> Sewage	<input type="checkbox"/> Rotten Egg	<input type="checkbox"/> Gasoline	<input type="checkbox"/> Oil	<input type="checkbox"/> Other**
Color	<input type="checkbox"/> Clear	<input type="checkbox"/> Light Brown	<input type="checkbox"/> Dark Brown	<input type="checkbox"/> Green	<input type="checkbox"/> Grey	<input type="checkbox"/> Black	<input type="checkbox"/> Other**
Turbidity	<input type="checkbox"/> Clear	<input type="checkbox"/> Slightly	<input type="checkbox"/> Moderate	<input type="checkbox"/> Highly	<input type="checkbox"/> Opaque	<input type="checkbox"/>	<input type="checkbox"/> Other**
Floatables	<input type="checkbox"/> None	<input type="checkbox"/> Trash	<input type="checkbox"/> Sewage	<input type="checkbox"/> Foam	<input type="checkbox"/> Oil Sheen	<input type="checkbox"/>	<input type="checkbox"/> Other**

OUTFALL AREA OBSERVATIONS

Deposits/stains	<input type="checkbox"/> None	<input type="checkbox"/> Mineral	<input type="checkbox"/> Sediment	<input type="checkbox"/> Oily	<input type="checkbox"/> Grease	<input type="checkbox"/> Other**
Vegetation	<input type="checkbox"/> None	<input type="checkbox"/> Normal	<input type="checkbox"/> Excessive	<input type="checkbox"/> Algae	<input type="checkbox"/>	<input type="checkbox"/> Other**

**If Other, include comments _____

OTHER OBSERVATIONS NEAR OUTFALL

Pollution Source	<input type="checkbox"/> Debris/Trash	<input type="checkbox"/> Construction Runoff	<input type="checkbox"/> Road Crossing
	<input type="checkbox"/> Sptic System	<input type="checkbox"/> Streambank Erosion	<input type="checkbox"/> Gully Erosion
	<input type="checkbox"/> Upland Source	<input type="checkbox"/> Tile Outlet	<input type="checkbox"/> Other**

**If Other, include comments _____

Follow Up None High Priority Other - explain _____ Additional information on attached sheet

Low Priority Immediate

Comments _____

Comments continued on back.



c. Lake Michigan Water Quality Data at Grand Beach

Date	Sample Type	Count (#/100ml)	Date	Sample Type	Count (#/100ml)
9/9/2013	Individual	34	8/30/2010	Individual	100
9/9/2013	Individual	4	8/30/2010	Individual	36
9/9/2013	Individual	10	8/30/2010	Individual	30
9/9/2013	Daily Mean	11	8/30/2010	Daily Mean	48
9/3/2013	Individual	10	8/23/2010	Individual	40
9/3/2013	Individual	16	8/23/2010	Individual	170
9/3/2013	Individual	18	8/23/2010	Individual	160
9/3/2013	Daily Mean	14	8/23/2010	Daily Mean	103
8/26/2013	Individual	52	8/23/2010	30-Day Mean	74
8/26/2013	Individual	64	8/18/2010	Individual	50
8/26/2013	Individual	28	8/18/2010	Individual	110
8/26/2013	Daily Mean	45	8/18/2010	Individual	30
8/19/2013	Individual	4	8/18/2010	Daily Mean	55
8/19/2013	Individual	2	8/18/2010	30-Day Mean	60
8/19/2013	Individual	<2	8/2/2010	Individual	12
8/19/2013	Daily Mean	3	8/2/2010	Individual	8
8/12/2013	Individual	120	8/2/2010	Individual	10
8/12/2013	Individual	230	8/2/2010	Daily Mean	10
8/12/2013	Individual	160	8/2/2010	30-Day Mean	63
8/12/2013	Daily Mean	164	7/29/2010	Individual	80
8/5/2013	Individual	32	7/29/2010	Individual	60
8/5/2013	Individual	34	7/29/2010	Individual	90
8/5/2013	Individual	38	7/29/2010	Daily Mean	76
8/5/2013	Daily Mean	35	7/29/2010	30-Day Mean	89
7/30/2013	Individual	6	7/26/2010	Individual	400
7/30/2013	Individual	4	7/26/2010	Individual	600
7/30/2013	Individual	4	7/26/2010	Individual	600
7/30/2013	Daily Mean	5	7/26/2010	Daily Mean	524 *
7/22/2013	Individual	4	7/26/2010	30-Day Mean	96
7/22/2013	Individual	2	7/19/2010	Individual	10
7/22/2013	Individual	2	7/19/2010	Individual	60
7/22/2013	Daily Mean	3	7/19/2010	Individual	60
7/15/2013	Individual	2	7/19/2010	Individual	80
7/15/2013	Individual	2	7/19/2010	Daily Mean	41
7/15/2013	Individual	<2	7/19/2010	30-Day Mean	39
7/15/2013	Daily Mean	2	7/12/2010	Individual	120
7/8/2013	Individual	76	7/12/2010	Individual	100
7/8/2013	Individual	82	7/12/2010	Individual	70
7/8/2013	Individual	140	7/12/2010	Daily Mean	94
7/8/2013	Daily Mean	96	7/12/2010	30-Day Mean	44
6/24/2013	Individual	70	7/6/2010	Individual	28
6/24/2013	Individual	80	7/6/2010	Individual	28
6/24/2013	Individual	50	7/6/2010	Individual	130
6/24/2013	Daily Mean	65	7/6/2010	Daily Mean	47
6/17/2013	Individual	<2	7/6/2010	30-Day Mean	48
6/17/2013	Individual	2	6/28/2010	Individual	110
6/17/2013	Individual	2	6/28/2010	Individual	110
6/17/2013	Daily Mean	2	6/28/2010	Individual	120
6/10/2013	Individual	<2	6/28/2010	Daily Mean	113
6/10/2013	Individual	<2	6/28/2010	30-Day Mean	75
6/10/2013	Individual	10	6/21/2010	Individual	4
6/10/2013	Daily Mean	3	6/21/2010	Individual	4
6/3/2013	Individual	52	6/21/2010	Individual	6



Date	Sample Type	Count (#/100ml)	Date	Sample Type	Count (#/100ml)
6/3/2013	Individual	48	6/21/2010	Daily Mean	5
6/3/2013	Individual	90	6/21/2010	30-Day Mean	43
6/3/2013	Daily Mean	61	6/14/2010	Individual	78
5/28/2013	Individual	<2	6/14/2010	Individual	58
5/28/2013	Individual	<2	6/14/2010	Individual	74
5/28/2013	Individual	8	6/14/2010	Daily Mean	69
5/28/2013	Daily Mean	3	6/14/2010	30-Day Mean	63
5/20/2013	Individual	<2	6/7/2010	Individual	120
5/20/2013	Individual	<2	6/7/2010	Individual	180
5/20/2013	Individual	<2	6/7/2010	Individual	140
5/20/2013	Daily Mean	2	6/7/2010	Daily Mean	145
9/17/2012	Individual	10	6/7/2010	30-Day Mean	62
9/17/2012	Individual	<10	6/3/2010	Individual	36
9/17/2012	Individual	10	6/3/2010	Individual	24
9/17/2012	Daily Mean	10	6/3/2010	Individual	44
9/10/2012	Individual	40	6/3/2010	Daily Mean	34
9/10/2012	Individual	360	6/2/2010	Individual	260
9/10/2012	Individual	20	6/2/2010	Individual	230
9/10/2012	Daily Mean	66	6/2/2010	Individual	170
9/5/2012	Individual	90	6/2/2010	Daily Mean	217
9/5/2012	Individual	10	6/1/2010	Individual	120
9/5/2012	Individual	40	6/1/2010	Individual	590
9/5/2012	Daily Mean	33	6/1/2010	Individual	580
9/4/2012	Individual	9000	6/1/2010	Daily Mean	345 *
9/4/2012	Individual	4600	5/24/2010	Individual	<2
9/4/2012	Individual	140	5/24/2010	Individual	<2
9/4/2012	Daily Mean	1796 *	5/24/2010	Individual	4
8/28/2012	Individual	190	5/24/2010	Daily Mean	3
8/28/2012	Individual	<10	9/14/2009	Daily Mean	19
8/28/2012	Individual	10	9/8/2009	Daily Mean	38
8/28/2012	Daily Mean	27	8/31/2009	Daily Mean	80
8/27/2012	Individual	380	8/24/2009	Daily Mean	41
8/27/2012	Individual	460	8/17/2009	Daily Mean	111
8/27/2012	Individual	310	8/10/2009	Daily Mean	65
8/27/2012	Daily Mean	378 *	8/3/2009	Daily Mean	20
8/20/2012	Individual	10	7/27/2009	Daily Mean	33
8/20/2012	Individual	10	7/20/2009	Daily Mean	5
8/20/2012	Individual	10	7/14/2009	Daily Mean	16
8/20/2012	Daily Mean	10	7/6/2009	Daily Mean	50
8/13/2012	Individual	20	6/23/2009	Daily Mean	3
8/13/2012	Individual	10	6/15/2009	Daily Mean	7
8/13/2012	Individual	30	6/8/2009	Daily Mean	80
8/13/2012	Daily Mean	18	6/1/2009	Daily Mean	81
8/6/2012	Individual	30	8/20/2008	Daily Mean	5
8/6/2012	Individual	50	8/13/2008	Daily Mean	4
8/6/2012	Individual	50	8/6/2008	Daily Mean	18
8/6/2012	Daily Mean	42	7/30/2008	Daily Mean	38
7/30/2012	Individual	<10	7/22/2008	Daily Mean	148
7/30/2012	Individual	10	7/15/2008	Daily Mean	2
7/30/2012	Individual	<10	7/9/2008	Daily Mean	184
7/30/2012	Daily Mean	10	7/2/2008	Daily Mean	28
7/23/2012	Individual	140	6/24/2008	Daily Mean	16
7/23/2012	Individual	160	6/17/2008	Daily Mean	7
7/23/2012	Individual	100	6/11/2008	Daily Mean	3
7/23/2012	Daily Mean	131	6/3/2008	Daily Mean	4
7/16/2012	Individual	10	5/28/2008	Daily Mean	4



Date	Sample Type	Count (#/100ml)	Date	Sample Type	Count (#/100ml)
7/16/2012	Individual	<10	5/19/2008	Daily Mean	10
7/16/2012	Individual	<10	8/13/2007	Daily Mean	16
7/16/2012	Daily Mean	10	8/6/2007	Daily Mean	21
7/9/2012	Individual	30	7/30/2007	Daily Mean	22
7/9/2012	Individual	60	7/23/2007	Daily Mean	9
7/9/2012	Individual	60	7/16/2007	Daily Mean	9
7/9/2012	Daily Mean	48	7/9/2007	Daily Mean	26
7/2/2012	Individual	10	7/2/2007	Daily Mean	4
7/2/2012	Individual	<10	6/28/2007	Daily Mean	193
7/2/2012	Individual	10	6/12/2007	Individual Sample	2
7/2/2012	Daily Mean	10	6/12/2007	Individual Sample	2
6/26/2012	Individual	70	6/12/2007	Individual Sample	2
6/26/2012	Individual	30	6/5/2007	Individual Sample	10
6/26/2012	Individual	60	6/5/2007	Individual Sample	38
6/26/2012	Daily Mean	50	6/5/2007	Individual Sample	66
6/11/2012	Individual	<10	5/29/2007	Individual Sample	48
6/11/2012	Individual	<10	5/29/2007	Individual Sample	74
6/11/2012	Individual	<10	5/29/2007	Individual Sample	16
6/11/2012	Daily Mean	10	5/22/2007	Individual Sample	2
6/4/2012	Individual	160	5/22/2007	Individual Sample	2
6/4/2012	Individual	110	5/22/2007	Individual Sample	2
6/4/2012	Individual	60	8/29/2006	Daily Mean	240
6/4/2012	Daily Mean	102	8/22/2006	Daily Mean	59
5/29/2012	Individual	30	8/16/2006	Daily Mean	6
5/29/2012	Individual	60	8/8/2006	Daily Mean	17
5/29/2012	Individual	40	7/25/2006	Daily Mean	35
5/29/2012	Daily Mean	42	7/17/2006	Daily Mean	86
9/6/2011	Individual	40	7/11/2006	Daily Mean	50
9/6/2011	Individual	40	7/11/2006	Daily Mean	36
9/6/2011	Individual	20	7/5/2006	Daily Mean	24
9/6/2011	Daily Mean	32	6/27/2006	Daily Mean	10
8/29/2011	Individual	180	6/20/2006	Daily Mean	17
8/29/2011	Individual	200	6/13/2006	Daily Mean	10
8/29/2011	Individual	200	6/6/2006	Daily Mean	18
8/29/2011	Daily Mean	193	5/30/2006	Daily Mean	2
8/22/2011	Individual	<10	5/22/2006	Individual Sample	2
8/22/2011	Individual	10	9/11/2005	Daily Mean	3
8/22/2011	Individual	<10	9/6/2005	Daily Mean	1
8/22/2011	Daily Mean	10	8/22/2005	Daily Mean	16
8/16/2011	Individual	470	8/15/2005	Daily Mean	19
8/16/2011	Individual	520	8/8/2005	Daily Mean	3
8/16/2011	Individual	10	8/1/2005	Daily Mean	2
8/16/2011	Daily Mean	135	7/25/2005	Daily Mean	10
8/1/2011	Individual	230	7/18/2005	Daily Mean	16
8/1/2011	Individual	250	7/13/2005	Daily Mean	3
8/1/2011	Individual	240	7/8/2005	Daily Mean	21
8/1/2011	Daily Mean	240	6/20/2005	Daily Mean	4
7/18/2011	Individual	40	6/15/2005	Daily Mean	54
7/18/2011	Individual	120	8/18/2004	Daily Mean	128
7/18/2011	Individual	160	8/16/2004	Daily Mean	4
7/18/2011	Daily Mean	92	8/11/2004	Daily Mean	11
7/18/2011	30-Day Mean	39	8/9/2004	Daily Mean	21
7/13/2011	Individual	130	8/2/2004	Daily Mean	47
7/13/2011	Individual	90	7/28/2004	Daily Mean	7
7/13/2011	Individual	90	7/26/2004	Daily Mean	10
7/13/2011	Daily Mean	102	7/21/2004	Daily Mean	21



Date	Sample Type	Count (#/100ml)	Date	Sample Type	Count (#/100ml)
7/13/2011	30-Day Mean	29	7/19/2004	Daily Mean	28
7/5/2011	Individual	<2	7/7/2004	Daily Mean	50
7/5/2011	Individual	<2	6/30/2004	Daily Mean	9
7/5/2011	Individual	<2	6/28/2004	Daily Mean	65
7/5/2011	Daily Mean	2	6/28/2004	Daily Mean	37
6/27/2011	Individual	10	6/24/2004	Daily Mean	14
6/27/2011	Individual	<2	6/16/2004	Daily Mean	5
6/27/2011	Individual	10	6/15/2004	Daily Mean	28
6/27/2011	Daily Mean	6	6/7/2004	Daily Mean	7
6/24/2011	Individual	80	6/3/2004	Daily Mean	21
6/24/2011	Individual	80	8/11/2003	Daily Mean	1
6/24/2011	Individual	60	8/6/2003	Daily Mean	57
6/24/2011	Daily Mean	73	7/22/2003	Daily Mean	385 *
6/22/2011	Individual	>1000	7/14/2003	Daily Mean	1
6/22/2011	Individual	540	6/30/2003	Daily Mean	9
6/22/2011	Individual	190	6/23/2003	Daily Mean	5
6/22/2011	Daily Mean	468 *	8/12/2002	Daily Mean	11
6/13/2011	Individual	20	8/5/2002	Daily Mean	5
6/13/2011	Individual	10	8/5/2002	Daily Mean	5
6/13/2011	Individual	20			
6/13/2011	Daily Mean	16			
6/13/2011	30-Day Mean	116			
6/6/2011	Individual	100			
6/6/2011	Individual	80			
6/6/2011	Individual	230			
6/6/2011	Daily Mean	123			
5/31/2011	Individual	20			
5/31/2011	Individual	50			
5/31/2011	Individual	40			
5/31/2011	Daily Mean	34			
5/23/2011	Individual	200			
5/23/2011	Individual	240			
5/23/2011	Individual	100			
5/23/2011	Daily Mean	169			
5/18/2011	Individual	500			
5/18/2011	Individual	240			
5/18/2011	Individual	100			
5/18/2011	Daily Mean	430 *			
5/16/2011	Individual	>1000			
5/16/2011	Individual	>1000			
5/16/2011	Individual	800			
5/16/2011	Daily Mean	928 *			

* - Indicates that the value exceeds 300/100ml, the Michigan Water Quality Standard (R 323.1062) as a daily geometric mean for full body contact.



Appendix 2 – IDEP Ordinance – Ordinance 64

VILLAGE OF GRAND BEACH ORDINANCE NO. 64

AN ORDINANCE TO REGULATE NON-STORM WATER DISCHARGES TO THE STORM WATER DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW; TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE STORM WATER DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE VILLAGE OF GRAND BEACH ASSOCIATED WITH NONCOMPLIANCE; TO PROVIDE FOR THE INSPECTION, SAMPLING, AND MONITORING OF STORM WATER AND OTHER DISCHARGES; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE VILLAGE OF GRAND BEACH ORDAINS:

ARTICLE I

GENERAL

SECTION 1.01

STATUTORY AUTHORITY AND TITLE

This Ordinance is adopted in accordance with the Home Rule Village Act, as amended, being MCL 78.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The Village shall administer, implement, and enforce the provisions of the ordinance. Any powers granted, or duties imposed, upon the Village may be delegated in writing by the Village Council of the Village of Grand Beach to persons or entities acting in the beneficial interest of, or in the employ of the Village.

SECTION 1.02

FINDINGS

The Village Council of the Village of Grand Beach finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the stream and Lake Michigan and water resources of the Village, thus threatening the health, safety, and welfare of the citizenry.
- (2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.

- (4) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.

SECTION 1.03 PURPOSE

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the storm water drainage system and natural water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connections to the storm water drainage system and natural water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.
- (4) To provide appropriate remedies for failure to comply with this Ordinance.

SECTION 1.04 APPLICABILITY AND GENERAL PROVISIONS

This Ordinance shall apply to all discharges entering the storm water drainage system and natural water bodies generated on any developed and undeveloped lands within the Village.

SECTION 1.05 DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized Enforcement Agency: The Village of Grand Beach, and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the Village Council of the Village of Grand Beach.

Best Management Practices (BMPs): Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. Many BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the Village Engineer.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge: means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or natural water body.

Discharger: Any person or entity who directly or indirectly discharges storm water from any premises or property. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.



Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainage way: A drain, water body, or flood plain.

EPA: The U.S. Environmental Protection Agency (EPA).

Flood plain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, that has been or may be covered by flood water.

Hazardous Materials: Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any method or, means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

MDEQ: Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

Non-Storm Water Discharge: Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Pollutant: The term pollutant includes, but is not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant, also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises: Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner: Any person having legal or equitable title to property or premises or any person having or exercising care, custody, or control over any property or premises.



State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan: A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm drain or storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff (or Storm Water): The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material: Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal laws, rules, or regulations.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a property or premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE II PROHIBITIONS AND AUTHORIZATIONS

SECTION 2.01 PROHIBITED DISCHARGES

- (1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body, directly or indirectly, any substance or material, 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 or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.
- (2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.

- (4) The discharge prohibitions of this section shall not apply to any non-stormwater discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

SECTION 2.02 PROHIBITED ILLICIT CONNECTIONS

- (1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.
- (2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 2.03 AUTHORIZED DISCHARGES

The following non storm water discharges are permissible, provided they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

- (1) Water supply line flushing.
- (2) Landscape irrigation runoff.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Irrigation water.
- (11) Springs.
- (12) Water from crawl space pumps.
- (13) Footing drains and basement sump pumps.
- (14) Lawn watering runoff.



- (15) Waters from non-commercial car washing.
- (16) Flows from riparian habitats and wetlands.
- (17) Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.
- (18) Residual street wash water.
- (19) Discharges or flows from emergency fire fighting activities.
- (20) Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

SECTION 2.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGE WAY

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a Drainage way, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system, or water body.

ARTICLE III INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

SECTION 3.01 INSPECTION AND SAMPLING

The Authorized Enforcement Agency may inspect and/or obtain samples from discharger's property or premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the properly identified representatives of the Authorized Enforcement Agency to enter the property or premises of the discharger at all hours necessary for the purposes of such inspection, or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's property or premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a property or premises is a violation of this Ordinance.

SECTION 3.02 STORM WATER MONITORING FACILITIES

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any property or premises shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized Enforcement Agency. The Authorized Enforcement Agency may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

SECTION 3.03 ACCIDENTAL DISCHARGES



Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within five (5) days. The written report shall specify all of the following:

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.
- (4) The names and telephone numbers of the individual making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.

SECTION 3.04 RECORD KEEPING REQUIREMENT

Any person that violates the requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property or premises connected with the violation or subject to monitoring.

ARTICLE IV ENFORCEMENT

SECTION 4.01 SANCTIONS FOR VIOLATION

- (1) Violation: Any person who (1) knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

SECTION 4.02 FAILURE TO COMPLY; COMPLETION

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.



SECTION 4.03 EMERGENCY MEASURES

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement Agency is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Village for all of such costs.

SECTION 4.04 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Village, shall be liable to and shall fully reimburse the Village for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Village as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedance or noncompliance. The costs that must be reimbursed to the Village shall include, but shall not be limited to, all of the following:

- (1) All costs incurred by the Village in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedance or noncompliance.
- (2) All costs to the Village of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedance, or noncompliance.
- (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Village, or any Village representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedance, or noncompliance.
- (4) The full value of any Village staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Village legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedance or noncompliance, or otherwise enforcing the requirements of this Ordinance.

SECTION 4.05 COLLECTION OF COSTS; LIEN

(1) Costs incurred by the Village pursuant to Sections 4.02, 4.03, 4.04, and 4.06(1) shall constitute a lien on the premises or premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for six (6) months or more may be certified to the New Buffalo Township Treasurer, who shall enter the lien on the next tax roll against the property or premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the



Village shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.

- (2) The failure by any person to pay any amounts required to be reimbursed to the Village as provided by this Ordinance shall constitute an additional violation of this Ordinance.

SECTION 4.06 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

(1) Suspension due to illicit discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any property or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system or a water body. If the property or premises owner fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the property or premises owner for the costs incurred by the Village.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a discharger of the proposed termination of access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a property or premises terminated pursuant to this section without the prior written approval of the Authorized Enforcement Agency.

SECTION 4.07 APPEALS

Any person who has been ordered to take action to comply with the provisions of this Ordinance may appeal in writing to the Village Council of the Village of Grand Beach, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Village Council shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Village Council may consider the recommendations of the Authorized Enforcement Agency and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Village Council may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the property or premises owner appealing; provided, however, that unnecessary hardship shall not include the need for a property or premises of owner to incur additional reasonable expenses in order to comply with the Ordinance; and
- (2) The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.

SECTION 4.08 JUDICIAL RELIEF



The Village may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Village may also seek collection of fines, penalties and any other amounts assessed and due to the Village that remain unpaid.

SECTION 4.09 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Village, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

ARTICLE V PERFORMANCE AND DESIGN STANDARDS

SECTION 5.01 RESPONSIBILITY TO IMPLEMENT BMPs

The owner or operator of a premises used for any commercial or industrial purposes shall provide, at the owner or operator's own expense, reasonable protection from an accidental discharge of prohibited materials or other wastes from entering into the storm water drainage system or natural water body through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, that is, or may be, the source of an illicit discharge may be required to implement, at their expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or natural water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

ARTICLE VI MISCELLANEOUS

SECTION 6.01 INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except those words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

SECTION 6.02 CATCH-LINE HEADINGS

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

SECTION 6.03 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of



competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

SECTION 6.04 REPEAL

This Ordinance shall be in addition to other ordinances of the Village and shall not be deemed to repeal or replace other ordinances, parts thereof; provided, that in the event of any inconsistency or conflict between this Ordinance and any other provision of any other ordinance, the provisions of this Ordinance shall control.

SECTION 6.05 EFFECTIVE DATE

This Ordinance shall become effective fifteen (15) days, following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, Village President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of July, 2004, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk



Appendix 3 – Post-Construction Storm Water Management Policy Documents

SITE PLAN REVIEW PROCESS

SITE PLAN REVIEW PROCESS FOR NEW HOMES OR ADDITIONS

Site Plan Review – Our zoning ordinance says:

Section 13.03 – Developments not Requiring Site Plan Approval.

A. Single family homes and their accessory uses to be located on existing individual lots of record in the LDR, MDR, and HDR districts.

We do require certain documents for new single family homes, remodels and additions. The building inspector/zoning administrator then reviews the site plan and prints.

I have included a copy of a form that we pass out with new building permit application packets.

CLERK/DEPUTY CLERK

When a contractor or property owner comes in to apply for a building permit for a new house or addition, the clerk or deputy clerk accepts all documentation necessary for the project. She ensures that the following items are provided:

1. 3 Sets of drawings with surveys (usually the site plan is on the survey)
2. 3 Copies of the site plan
3. State of Michigan Contractor License (if not already on file)
4. Septic Permit issued by the Berrien County Health Dept. or a receipt from New Buffalo Township showing that the applicant has paid for a sewer tap (if sewer is available)
5. Stormwater Management document
6. Stormwater System Maintenance Agreement (for projects that disturb an acre or more of soil)
7. DFR permit if required
8. Soil Erosion permit issued by the Berrien County Drain Commissioner
9. A statement signed by applicant that says they will follow the State Construction Code and our Zoning Ordinance.

BUILDING INSPECTOR/ZONING ADMINISTRATOR

Once the clerk/deputy clerk has received the necessary documents, site plan and drawings they are forwarded to the building inspector/zoning administrator for his review.

He will review the documentation, survey, site plans and the drawings.

He will visit the proposed building site if necessary.

He will contact the contractor or property owner for clarification on any issues or changes necessary in the plans.

When he is satisfied with the documentation, site plan, drawings, and permit application, he will sign the building permit and the applicant can begin construction.

If the building inspector/zoning administrator denies the permit application for zoning reasons, the applicant can apply for a variance. In that situation, the Zoning Board of Appeals will hold a public hearing regarding the variance request and will make a decision in favor of or against the request.

In some instances, especially those regarding variances, the Village Attorney is contacted for guidance.



EXCERPTS FROM ZONING ORDINANCE

The following are excerpts from the Grand Beach zoning ordinance:

Section 10.07 (A)4 PUD:

The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.

Section 12.03 (A)7 Special Land Uses:

Each application form shall contain the following information:

Plans to prevent any additional storm-water runoff to other properties. Demonstrate in the site plan, that there exists sufficient protection to ensure that there will be no additional storm-water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm-water runoff on the proposed site location. For purposes of this standard, the storm-water runoff shall be consistent with Village regulation.

Section 13.10 (D) Site Plan Review (This pertains to large projects and not individual lots or homes):

Surface Water Drainage: Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas. Also, the applicant shall demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm-water runoff created by the proposed special land use other than that which is natural to the lot or parcel and existed prior to development; or that adequate and full measures have been taken to accommodate any additional storm-water runoff on the proposed site location.



BUILDING PERMIT REQUIREMENTS

VILLAGE OF GRAND BEACH

(269) 469-3141

FAX (269) 469-0146

NAME _____

PERMIT # _____

BUILDING PERMIT REQUIREMENTS

No building or other structure shall be erected, remodeled or altered within the Village of Grand Beach until a building permit has been approved by the Building Inspector.

All applications for permits must be accompanied by:

- 1. Three sets of drawings and three sets of survey. Michigan architect necessary if over 3,500 square feet.
- 2. Three copies of site plan.
Septic Tank & Dry Wells precisely indicated. Submitted _____
- 3. State of Michigan contractor license. Submitted _____
- 4. Permit application, all pertinent data filled in, including MI contractor license number, signed and dated. Submitted _____
- 5. Berrien County Health Department permits for septic, if required. Submitted _____
- 6. Permit fee based on estimated cost of construction. Submitted _____
- 7. Water Tap Fee of \$2,500.00 – if applicable. (A normal tap is \$2,500.00. Unusual circumstances will incur additional fees). Paid _____
- 8. Gravel Area at Building Site. _____
- 9. Storm Water Management Document. Submitted _____
- 10. Storm Water System Maintenance Agreement. Submitted _____

MAY BE REQUIRED – DEPENDING ON CONSTRUCTION SITE

- 11. DEQ Critical Dune Permits Application _____ Approved _____
- 12. DEQ Flood Plain Permits Application _____ Approved _____
- 13. Soil Erosion Permits – (Required for all property located within 500' of any waterway)
 - a. Berrien Co Drain Commissioner Application _____ Approved _____
 - b. DEQ Permit-by-rule may also be required Application _____ Approved _____

OTHER PERMITS – MAY BE REQUIRED DEPENDING ON TYPE OF WORK

- 14. Electrical Inspection Permit – Obtain permit through the Village Office.
- 15. Plumbing Inspection Permit – Obtain permit through the State of Michigan.
- 16. Mechanical Inspection Permit – Obtain permit through the State of Michigan.



STORM WATER MANAGEMENT

STORM WATER MANAGEMENT

Building Permit # _____ Property Tax ID# _____

I understand that during the course of construction at _____, Grand Beach, Michigan, and after construction is complete, all storm water must be managed onsite, i.e. no surface water discharge of storm water and no discharge of storm water to the Village storm sewer drain system.

I understand that if the site currently discharges storm water offsite, the post-development rate and volume of storm water discharge shall be no greater than the pre-development rate and volume of storm water discharge. The post-development storm water discharge may not contain over 30 mg/l of total suspended solids regardless of the volume of discharge. In this case, an engineering report might be required to show that the rate and volume of storm water discharge is no greater than the pre-development rate.

I will take whatever steps are necessary to ensure that the storm water run off after construction shall be no greater than the pre-development rate and volume of storm water discharge. I will ensure that I will do nothing that will adversely affect the property of neighbors and Village property in regards to storm water run off.

I agree that I will not tie any type of drainage system, drain pipe or downspout in to the Village storm sewer drain system (or roadway), and if so, I will be required to remove it at owner's expense.

_____ Contractor's Name	_____ Property Owner's Name
_____ Contractor's Signature	_____ Property Owner's Signature
_____ Date	_____ Date

I, _____, Grand Beach Zoning Administrator and Building Inspector, have monitored the construction at the address listed above, and to the best of my knowledge agree that the post construction run off of storm water is no greater than the pre construction run off.

I have inspected drain pipes, down spouts and other drainage systems to verify that they are not tied in to the Village storm sewer drain system and that these systems are draining on the property mentioned above.

_____ Signature	_____ Date
--------------------	---------------

Storm Water Bldg. Permit Revised 3-19-12



STORMWATER SYSTEM MAINTENANCE AGREEMENT

This Agreement entered into the _____ day of _____, 20____, by and between the Village of Grand Beach ("Village"), 48200 Perkins Blvd., Grand Beach, MI 49117, and

_____ Landowner/Developer Name

_____ Landowner/Developer Address.

Whereas, Landowner/Developer is the owner of certain real property as legally described in Exhibit A attached hereto.

Whereas, Landowner/Developer proposes the construction of a storm sewer system ("the system") to serve all or a portion of the properties to be developed on the lands described in Exhibit A.

Now therefore it is hereby agreed:

1. That Landowner/Developer, its assigns and successors in interest, shall be responsible for the operation and maintenance of the system and for the payment of all costs associated therewith.
2. That Landowner/Developer, its assigns and successors in interest do grant and convey to the Village the right of entry on to the property for purposes of inspection of the system to determine the need for maintenance or improvement.
3. That if required, Landowner/Developer, its assigns and successors in interest shall retain the services of a licensed operator for the system and pay all costs attendant thereto.
4. That Landowner/Developer, its assigns and successors in interest shall operate and maintain the system in compliance with all federal, state and local statutes, laws, ordinances, authorizations, rules, regulations and permits.
5. That in the event that any inspection report indicates the need for maintenance or improvement to any part of the system, Landowner/Developer, its assigns and successors in interest shall cause such work to be done in a timely manner.
6. That if as a result of an inspection, the Village determines the need for maintenance or improvement of the system, the Village shall notify the Landowner/Developer, its assigns and successors in interest of the necessary maintenance, setting forth the specific details thereof, in writing. Upon receipt of notice from the Village, Landowner/Developer, its assigns or successors in interest shall cause the specified maintenance and improvement to be completed within 30 days of the receipt of notice or such time period as may otherwise be specified by the Village. In the event that the work specified by the Village is not completed in the specified time, the Village shall cause the work to be performed and Landowner/Developer, its assigns or successors in interest shall be responsible for the payment of all costs therefore incurred by the Village, payment to be made within 30 days of invoice. If payment is not made the Village is authorized to seek collection by all means allowed under law or may levy special assessment against properties benefiting from the system, which special assessment will be a lien against the lands until paid or collected as allowed for the collection of taxes and assessments under the laws of the State of Michigan.
7. That Landowner/Developer shall notify, in writing, of the name and address and telephone number of any assigned or successors in interest.
8. That Landowner/Developer, its assigns and successors in interest shall be responsible for all costs incurred by the Village for the operation, maintenance or improvement of the system, inspection and engineering costs, administration costs, attorney's fees and costs including fees and costs incurred in the preparation of this document.
9. That Landowner/Developer, its assigns or successors in interest agree to hold harmless, defend and indemnify the Village, Village employees, Village agents, and Village contractors from any and all liability or enforcement action arising out of the operation, maintenance or improvement of the system including any and all claims for damages or injury to person or property and any and all civil and criminal sanctions, penalties, fines or costs.
10. Once executed this Agreement shall be recorded with the Berrien County Register of Deeds, Landowner/Developer shall pay all costs of recording and all legal fees incurred in the preparation of this agreement.



Prepared By:
 Ms. Mary Robertson, Clerk
 Village of Grand Beach
 48200 Perkins Blvd.
 Grand Beach, MI 49117
 Telephone: (269) 469-3141

Return To:
 Ms. Mary Robertson, Clerk
 Village of Grand Beach
 48200 Perkins Blvd.
 Grand Beach, MI 49117
 Telephone: (269) 469-3141

By: _____
 Ms. Mary Robertson, Clerk

STATE OF MICHIGAN)
) ss
 COUNTY OF BERRIEN)

On this _____ day of _____, 20____ before me, a Notary Public in and for said County, appeared Ms. Mary Robertson, Clerk, to me personally known to be the person described in and who executed the foregoing instrument and acknowledged the same to be his/her free act and deed.

_____, Notary Public
 Berrien County, Michigan
 My Commission Expires: _____
 Acting in the County of Berrien

By: _____ Landowner/Developer Authorized Signature

_____ Landowner/Developer Name

STATE OF MICHIGAN)
)ss
 COUNTY OF BERRIEN)

On this _____ day of _____, 20____ before me, a Notary Public in and for said County, appeared _____ (Landowner/Developer Name), to me personally known to be the person described in and who executed the foregoing instrument and acknowledged the same to be his/her free act and deed.

_____, Notary Public
 Berrien County, Michigan
 My Commission Expires: _____
 Acting in the County of Berrien

CONSTRUCTION CODE AGREEMENT



Village of Grand Beach

43200 PERKINS BLVD

GRAND BEACH, MI 49117

I, the undersigned agree to follow the State Construction Code for the State of Michigan and the Zoning Code for the Village of Grand Beach. The undersigned also assumes all responsibility for the compliance of said codes.

Signature

Date

OFFICE (269) 469-3141

POLICE (269) 469-5000

ENV (269) 469-0146



Appendix 4 – Public Education Plan

As submitted by SWMPC on August 19, 2011

VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 64
Effective 8-8-04

AN ORDINANCE TO REGULATE NON-STORM WATER DISCHARGES TO THE STORM WATER DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW; TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE STORM WATER DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE VILLAGE OF GRAND BEACH ASSOCIATED WITH NONCOMPLIANCE; TO PROVIDE FOR THE INSPECTION, SAMPLING, AND MONITORING OF STORM WATER AND OTHER DISCHARGES; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

THE VILLAGE OF GRAND BEACH ORDAINS:

ARTICLE I GENERAL

SECTION 1.01 STATUTORY AUTHORITY AND TITLE

This Ordinance is adopted in accordance with the Home Rule Village Act, as amended, being MCL 78.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The Village shall administer, implement, and enforce the provisions of the ordinance. Any powers granted, or duties imposed, upon the Village may be delegated in writing by the Village Council of the Village of Grand Beach to persons or entities acting in the beneficial interest of, or in the employ of the Village.

SECTION 1.02 FINDINGS

The Village Council of the Village of Grand Beach finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the stream and Lake Michigan and water resources of the Village, thus threatening the health, safety, and welfare of the citizenry.*
- (2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).*
- (3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.*
- (4) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.*

SECTION 1.03 PURPOSE

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the storm water drainage system and natural water bodies by storm water discharges by any user.*
- (2) To prohibit illicit discharges and connections to the storm water drainage system and natural water bodies.*

- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.
- (4) To provide appropriate remedies for failure to comply with this Ordinance.

SECTION 1.04 APPLICABILITY AND GENERAL PROVISIONS

This Ordinance shall apply to all discharges entering the storm water drainage system and natural water bodies generated on any developed and undeveloped lands within the Village.

SECTION 1.05 DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized Enforcement Agency: The Village of Grand Beach, and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the Village Council of the Village of Grand Beach.

Best Management Practices (BMPs): Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. Many BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the Village Engineer.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge: means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or natural water body.

Discharger: Any person or entity who directly or indirectly discharges storm water from any premises or property. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.

Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainage way: A drain, water body, or flood plain.

EPA: The U.S. Environmental Protection Agency (EPA).

Flood plain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, that has been or may be covered by flood water.

Hazardous Materials: Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any method or , means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

MDEQ: Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

Non-Storm Water Discharge: Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Pollutant: The term pollutant includes, but is not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant, also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises: Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner: Any person having legal or equitable title to property or premises or any person having or exercising care, custody, or control over any property or premises.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan: A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm drain or storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff (or Storm Water): The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material: Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment; including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal laws, rules, or regulations.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a property or premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE II PROHIBITIONS AND AUTHORIZATIONS

SECTION 2.01 PROHIBITED DISCHARGES

- (1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body, directly or indirectly, any substance or material, 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 or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.
- (2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.
- (4) The discharge prohibitions of this section shall not apply to any non storm water discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

SECTION 2.02 PROHIBITED ILLICIT CONNECTIONS

- (1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.
- (2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 2.03 AUTHORIZED DISCHARGES

The following non storm water discharges are permissible, provided they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

- (1) Water supply line flushing.
- (2) Landscape irrigation runoff.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.

- (9) Air conditioning condensate.
- (10) Irrigation water.
- (11) Springs.
- (12) Water from crawl space pumps.
- (13) Footing drains and basement sump pumps.
- (14) Lawn watering runoff.
- (15) Waters from non-commercial car washing.
- (16) Flows from riparian habitats and wetlands.
- (17) Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.
- (18) Residual street wash water.
- (19) Discharges or flows from emergency fire fighting activities.
- (20) Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

SECTION 2.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGE WAY

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a Drainage way, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system, or water body.

ARTICLE III INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

SECTION 3.01 INSPECTION AND SAMPLING

The Authorized Enforcement Agency may inspect and/or obtain samples from discharger's property or premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the properly identified representatives of the Authorized Enforcement Agency to enter the property or premises of the discharger at all hours necessary for the purposes of such inspection, or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's property or premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a property or premises is a violation of this Ordinance.

SECTION 3.02 STORM WATER MONITORING FACILITIES

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any property or premises shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized Enforcement Agency. The Authorized Enforcement Agency may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to

determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

SECTION 3.03 ACCIDENTAL DISCHARGES

Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within five (5) days. The written report shall specify all of the following:

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.
- (4) The names and telephone numbers of the individual making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.

SECTION 3.04 RECORD KEEPING REQUIREMENT

Any person that violates the requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property or premises connected with the violation or subject to monitoring.

ARTICLE IV ENFORCEMENT

SECTION 4.01 SANCTIONS FOR VIOLATION

- (1) Violation: Any person who (1) knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

SECTION 4.02 FAILURE TO COMPLY; COMPLETION

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.

SECTION 4.03 EMERGENCY MEASURES

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement Agency is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Village for all of such costs.

SECTION 4.04 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Village, shall be liable to and shall fully reimburse the Village for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Village as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the Village shall include, but shall not be limited to, all of the following:

- (1) All costs incurred by the Village in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
- (2) All costs to the Village of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.
- (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Village, or any Village representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.
- (4) The full value of any Village staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Village legal counsel and any special legal counsel); associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.

SECTION 4.05 COLLECTION OF COSTS; LIEN

- (1) Costs incurred by the Village pursuant to Sections 4.02, 4.03, 4.04, and 4.06(1) shall constitute a lien on the premises or premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for six (6) months or more may be certified to the New Buffalo Township Treasurer, who shall enter the lien on the next tax roll against the property or premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Village shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.
- (2) The failure by any person to pay any amounts required to be reimbursed to the Village as provided by this Ordinance shall constitute an additional violation of this Ordinance.

SECTION 4.06 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

(1) Suspension due to illicit discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any property or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system or a water body. If the property or premises owner fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the property or premises owner for the costs incurred by the Village.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a discharger of the proposed termination of access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a property or premises terminated pursuant to this section without the prior written approval of the Authorized Enforcement Agency.

SECTION 4.07 APPEALS

Any person who has been ordered to take action to comply with the provisions of this Ordinance may appeal in writing to the Village Council of the Village of Grand Beach, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Village Council shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Village Council may consider the recommendations of the Authorized Enforcement Agency and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Village Council may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the property or premises owner appealing; provided, however, that unnecessary hardship shall not include the need for a property or premises owner to incur additional reasonable expenses in order to comply with the Ordinance; and
- (2) The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.

SECTION 4.08 JUDICIAL RELIEF

The Village may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Village may also seek collection of fines, penalties and any other amounts assessed and due to the Village that remain unpaid.

SECTION 4.09 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Village, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

ARTICLE V PERFORMANCE AND DESIGN STANDARDS

SECTION 5.01 RESPONSIBILITY TO IMPLEMENT BMPs

The owner or operator of a premises used for any commercial or industrial purposes shall provide, at the owner or operator's own expense, reasonable protection from an accidental discharge of prohibited materials or other wastes from entering into the storm water drainage system or natural water body through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, that is, or may be, the source of an illicit discharge may be required to implement, at their expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or natural water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

ARTICLE VI MISCELLANEOUS

SECTION 6.01 INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except those words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

SECTION 6.02 CATCH-LINE HEADINGS

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer:

SECTION 6.03 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

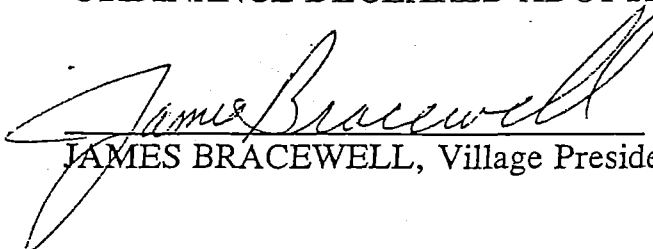
SECTION 6.04 REPEAL

This Ordinance shall be in addition to other ordinances of the Village and shall not be deemed to repeal or replace other ordinances, parts thereof; provided, that in the event of any inconsistency or conflict between this Ordinance and any other provision of any other ordinance, the provisions of this Ordinance shall control.

SECTION 6.05 EFFECTIVE DATE

This Ordinance shall become effective fifteen (15) days, following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

ORDINANCE DECLARED ADOPTED.


JAMES BRACEWELL, Village President


MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of July, 2004, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.



MARY ROBERTSON, Clerk

