



AGENDA

Sustainability Commission Meeting

7:00 PM - Monday, September 13, 2021

Council Chambers

Page

1. CALL TO ORDER

2. ROLL CALL

Commissioner Heine
Commissioner Bayha
Commissioner Foley
Commissioner Gibbons
Commissioner Collin
Commissioner Simmons
Commissioner Michalowski
Council Liaison Wilcoxen
Staff Liaison Akers

3. PUBLIC COMMENT (3 MINUTES)

4. AGENDA APPROVAL (5 MINUTES)

5. INTRODUCTIONS

6. PRESENTATIONS

7. CONSENT AGENDA (2 MINUTES)

7.1. Approval of minutes from June 14, 2021

[Sustainability 6-14-2021 Reg Minutes](#)

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8. COMMISSIONER REPORTS

9. WORK SESSIONS

10. RESOLUTIONS/MOTIONS/DISCUSSIONS

10.1. Flood Resilience Discussion

- Storm Drain Awareness Update

10.2. Commission Elections

10.3. Commission Bylaws Update

[Sustainability Commission Bylaws 2017-09-11](#)

[Sustainability Commission Bylaws DRAFT 2021-08-26 \(with reference notes\)](#)

[Sustainability Commission Bylaws DRAFT 2021-08-26](#)

7 - 23

10.4. Sustainability Plan Goal Update: Improve snow and ice response for sidewalks

10.5. Plastics Pellet Free Waters Act Discussion

[Durbin Bill 2021](#)

25 - 27

[Resolution to Support Durbin' Pellet Free Waters](#)

- | | | |
|-------|---|----|
| 10.6. | Resolution to Support Bag Ban Repeal | 29 |
| | <u>Resolution to support Bag Ban Repeal</u> | |
| 10.7. | Water Street Remediation Discussion | 31 |
| | <u>High level PCBs map</u> | |
| 11. | PUBLIC COMMENT (3 MINUTES) | |
| 12. | PROPOSED BUSINESS (5 MINUTES) | |
| 13. | ADJOURNMENT | |



MINUTES

City of Ypsilanti SUSTAINABILITY COMMISSION MEETING Virtual Meeting held via Zoom

Monday, June 14, 2021
7:00 P.M.

I. CALL TO ORDER: 7:02 p.m.

II. ROLL CALL

Keith Michalowski	Present	- Washtenaw County, Ypsilanti City
Nancy Heine	Present	- Washtenaw County, Ypsilanti City
Julia Bayha	Present	- Washtenaw County, Ypsilanti City
Bryan Foley	Present	- Washtenaw County, Ypsilanti City
Katy Greenwald	Present	- Washtenaw County, Superior Township
Beth Gibbons	Present	- Washtenaw County, Ypsilanti Township
Desirae Simmons	Present	- Washtenaw County, Ypsilanti City
Takunia Collins	Absent	

Also Present: Council Liaison Steve Wilcoxon
Staff Liaison Ron Akers, Public Services Director
Commission Recording Secretary, Nancy Hare-Dickerson

Additional Staff Present: Bonnie Wessler, Public Services Project Manager (Zoom Meeting Host)

III. INTRODUCTIONS

Commissioner Michalowski acknowledged the presence of the continuing U of M Resilience Hub team members in attendance - Bryce Frohlich, Taylor Antal and Jessica Miller. Commissioners were reminded to set up a time for interviews with the Resilience team.

IV. PUBLIC COMMENT - none

V. AGENDA APPROVAL

Heine (Second: Gibbons) moved to approve the Agenda as submitted.

Discussion ensued to clarify the Action Plan Goal items listed on the agenda.

Roll Call Vote – Ayes: Commissioners Michalowski, Heine, Bayha, Greenwald, Gibbons, Simmons
Abstain: Foley
Nays: None
Absent: Commissioner Collins
Motion Carried.

VI. CONSENT AGENDA

1. Approval of May 10, 2021 minutes

Simmons (Second: Gibbons) moved to approve the Consent Agenda as submitted.

Roll Call Vote – Ayes: Commissioners Michalowski, Heine, Bayha, Foley, Greenwald, Gibbons, Simmons
Nays: None
Absent: Commissioner Collins
Motion Carried.

VII. PRESENTATIONS - none

VIII. WORK SESSIONS – none

IX. ROUND TABLE DISCUSSION

1. Is Plastic Recycling a Lie?

An NPR News audio recording, entitled *Waste Land*, was played. An NPR article entitled *How Big Oil Misled the Public into Believing Plastic Would be Recycled*, dated September 11, 2020, was also reviewed. Query and comments followed as to the recording and article. Discussion was had regarding present-day issues and concerns with recycling, as well as thoughts and ideas for improvements in the process of recycling. Staff Liaison Akers explained the current process for handling the recycling of plastics in the City of Ypsilanti.

X. RESOLUTIONS/MOTIONS/DISCUSSIONS

1. Action Plan Goals – Disaster Preparedness: Improve Snow and Ice Response for Sidewalks

Commissioner Michalowski indicated that there has been some forward movement on the sidewalk snow removal plan. He suggested bringing the item up for discussion at a future meeting as he has some further questions to look into.

2. Action Plan Goals – Neighborhoods: Coordinate Citizens to Advocate for Slower Traffic Speeds on State-Owned Corridors

Commissioner Michalowski indicated that this is a goal that he has chosen to pursue. In an effort to help commissioners delve into a goal-topic they may be interested in, he explained how he created a preliminary process for moving forward, resources to help him along the way and actions he could take towards implementation. Commissioners joined the discussion with query, and comment, as well as possible ways to assist.

3. Action Plan Goals – Energy: Reduce the Amount of Waste Generated in Ypsilanti that Enters Landfills

Resolution In Support of The City of Ypsilanti for The Allocation of a Certain Dollar Amount for The Purchase of New Recycle Bins for Residents of The City [reference packet materials]

Commissioner Heine indicated that this is a goal that she has chosen to pursue. Following up from the May 10th meeting, she reiterated the reasons for her drafting a resolution, as outlined in the packet materials. Query and discussion followed. Commissioner Heine asked that commissioners further review the draft resolution and provide any edits, which she will then forward on to Staff Liaison Akers for his review. The plan would be to finalize it at the next meeting.

4. Action Plan Goals – Washington Street Pedestrian Plaza Proposal

Commissioner Michalowski asked that commissioners review the proposal and, if there is interest,

he will place the topic back on the agenda for discussion at a future meeting.

5. Washtenaw County: Solid Waste Challenges and Updates

Commissioner Heine explained that the report provided in the packet was from a presentation done at a Washtenaw County Board of Commissioners meeting, which she shared for informational purposes.

Commissioner Gibbons shared that the County Solid Waste Commission would like to have more representation from the City of Ypsilanti and that seats are available. Further discussion followed.

Staff Liaison Akers discussed the City's participation with WRRMA's Recycling Quality Improvement Program which will begin next week.

6. Non-Motorized Transportation Master Plan Update

Commissioner Michalowski asked commissioners to review the Plan Update and to bring any questions or comments for discussion to the next meeting.

XI. COMMISSIONER REPORTS

Commissioners and Liaison, who wished, shared additional thoughts, comments and/or activities they are involved with related to sustainability.

XII. PUBLIC COMMENT – none

XIII. PROPOSED BUSINESS – none

XIV. NEXT MEETING DATE

Monday, August 9, 2021 [**No July meeting, per December 14, 2020 majority vote**]

XV. ADJOURNMENT: 9:25 p.m.

Simmons (Second: Heine) moved to adjourn the meeting of the Sustainability Commission.

Voice Vote: Unanimous

Motion: Carried

**BY-LAWS OF THE
SUSTAINABILITY COMMISSION – CITY OF YPSILANTI
ADOPTED 11 SEPTEMBER 2017**

INTRODUCTION

The City of Ypsilanti is committed to lead by example, promote public participation and engage in community partnerships that improve our quality of life and protect the natural systems that sustain life for present and future generations.

Sustainability Commission Mission

ARTICLE I. NAME AND PRINCIPAL CONTACT

The name of the organization shall be the City of Ypsilanti Sustainability Commission (hereafter referred to as "Commission").

Sustainability Commission Composition

Nine voting members, serving for staggered three year terms, and two non-voting youth members serving one year terms.

ARTICLE II. PURPOSE AND OBJECTIVE

The Commission was established by Ordinance 1280, City Code Section 2.171 et seq.-as a fundamental component of the City's programs in sustainability and environmental leadership.

Section 1. The Commission shall act as an advisory body to the City Mayor and Council in the development or initiation of programs or actions that will enhance and create sustainable practices within the community.

Section 2. The Commission shall:

- a. Create a model of sustainability through efforts to advocate, educate and promote the social, economic and environmental health of the community now and into the future.
- b. Broaden the lens and scope of energy and environmental needs in the future such as wind, solar, clean air, water and improving infrastructure.

- c. Recognize natural resources as chief assets of the City of Ypsilanti and encourage responsible stewardship of these assets.
- d. Collaborate with citizens, employees, employers, service providers and other governmental agencies and educational agencies to share ideas.
- e. Create a Sustainability Plan.
- f. Review the City of Ypsilanti's Climate Action Plan and Alternate Fuel Policy along with the Michigan Green Communities Challenge and other plans and policies and to continue the work of said plans and policies.
- g. Prioritize sustainability policies.

ARTICLE III. MEMBERSHIP AND APPOINTMENT

Section 1. The voting members of the Commission shall include representatives that have a professional affiliation with, or expertise in, one or more of the following areas:

- a. Energy
- b. Sustainable land use and transportation
- c. Open space and land preservation
- d. Green building practices
- e. Air quality/climate
- f. Water quality
- g. Recycling/waste reduction
- h. Environmental justice
- i. Education
- j. Small and/or local business
- k. Green jobs/workforce training
- l. Human/environmental health
- m. Agriculture/food security
- n. Community, grassroots environmental efforts
- o. Finance and governance

Section 2. Staff from the City of Ypsilanti shall attend in a nonvoting capacity to serve as a liaison between the City Mayor, City Council and the Commission.

Section 3. The Commission shall, by a majority of a quorum of the Commission at a proper meeting, supervise and direct the business and affairs of the Commission, except as otherwise expressly provided by law or these bylaws.

Section 4. Commissioners shall be city residents, except that not more than three commissioners may be non-residents of the city of Ypsilanti. Appointment Commissioners shall be appointed by the Mayor with the approval and confirmation of a majority of city council. Non-resident commissioners shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes

of city council members.

Section 5. The Commission may recommend candidates to the Mayor for appointment.

Section 6. Vacancies shall be filled by the following process:

- a. The Mayor, is notified of the vacancy by the City Clerk;
- b. The Commission may request nominations, review applications, and make recommendations to the Mayor;
- c. Mayor selects members to serve on the Commission;
- d. The City Council confirms the appointment; and
- e. A person appointed to fill a vacancy shall serve the balance of the unexpired term.

Section 7. Members shall serve for a term of three (3) years and may be reappointed for one (1) subsequent three (3) year term subject to the following:

- a. Terms will be based on the city's fiscal year, July 1 – June 30.
- b. Any member may resign at any time by giving written notice of such resignation to the Chair of the Commission and to the Mayor through the Office of the Mayor.
- c. The Mayor may remove any member according to law.
- d. The Commission Chair and Vice-Chair, elected by majority vote of the commission at the beginning of each fiscal year, shall serve in the office of chair or vice chair for one year terms.
- e. The City Council, upon recommendation of the Mayor, may remove a member for official misconduct, willful neglect of duty, extortion, habitual drunkenness, conviction of being drunk, or conviction of a felony.

ARTICLE IV. MEETINGS

- a. Meetings of the Sustainability Commission shall be held on the first Monday of each month except when a holiday or other special circumstance requires a change in meeting time. When possible, the re-scheduled meeting day will be the second Monday of the month. The time of the meeting being 7:00 P.M.
- b. Special meetings may be held at the call of the Chair, or in her or his absence, the Vice-Chair.
- c. All meetings shall be open to the public and subject to the Open Meetings Act.
- d. The Chair or Vice-Chair may authorize a telephone or e-mail poll of the members of the Commission for the purpose of canceling a meeting.
- e. Three unexcused absences from regular meetings in a fiscal year shall create a vacancy in the office and, after 14 days' notice to the absent member, the Mayor

shall fill the vacancy by appointment with the consent of City Council.

ARTICLE V. AMENDMENTS

These bylaws may be amended by two thirds vote of a quorum of members attending a meeting called to consider the question of amendment. Notice of the meeting shall be announced at a regular meeting not less than 14 days before the meeting to amend, and a copy of the meeting notice and the proposed amendments must be furnished each member, in writing, by personal service, first class mail or e-mail.

SUSTAINABILITY COMMISSION BYLAWS



THE RULES OF PROCEDURE AND BYLAWS
OF
THE SUSTAINABILITY COMMISSION
OF
THE CITY OF YPSILANTI, MICHIGAN

ADOPTED 11 SEPTEMBER 2017

DRAFT UPDATES AUG 2021

SUSTAINABILITY COMMISSION BYLAWS

INTRODUCTION

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The name of the organization shall be the Ypsilanti Sustainability Commission (hereafter referred to as "Commission").

Sustainability Commission Composition

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Commented [WB1]: This is in the ordinance. Easier to leave it there due to this level of specificity.

ARTICLE II. PURPOSE AND OBJECTIVE

The Commission was established by Ordinance 1280, City Code of Ordinances Chapter 2, Article IV, Division 5, "Sustainability Commission," Section 2-171 et seq. as a fundamental component of the City's programs in sustainability and environmental leadership.

Section 1. The Commission shall act as an advisory body to the City Mayor and Council in the development or initiation of programs or actions that will enhance and create sustainable practices within the community.

Section 2. Additionally, the Commission shall:

Commented [WB2]: Tho these are taken more or less verbatim from the ordinance, most are high-enough level to not conflict with anything else.

- a. Establish by-laws, subject to the approval of the city council.
- b. Elect officers including a commission chairperson.
- c. Establish a meeting schedule and meet at least quarterly.
- d. Report commission actions and findings and make recommendations to city council at least annually.
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- i. Create a Sustainability Plan.
- j. Review the City of Ypsilanti's Climate Action Plan and Alternate Fuel Policy along with the Michigan Green Communities Challenge and other plans and policies and to continue the work of said plans and policies.
- k. Prioritize sustainability policies.

Commented [WB3]: From 2-174.

Commented [WB4]: From 2-171

SUSTAINABILITY COMMISSION BYLAWS

ARTICLE III. MEMBERSHIP AND APPOINTMENT

- Section 1. Membership of the Commission shall be as set forth in the Ordinance.
- Section 2. Members of the Commission shall be appointed or removed as provided for in Section 9.03 of the City Charter of the City of Ypsilanti as amended.
- Section 3. The first priority of each member of the Commission shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.
- Section 4. Term length and residency requirements shall be in accordance with the Ordinance and City Charter. **Terms will be from May 1 to April 30.**
- Section 5. Determination of a conflict of interest shall be in accordance with Chapter 46, Article III, of the City of Ypsilanti Code of Ordinances.
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- e. The City Council, upon recommendation of the Mayor, may remove a member for official misconduct, willful neglect of duty, extortion, habitual drunkenness, conviction of being drunk, or conviction of a felony.

Commented [WB5]: The entirety of how members can be appointed is in the Ordinance.

ARTICLE IV – Officers, and Their Duties

Section 1. The officers of the Commission shall be a Chairperson, Vice-Chairperson, and Secretary. Such other officers, sub-committees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Commission.

Section 2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in their absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present.

Section 4. The Commission may designate a person who is not a member of the Commission to serve as Recording Secretary. The Recording Secretary shall prepare draft minutes for review by the Commission. In the event a Recording Secretary is not designated, minutes shall be prepared by the elected Secretary.

Section 5. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be the regular meeting in **April** each year, and the election shall be immediately thereafter.

SUSTAINABILITY COMMISSION BYLAWS

Section 6. A candidate receiving a majority vote of the entire Commission shall be declared elected and shall serve a term of one year or until their successor shall take the office.

Section 7. Vacancies in office shall be filled immediately by regular election procedures.

Section 8. The officers shall be members of the Commission, unless otherwise permitted under Section 4.

ARTICLE V. MEETINGS

- a. Meetings of the Sustainability Commission shall be held on the first Monday of each month except when a holiday or other special circumstance requires a change in meeting time. When possible, the re-scheduled meeting day will be the second Monday of the month. The time of the meeting being 7:00 P.M.

Section 1. The Commission is subject to the Michigan Open Meetings Act, MCL 15.262.

Section 2. Special meetings may be held at the call of the Chair, or in her or his their absence, the Vice-Chair. Each member of the Commission must receive at least two days' notice as to the time, place, and purpose of the meeting.

- b. All meetings shall be open to the public and subject to the Open Meetings Act.

Section 3. The Chair or Vice-Chair may authorize staff to conduct a telephone or e-mail poll of the members of the Commission for the purpose of canceling or scheduling a meeting.

- c. Three unexcused absences from regular meetings in a fiscal year shall create a vacancy in the office and, after 14 days' notice to the absent member, the Mayor shall fill the vacancy by appointment with the consent of City Council.

Section 4. A quorum shall consist of a majority of the current Commissioners, but no less than as prescribed in the Charter .

Section 5. All proceedings, decisions and resolutions of the Commission shall be initiated by motion.

Section 6. An affirmative vote of a majority of those present shall be necessary to pass any motion involving the adoption or amending of plans, policy statements, or recommendations to the Council.

Section 7. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote.

Section 8. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, the edition most recently adopted by City Council. The Recording Secretary, or in

Commented [WB6]: Recommend being rid of this and stating that meeting schedules for the next year will be set at the final meeting of the current year (ex, the December meeting)

Commented [WB7]: Basically just moved this to first place

Commented [WB8]: Avoid even the appearance of OMA violations

Commented [WB9]: Attendance warrants its own section

SUSTAINABILITY COMMISSION BYLAWS

their absence the Secretary, shall act as parliamentarian during Commission meetings.

Section 9. The City Council Liaison, Public Services staff, Planning Department staff, City Attorney, and other officials of the City may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

ARTICLE VI – Committees

Section 1. The Commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Section 2. The Commission may establish and appoint citizen committees. Membership can be any number, so long as less than a quorum of the Commission serves on a committee at any given time. The purpose of the committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups.

Section 3. All committees are advisory only and subservient to the Commission; they shall report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 4. The same principles of these Bylaws for the Commission also apply to all committees of the Commission, and all committees of the Commission shall be subject to the same provisions of the Open Meetings Act as the Commission.

ARTICLE VII – Commission Absences

In order to maintain maximum participation of all appointed Commission members at all regularly scheduled meetings, the following attendance guide and Commissioner replacement policy for "excused" or "unexcused" should be implemented:

Section 1. When appointed, each Commissioner should state their willingness and intention to attend each scheduled meeting of the Commission.

Section 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the commissioner from attending the scheduled meeting; the Commission, professional staff of the City, or the Commission Chairperson should be notified as early as possible prior to the start hour of their

SUSTAINABILITY COMMISSION BYLAWS

inability to attend the scheduled meeting. Absences may be excused by simple majority of a quorum.

Section 3. There will be a limit of three (3) consecutive "excused absences" or two (2) consecutive "unexcused absences" for any member of the Commission. If any member exceeds the above criteria for consecutive absences, the Commissioner will be recommended for dismissal unless extenuating circumstances exist.

Section 4. If any Commission member is absent, whether excused or not, from any five (5) scheduled monthly Commission meetings, whether consecutive or not, during any one year period, the commissioner will be recommended for dismissal unless extenuating circumstances exist.

Section 5. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

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THE RULES OF PROCEDURE AND BYLAWS

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SUSTAINABILITY COMMISSION BYLAWS

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- Section 7. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote.
- Section 8. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, the edition most recently adopted by City Council. The Recording Secretary, or in their absence the Secretary, shall act as parliamentarian during Commission meetings.
- Section 9. The City Council Liaison, Public Services staff, Planning Department staff, City Attorney, and other officials of the City may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

ARTICLE VI. COMMITTEES

- Section 1. The Commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.
- Section 2. The Commission may establish and appoint citizen committees. Membership can be any number, so long as less than a quorum of the Commission serves on a committee at any given time. The purpose of the committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups.
- Section 3. All committees are advisory only and subservient to the Commission; they shall report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- Section 4. The same principles of these Bylaws for the Commission also apply to all committees of the Commission, and all committees of the Commission shall be subject to the same provisions of the Open Meetings Act as the Commission.

ARTICLE VII. COMMISSION ABSENCES

In order to maintain maximum participation of all appointed Commission members at all regularly scheduled meetings, the following attendance guide and Commissioner replacement policy for "excused" or "unexcused" should be implemented:

- Section 1. When appointed, each Commissioner should state their willingness and intention to attend each scheduled meeting of the Commission.
- Section 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the commissioner from attending the scheduled meeting; the Commission, professional staff of the City, or the Commission Chairperson should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. Absences may be excused by simple majority of a quorum.
- Section 3. There will be a limit of three (3) consecutive "excused absences" or two (2) consecutive "unexcused absences" for any member of the Commission. If any member exceeds the

above criteria for consecutive absences, the Commissioner will be recommended for dismissal unless extenuating circumstances exist.

Section 4. If any Commission member is absent, whether excused or not, from any five (5) scheduled monthly Commission meetings, whether consecutive or not, during any one year period, the commissioner will be recommended for dismissal unless extenuating circumstances exist.

Section 5. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

ARTICLE VIII. AMENDMENTS

These bylaws may be amended by two thirds vote of a quorum of members attending a meeting called to consider the question of amendment. Notice of the meeting shall be announced at a regular meeting not less than 14 days before the meeting to amend, and a copy of the meeting notice and the proposed amendments must be furnished each member, in writing, by personal service, first class mail or e-mail.



Information on the coronavirus available here

05.05.21

Durbin Introduces Plastic Pellet Free Waters Act To Address Pollution In Great Lakes

CHICAGO – U.S. Senate Majority Whip Dick Durbin (D-IL) today joined officials from the Shedd Aquarium and the Alliance for the Great Lakes to announce the introduction of the *Plastic Pellet Free Waters Act*, which would require the U.S. Environmental Protection Administration (EPA) to prohibit the discharge of plastic pellets and other pre-production plastic into waterways from facilities and sources that make, use, package, or transport pellets. The pellets are being consumed by fish and marine life—and in turn, humans—and create additional damage to ecosystems.

“The COVID pandemic has driven a 40 percent increase in the use of plastic packaging, including single use plastics for carryout food containers and packages containing our online shopping purchases. Unfortunately, only nine percent of all plastics end up being recycled, with some of the waste ending up in landfills or incinerated—and far too much of it finding its way into our rivers, lakes, and oceans,” Durbin said. **“The *Plastic Pellet Free Waters Act* is an important step in addressing the plastic problem that is plaguing our beloved Lake Michigan and the first of several steps I plan to take this year to improve the Great Lakes and the surrounding communities.”**

Plastic pellets, or nurdles, are the pre-production building blocks of nearly all plastic goods. Due to the low cost of producing these pellets, they are often washed down drains or dumped if they come in contact with other materials like dust and dirt. They are also often spilled both in the shipping and production process—eventually finding their way into our waterways and ending up in the Great Lakes.

Each year, it is estimated plastic pellet pollution contributes significantly to the 22 million tons of plastic that end up in the Great Lakes each year. The shorelines of the Great Lakes are littered with plastic pellets, with 42 of 66 beaches on all five Great Lakes recording significant pollution levels of these pellets (19.1 pellets per m²). These pellets not only are showing up on beaches, but are building up on the bottom of the lakes and are being consumed by fish and marine life. Plastic pollution has become so prevalent, a recent study showed that the average person ingests approximately five grams of plastic each week – the equivalent of a credit card.

Approximately 250,000 tons of plastic pellets end up in the oceans annually. It is estimated that by 2025, more than 4.5 billion pounds of plastic packaging will be used annually—nearly double the amount used this past year.

“Lake Michigan and the broader Great Lakes basin is the home to 10,000 miles of shoreline, adjacent streams and rivers, as well as magnificent bounty of diverse aquatic wildlife. However, the shorelines of these lakes are littered with industrial plastic pellets. As our teams at Shedd Aquarium take to Chicago-area beaches to clean up litter, we’ve seen and collected these pellets first-hand,” said Andrea Densham, senior director of government affairs and conservation policy at Shedd Aquarium. **“Now is the time to act to prevent pollution from entering our waterways in the first place. With Senator Durbin’s leadership, the Plastic Pellet Free Waters Act will put science-driven solutions into action today and preserve our vital waterways and source of drinking water.”**

-30-

202 224 2152 Durbin
312 445 9749 Anna Castle

1 Title: To require the Administrator of the Environmental Protection Agency to promulgate
2 certain limitations with respect to pre-production plastic pellet pollution, and for other purposes.
3
4

5 Be it enacted by the Senate and House of Representatives of the United States of America in
6 Congress assembled,

7 **SECTION 1. SHORT TITLE.**

8 This Act may be cited the “Plastic Pellet Free Waters Act”.

9 **SEC. 2. EFFLUENT LIMITATIONS FOR WASTEWATER,**
10 **SPILLS, AND RUNOFF FROM PLASTIC POLYMER**
11 **PRODUCTION FACILITIES, PLASTIC MOLDING AND**
12 **FORMING FACILITIES, AND OTHER POINT SOURCES**
13 **ASSOCIATED WITH THE TRANSPORT AND PACKAGING**
14 **OF PLASTIC PELLETS OR OTHER PRE-PRODUCTION**
15 **PLASTIC MATERIALS.**

16 Not later than 60 days after the date of enactment of this Act, the Administrator of the
17 Environmental Protection Agency (referred to in this section as the “Administrator”) shall
18 promulgate a final rule to ensure that—

19 (1) the discharge of plastic pellets or other pre-production plastic materials (including
20 discharge into wastewater and other runoff) from facilities regulated under part 414 or 463
21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), is
22 prohibited;

23 (2) the discharge of plastic pellets or other pre-production plastic materials (including
24 discharge into wastewater and other runoff) from a point source (as defined in section 502
25 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) that makes, uses, packages, or
26 transports those plastic pellets and other pre-production plastic materials is prohibited; and

27 (3) the requirements under paragraphs (1) and (2) are reflected in—

28 (A) all wastewater, stormwater, and other permits issued by the Administrator and
29 State-delegated programs under section 402 of the Federal Water Pollution Control Act
30 (33 U.S.C. 1342) to facilities and other point sources (as defined in section 502 of that
31 Act (33 U.S.C. 1362)) that make, use, package, or transport plastic pellets or other pre-
32 production plastic materials, as determined by the Administrator, in addition to other
33 applicable limits and standards; and

34 (B) all standards of performance promulgated under section 312(p) of the Federal
35 Water Pollution Control Act (33 U.S.C. 1322(p)) that are applicable to point sources
36 (as defined in section 502 of that Act (33 U.S.C. 1362)) that make, use, package, or
37 transport plastic pellets or other pre-production plastic materials, as determined by the
38 Administrator.

Resolved by the Ypsilanti Sustainability Commission:

Whereas the water in the Great Lakes is owned by the general public according to the Public Trust Doctrine,

Whereas the State of Michigan has an important role to play in protecting the great lakes which holds 20% of world's fresh surface water and 90% of North America's,

Whereas Sen. Dick Durbin of Illinois introduced the "Plastic Pellet Free Waters Act To Address Pollution In Great Lakes," which places "EFFLUENT LIMITATIONS FOR WASTEWATER, SPILLS, AND RUNOFF FROM PLASTIC POLYMER PRODUCTION FACILITIES, PLASTIC MOLDING AND FORMING FACILITIES, AND OTHER POINT SOURCES ASSOCIATED WITH THE TRANSPORT AND PACKAGING OF PLASTIC PELLETS OR OTHER PRE-PRODUCTION PLASTIC MATERIALS."

Whereas Sen. Durbin's act is related to S. 984 which is Sen. Jeff Merkley of Oregon's "Break Free from Plastic Pollution Act of 2021," which wants "To amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the design, collection, reuse, recycling, and disposal of their consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, and for other purposes."

Whereas neither of Michigan's senators, Sen. Debbie Stabenow nor Sen. Gary Peters, have joined as co-sponsors,

Whereas the Sustainability Commission has been talking about ways to address plastics and how to move the costs of recycling and reducing plastic waste,

Whereas the "Water is Life Festival was just on September 4,

Therefore Be It Resolved That: the Sustainability Commission and City Council encourage our US Senators to join as co-sponsors to these two bills, and to take leadership with others that protect our Great Lakes.

Offered by Commissioner Desir   Simmons

Resolved by the Ypsilanti Sustainability Commission:

Whereas act 389 of 2016 preempted local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on certain containers,

Whereas Sen. Jeff Irwin represents district 18 where the City of Ypsilanti is located and he sponsored Senate Bill 0358 of 2021 to repeal the act preempting local regulation of. And it was referred to the Committee on Environmental Quality,

Whereas one of our goals in the Sustainability Plan is ENERGY: Reduce the amount of waste generated in Ypsilanti that enters landfills,

Therefore Be It Resolved That: the Sustainability Commission urges City Council to use our resources, such as the city's lobbyist, to advocate for Senate Bill 0358 of 2021.

Offered by Commissioner **Desiraé Simmons**

