



## City of Hartford \* County of Van Buren \* State of Michigan

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**TO:** Mayor Danger and Hartford City Commission

**FROM:** Quentin Clark, President of Certified Operator Services

**CC:** Nicol Pulluam, City Manager

**DATE:** December 15, 2025

**RE:** **APPROVAL OF LEGAL SERVICE AGREEMENT– INDUSTRIAL PRE-TREATMENT PLAN MATTERS**

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### **ITEM BEFORE THE COMMISSION:**

The item before the Commission is to approve a legal service agreement with Attorney George Davis for special legal counsel to the City.

### **BACKGROUND:**

The city has been working with a local company that is part of the city's industrial pretreatment plan (IPP). The company is currently out of compliance; it received a notice of violation in August 2025 and three violations: phosphorus exceedance, failure to submit a semi-annual report, and failure to collect semi-annual monitoring samples. The company received fines of \$11,107. Unfortunately, the company did not respond to the city until we put pressure on them to meet in October, and we received a response in November. The company has been out of compliance several times in the past; therefore, the city is seeking special representation to assist with compliance and enforcement issues and to revise the current sewer use ordinance.

- **ASSISTANCE WITH ENFORCEMENT AND USER COMPLIANCE ISSUES:**

Attorney Davis can assist the city in achieving the goal of returning the user to compliance with applicable legal requirements, including drafting and preparation of appropriate escalated enforcement and settlement documents, communications with the user, meeting with the user, preparing appropriate user permit conditions, and taking other relevant actions, as requested by the City.

Attorney Davis prides himself on keeping his clients out of court while achieving compliance.

- **REVIEW AND RECOMMEND REVISIONS TO THE CURRENT SEWER USE ORDINANCE:**

The city's current sewer use ordinance is minimally sufficient to comply with the applicable requirements of the city's NPDES Permit and the appropriate Michigan Pretreatment Regulations. Attorney Davis can recommend improvements to the ordinance that would provide significant benefits

to the City and maximize its flexibility and authority in implementing and enforcing the IPP, including the ordinance's current civil penalty authority and cost-reimbursement provisions. The provisions could be amended at the same time the City's new local limits (currently under development with F&V) are added to the ordinance. Attorney Davis can assist in preparing the appropriate ordinance to amend the sewer use ordinance, again, as requested by the city.

**OTHER REQUESTED ASSISTANCE AND SERVICES:**

The city could request Attorney Davis to provide additional legal services related to the administration and implementation of its Industrial Pretreatment Program (IPP). This could involve reviewing and recommending procedures and documents associated with the IPP to ensure that IPP users meet applicable legal requirements and that the IPP serves its intended purposes effectively. Such documents might include the City's Notice of Violation and Order forms, the EGLE-required Control Authority Enforcement Response Plan, User Permit forms, and other materials found in the City's IPP Manual of Procedures. Attorney Davis possesses significant experience and expertise in the areas mentioned above.

Attorney Davis will review all necessary background documents and communications, draft essential documents, and hold meetings or teleconferences with City personnel, sewer users, and, as needed, EGLE.

**RECOMMENDATION:**

The item before the Commission is to approve a legal services agreement with Attorney George Davis for special legal counsel to the city at a rate of \$155 per hour.