

TOWNSHIP/CITY/VILLAGE/COUNTY OF __

_____ COUNTY, MICHIGAN

RESOLUTION NO.

A RESOLUTION APPROVING AN INTERJURISDICTIONAL AGREEMENT BETWEEN THE COUNTY OF GENESEE, ACTING THROUGH ITS COUNTY AGENCY, A MICHIGAN MUNICIPAL AGENCY, ESTABLISHED BY THE GENESEE COUNTY BOARD OF COMMISSIONERS PURSUANT TO ACT 342, PUBLIC ACTS OF MICHIGAN OF 1939 AND THE TOWNSHIP/CITY/VILLAGE/COUNTY OF _____, _____ COUNTY, MICHIGAN, A MICHIGAN MUNICIPAL CORPORATION

Moved by _____, seconded by _____, to adopt the following:

WHEREAS, the Township/City/Village/County of _____ (the “Municipal Agency”) and the County of Genesee, acting through its County Agency, a Michigan municipal agency, established by the Genesee County Board of Commissioners pursuant to Act 342, Public Acts of Michigan of 1939 (“Act 342”), as amended, (the “County Agency”) have previously entered into contracts, related to the acquisition, financing, operation of, and the collection, conveyance, and treatment of wastewater by the Genesee County sewer system (referred to herein as the Genesee County Publicly Owned Treatment Works or “POTW”), including the Base Contract No. _____, dated _____, and the Amendment and Restatement of Contracts and Usage and Operating Agreement, dated May 1, 2001, and any subsequent amendments to these contracts (referred to collectively herein as the “Base Contracts”); and

WHEREAS, the Genesee County POTW currently provides wastewater treatment service for discharges of wastewater originating from within the Municipal Agency pursuant to the Base Contracts; and

WHEREAS, the discharges from the Municipal Agency to the Genesee County POTW are discharged into the Genesee County Sewage Disposal System and are treated at the _____ Treatment Plant and after treatment, the treated effluent is then discharged pursuant to the National Pollution Discharge Elimination System Permit (“NPDES Permit”) held by the POTW; and

WHEREAS, the POTW is the designated “Control Authority” for the Genesee County sewer system as provided by its NPDES permit and by applicable state and federal laws, including: the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 USC 1251, *et seq.*; the General Pretreatment

Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL § 324.3101 *et seq.*, as amended (“Water Resources Protection”); and the Michigan industrial pretreatment rules, Michigan Administrative Code, R 323.2301 *et seq.*, as amended; and

WHEREAS, under applicable state and federal laws and regulations, the Genesee County POTW, in its capacity as the Control Authority and holder of the NPDES Permit, is required to adopt a sewer use ordinance, implement and enforce an industrial pretreatment program (“IPP”); and have the same legal authority for all users, existing and future, throughout all areas served by the POTW, including the Municipal Agency, regardless of jurisdictional or political boundaries; and

WHEREAS, applicable state and federal laws require the Genesee County POTW to have the legal authority and procedures, through its sewer use ordinance, IPP, and interjurisdictional agreements, that will enable it to independently assess and assure compliance by all users with applicable laws and regulations; and

WHEREAS, on November 21, 2006, to comply with applicable State and Federal laws and regulations, the Genesee County Board of Commissioners repealed its existing sewer use ordinance and adopted a new sewer use ordinance, Genesee County Ordinance No. 0605 (the new sewer use ordinance and any subsequent amendments thereto are hereinafter collectively referred to as “the Genesee County Sewer Use Ordinance”); and

WHEREAS, Act 342 and other state and federal laws require the County Agency and the Municipal Agency to enter into an agreement before the Municipal Agency may discharge into the Genesee County POTW; and

WHEREAS, the Genesee County Sewer Use Ordinance requires that, as a condition to discharge to the POTW, the Municipal Agency must adopt an ordinance that, except as specifically provided by the Genesee County Sewer User Ordinance, is identical to the Genesee County Sewer Use Ordinance; and

WHEREAS, the County Agency and the Municipal Agency are entering into this Agreement to comply with the requirements of Act 342, the Genesee County Sewer Use Ordinance, the POTW’s NPDES Permit, and to ensure that the County Agency has the proper legal authority to administer, implement and enforce the Genesee County Sewer Use Ordinance and its IPP within the jurisdictional limits of the Municipal Agency as required by applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED THAT:

In consideration of the Genesee County POTW accepting, providing treatment, and disposing of wastewater discharges from the Municipal Agency to the POTW as set

forth in the Base Contract and the Interjurisdictional Agreement attached hereto as Exhibit A, the Municipal Agency's Governing Board, hereby approves the Interjurisdictional Agreement, attached hereto as Exhibit A, between the County of Genesee, acting through its County Agency, a Michigan municipal agency, established by the Genesee County Board of Commissioners pursuant to Act 342, Public Acts of Michigan of 1939, as amended, and the Township/City/Village/County of _____, _____ County, Michigan, a Michigan municipal corporation, and hereby authorizes the Township/City/Village/County of _____'s Supervisor/Mayor and Clerk to execute the Interjurisdictional Agreement, attached hereto as Exhibit A, forthwith.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

The Township/City/Village/County of _____, _____ County, Michigan hereby agrees to adopt a new Sewer Use Ordinance as provided for in Paragraph 2 of the Interjurisdictional Sewer Use Agreement attached hereto as Exhibit A within ninety (90) days.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

The Township/City/Village/County of _____, _____ County, Michigan, pursuant to paragraph 3 of the Interjurisdictional Sewer Use Agreement attached hereto as Exhibit A, hereby designates, authorizes, and empowers the Genesee County POTW to act as the principal agent and representative of the Township/City/Village/County of _____ for the purposes of administering and enforcing both the Genesee County Sewer Use Ordinance and the Township/City/Village/County of _____'s Sewer Use Ordinance, which the Township/City/Village/County of _____ is required to adopt pursuant to Paragraph 2 of the Interjurisdictional Sewer use Agreement attached hereto as Exhibit A.

Roll Call Vote:

Y e a s :

N a y s : _____

The foregoing Resolution was duly adopted at a regular meeting of the _____ Board held on the ____ day of _____, 2007.

Supervisor/Mayor

Clerk

I, _____, Clerk of _____, do hereby certify the foregoing to be a true copy of a resolution adopted by the _____ Board/Commission at its meeting held on _____, _____, 2007.

Clerk

EXHIBIT A