

ORDINANCE #21-02

INVERNESS TOWNSHIP SANITARY SEWER USE ORDINANCE

An ordinance to protect the health, safety and welfare of the people; to provide for the connection of structures in which sanitary sewage originates to an available public sanitary sewer system; to regulate the design, construction and use of public and private sewers and drains and private sewage disposal facilities; to prescribe limitation on the discharge of certain waters and wastes into a public sewer system; to provide for the administration of this Ordinance; and to establish remedies.

The Township of Inverness located in Cheboygan County, Michigan ordains:

FINDING OF NECESSITY

A public sanitary sewage system is essential to the health, safety and welfare of the people of the Township. Failure or potential failure of septic tank disposal systems poses a menace to health, presents a potential for the transmission of disease, and for economic blight, and constitutes a threat to the quality of surface and subsurface waters of the Township. The connection of structures in which sewage originates to an available public sanitary sewer system at the earliest reasonable date; the proper design, construction and use of public and private sewers and drains and private sewage disposal facilities; and protective limitations on the discharge of certain waters and wastes into the public sewer system; are all matters of the protection of the public waters and wastes into the public sewer system; are all matters for the protection of the public health, safety and welfare and are necessary in the public interest, which is hereby declared.

ARTICLE 1 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

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|-------|---|------------------------------------------------------|
| BOD | - | Biochemical Oxygen Demand |
| CFR | - | Code of Federal Regulations |
| COD | - | Chemical Oxygen Demand |
| USEPA | - | United States Environmental Protection Agency |
| l | - | liter |
| Mg | - | Milligrams |
| Mg/l | - | Milligrams per liter |
| NPDES | - | National Pollutant Discharge Elimination System |
| POTW | - | Publicly Owned Treatment Works |
| REU | - | Residential Equivalence Unit |
| SIC | - | Standard Industrial Classification |
| SWDA | - | Solid Waste Disposal Act, 42 USE 6901 <i>et seq.</i> |
| TSS | - | Total Suspended Solids |
| USC | - | United States Code |

ARTICLE 2
DEFINITIONS

2.1 Definitions A through I. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(a) “**Act**” means Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 *et seq.*

(b) “**Authorized Representative of Industrial User**”

- (1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business functions;
- (2) In the case of a partnership or proprietorship, a general partner or proprietor; and
- (3) An authorized representative of the individual designated above if:
 - (A) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
 - (B) The authorization is in writing, and
 - (C) The written authorization is submitted to the POTW.

(c) “**BOD**” (denoting Biochemical Oxygen Demand”) means the quality of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees C and is expressed in terms of weight or in terms of concentration by milligrams per liter (mg/l).

(d) “**Building Drain**” means that part of the lowest horizontal piping of a drainage system which receives the discharge inside the walls of the building and conveys it to the building sewer. The building drain shall begin five (5) feet outside the inner fact of the building wall and terminate in the building.

(e) “**Building Sewer**” means the extension from the building drain to the public sanitary sewer or other place of disposal.

(f) “**Bypass**” means the intentional diversion of waste streams from any portion of an industrial user’s treatment facility.

(g) “**CBOD**” (denoting “Chemical Oxygen Demand”) means the oxygen-consuming capacity of organic and inorganic matter present in sewage expressed in milligrams per liter (mg/l).

(h) “**Cesspool**” means an underground pit into which raw household sewage or other untreated liquid waste is discharge, and from which the liquid seeps into

the surrounding soil or is otherwise removed.

(i) **“Chlorine Demand”** means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of contact time expressed in milligrams per liter (mg/l).

(j) **“City”** means City of Cheboygan.

(k) **“Compatible Pollutant”** means a substance amenable to treatment in the sewage treatment plant, such as BOD, suspended solids pH and fecal coliform bacteria plus additional pollutants identified in the NPDES Permit if the sewage plant is designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds and fats, oils and greases of animal or vegetable origin.

(l) **“Connection Inspector”** means the person designated by the Township Board or, if not by the Township Board, by the Township Supervisor, as responsible for inspecting connections of individual structures to the public sanitary sewer system.

(m) **“Control Authority”** means Township of Inverness, Cheboygan County, MI.

(n) **“Debt Service Charge”** means a charge levied to customers of the sewage works and sewage treatment plant which is used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the local portion of said facilities. The debt service charge shall be in addition to the user charge.

(o) **“Department”** means City of Cheboygan Wastewater Treatment Department.

(p) **“Defined Sewer District”** refers to all the parcels within the Special Assessment District as documented by the Wade-Trim, Inc. drawing of April of 2002.

(q) **“Domestic User”** means a user of the System who discharges only Domestic Wastewater into the System.

(r) **“Domestic Wastewater”** means the liquefied wastes such as human excreta; wastes from sinks, lavatories, bathtubs, showers, laundries, and any other water carried wastes or organic nature either singly or in combination, from personal or residential sanitation.

(s) **“GPD”** means gallons per day.

(t) **“Garbage”** means solid wastes from the preparing, cooking and dispensing of food, and from the handling, sale, and storage of produce.

(u) **“Holding Tank Waste”** means any waste from holding tanks such as boats, chemical toilets, campers, trailers, motor homes, septic tanks, vacuum-pump tank trucks, other tank trucks, barrels, or other such tanks or containers.

(v) **“Incompatible Pollutant”** means any pollutant which is not a compatible pollutant.

(w) **“Industrial User or User”** means any person who introduces pollutants into a POTW from any non-domestic source.

(x) **“Industrial Wastes”** means the wastewater discharges from the manufacturers, trade or business process as distinct from their employees’ domicile waste or waste from sanitary conveniences.

(y) **“Industrial Wastewater”** means the liquefied or liquid carried wastes, solids, or semisolids from industrial, commercial or institutional processes as distinct from Domestic Wastewater.

(z) **“Interference”** means any discharge which alone or in conjunction with a discharge from other sources,

- (1) inhibits or disrupts the System and any of its processes or operations, or the use or disposal of its sludge;
- (2) causes a violation of any requirement of the applicable NPDES Permit (including an increase in the magnitude or duration of a violation).

2.2 Definitions J through R. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(aa) **“Local Agency”** means Township of Inverness.

(bb) **“May”** is permissive.

(cc) **“Major Contributing Industry”** means Any industrial user of the sewage works that:

- (1) Has a flow greater than 5% of the flow carried by the sewage works;
- (2) Has in its wastes a toxic pollutant in toxic amounts as defined in the standards issued under § 307 (a) of Pub. L. 92-500, being 33 USC 1317; or
- (3) Is found to have significant impact, either singly or in combination with other contributing industries, on the sewage works or upon the quality of effluent from the sewage works. All major contributing industries shall be monitored.

(dd) **“MDEQ”** means the Michigan Department of Environmental Quality or any successor agency.

(ee) **“National Categorical Pretreatment Standard, Categorical Pretreatment Standard”** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307 (b) and (c) of the Act (33 USC 1317 (b) and (c)), which applies to a specific category of Industrial Users.

(ff) **“Natural Outlet”** means any outlet into a watercourse, pond, lake, ditch, or other body of surface or groundwater.

(gg) **“New Source”** means any building, structure, facility or installation of which the construction commenced after the publication of proposed Pretreatment Standards under § 307 (b) (33 USC 13127 (b)) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The construction is a site at which no other source is located;
or
- (2) The process or production equip[ment] that causes the discharge of pollutants at an existing source is totally replaced;
or
- (3) The production or wastewater generating processes are substantially independent of an existing source at the same site.

(hh) **“NPDES or State Discharge Permit”** means a permit issued pursuant to § 402 of the Federal Water Pollution Control Act (33 USC 1342).

(ii) **“NPDES Permit”** means the National Pollution Discharge Elimination System permit issued for the System.

(jj) **“Nuisance”** means, but is not limited to, any condition where sewage or the effluent from any sewer disposal facility or toilet device is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream; or when the order, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.

(kk) **“Operation and Maintenance”** means all work, materials, equipment, utilities and other effort required to operate and maintain the components of the sewage works and the sewage treatment plant for the purpose of insuring adequate treatment of wastewater to produce an effluent in compliance with NPDES permit and other applicable state, federal and local regulations. Operation and Maintenance shall include the cost of replacement.

(ll) **“Pass-Through”** means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW’s

NPDES permit (including an increase in the magnitude or duration of a violation).

(mm) **"Person"** means any individual, firm, company, association, partnership, society, corporation, group, trust, or other legally recognizable organization or entity.

(nn) **"pH"** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

(oo) **"PL 92-500"** means the Federal Water Pollution Control Act of 1972, being Pub. L. 92-500 of the 92nd United States Congress as adopted on October 18, 1972, and codified in 33 USC 1251 *et seq.*

(pp) **"Pollutant"** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

(qq) **"Premises"** means each lot of parcel of land, building or structure having any connection to the water distribution system of the city, or the sewage disposal system of the Township.

(rr) **"Pretreatment or Treatment"** means the reduction, elimination, or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction, into a POTW. This can be accomplished by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

(ss) **"Pretreatment Standard or Standard"** means any local, state or federal regulation containing pollutant discharge limits. This term includes local limits; prohibitive discharge limits including those promulgated under 40 CFR 403.6(d).

(tt) **"Properly Shredded Garbage"** means the wastes from the cooking, preparation, and dispensing of food that have been shredded or cut to such degree that all particles will be freely carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

(uu) **"Public Owned Treatment Works (POTW)"** means a treatment works as defined by § 212 of the Act, being 33 USC 1292, including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in § 502 (4) of the Act, being 33 USC 1362, which has jurisdiction over the indirect discharges to the discharges from such a treatment works.

(vv) **"Public Sewer"** means a Sanitary Sewer within the System.

(ww) "**Replacement**" means the replacement in whole or in part of any equipment or facilities in the sewage works or sewage treatment plant to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state, federal and local regulations.

(xx) "**REU**" Residential Equivalent Unit: Unit basis for determining water usage and billing. One REU is equal to one single-family residence. Also known as a benefit.

(yy) "**REU Factor**" means Residential Equivalence Unit Factor. A factor establishing the estimated amount of use of the system by a lot, parcel of land or premises.

2.3 Definitions S through Z. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(zz) "**Sanitary Sewer**" means a sewer which carries Sewage. Storm, surface, and ground waters are not admitted to a sanitary sewer.

(aaa) "**Seepage Pit**" means a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material, loosely laid with open joints to allow septic tank overflow or effluent to be absorbed directly into the surrounding soil.

(bbb) "**Septic Tank**" means a watertight tank or receptacle used to receive wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and any other similar waste lines. The septic tank is intended to provide for the separation of substantial portions of the suspended solids in such wastes and the partial destruction by bacterial action on solids so separated.

(ccc) "**Severe Property Damage**" means substantial physical damage to property of the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(ddd) "**Service Area**" means a portion of the area within the boundaries of the Township.

(eee) "**Sewage**" means any combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.

(fff) "**Sewage Disposal Facilities**" means a privy, cesspool, seepage pit, septic tank subsurface disposal system, or other devices used in the disposal of sewage or human excreta.

(ggg) "**Sewage Treatment Plant**" means any arrangement of devices and structures used for treatment of sewage.

(hhh) "**Sewage Works**" means all facilities for collecting, pumping, treating, and disposing of sewage.

(iii) "**Sewer**" means any pipe, tile, tube, or conduit for carrying sewage.

(jjj) "**Sewer Service Charge**" means the sum of the user charge, surcharge, industrial cost recovery and debt service charges.

(kkk) "**Sewer System**" means the Inverness Township Sewer System.

(lll) "**Shall**" is mandatory.

(mmm) "**Slug**" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.

(nnn) "**Slug Discharge**" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

(ooo) "**Standard Specifications**" means the Standard Specifications for Sanitary Sewer, as they may be amended or any successor standards adopted by the Township Board.

(ppp) "**State**" means the State of Michigan, including any agency or official of competent jurisdiction.

(qqq) "**Storm Sewer**" or "**Storm Drain**" means a sewer which carries storm or surface waters or drainage, but excludes sewage or polluted industrial wastes.

(rrr) "**Subsurface Disposal System**" means an arrangement for distribution of septic tank effluent or overflow beneath the ground surface.

(sss) "**Surcharge**" means a service charge which any customer discharging wastewater having strength in excess of 250 mg/L BOD and 300 mg/L TSS shall pay to cover the cost of treating such excess strength wastewater.

(ttt) "**Suspended Solids**" means solids either floating on the surface of or suspended in water or sewage, and which are removable by laboratory filtering.

(uuu) "**System**" means the complete sanitary sewer disposal system lying within the Township and includes all collection lines, mains, and other piping; all pump and lift stations; all control structures; all manholes; the sewage treatment plant; the outfall piping; and all appurtenances.

(vvv) **"Toilet Device"** means a privy, outhouse, septic tank, or toilet, chemical closet, or other device used for the disposal of human excreta.

(www) **"Township"** means Township of Inverness, Cheboygan County, MI.

(xxx) **"Township Board"** means the Board of Trustees of the Township of Inverness.

(yyy) **"Township Clerk"** means the Clerk of the Township of Inverness, Cheboygan County, MI.

(zzz) **"Toxic Pollutant"** means any pollutant or combination of pollutants identified as toxic pursuant to § 307 (a) of the Federal Water Pollution Control Act, being 33 USC 1317(a), or other federal statutes or in regulations promulgated by the state under state law.

(aaaa) **"User"** means any person who is an owner, operator, or occupant of a premise connected to or discharging into the System.

(bbbb) **"User Charge"** means a charge levied on users of the sewage works and sewage treatment plant for the cost of operation and maintenance thereof pursuant to § 204b of Pub. L. 92-500, being 33 USC 1284, and includes the cost of replacement.

(cccc) **"User Class"** means the kind of user connected to sanitary sewers including but not limited to industrial, residential and commercial.

- (1) **Industrial User.** Any user, which discharges an industrial waste as defined in this subchapter.
- (2) **Residential User.** Any user of the sewage works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semidetached, and row houses, mobile homes, apartments, or permanent multi-family dwellings, however, hotels, motels and other transient lodging accommodations are not considered residential users and are deemed commercial.
- (3) **Commercial User.** A user of the sewage works whose premises or buildings are used primarily for commercial operations, including, but not limited to, restaurants, bars, taverns, hotels, motels and other transient lodging accommodations, retail stores, professional and non-professional offices, auto dealerships and service centers.

(dddd) **"Wastewater"** means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

(eeee) **“Wastewater Contribution Permit”** means a permit issued to industrial users pursuant to this ordinance by the Township of Inverness.

(ffff) **“Waters of the State”** includes:

- (1) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage;
- (2) The floodplain free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency; and
- (3) Any other waters specified by state law.

ARTICLE 3 CONNECTION TO THE PUBLIC SEWER

3.1 Connection Required: Within the Defined Sewer District:

a) All structures of every kind and character situated within the Sewer District that are used or are available for use for household, commercial, industrial, institutional or other purposes in which there are toilet, kitchen, laundry, bathing or other domestic, industrial or commercial facilities generating sewage shall be connected directly to the public sanitary sewer.

b) The connection of existing structures to a newly installed public sanitary sewer which is available for connection as provided in paragraph (a) of this Section shall be made not later than 12 months from the date of publication of notice by the Township of the availability of the public sanitary sewer in a newspaper of general circulation in the Township. Provided, however, that upon a finding by the Local Health Department that sewage emanating from the structure is causing an immediate health hazard or public nuisance, the Township or the Local Health Department may require the connection to be made forthwith after notice to the owner of the property on which the structure is located. The notice may be given by first class or certified mail or by posting on the property.

c) The connection of structures to a public sanitary sewer which are completed, or which are modified so as to become a structure in which sewage originates, after the date of installation of the available public sanitary sewer shall be made not later than the time such structure or modified structure is completed and is available for use.

3.2 Connection for New Plats - Inside the defined Sewer District

The owner or owners of any lands platted or divided into four or more lots in the Service Area after the effective date of this Sanitary Sewer Ordinance may apply for a Public Sewer to be installed in the plat at the owner's expense and pay such other fees as required. This sewer shall meet the construction and capacity requirements as directed by the Township. The owner(s) shall apply to connect each of these plat sewers to the existing Public Sewer in the Service Area in which the plat is located. Such application shall be approved by the Township. The Township's designated engineer shall review all plans and specifications, and the owner or developer of the lots shall pay all costs incurred by the Township for the review and approval of such plans and specifications and for the inspection and approval of the sewers installed in the plat, as well as their connection to the Public Sewer. Once constructed and accepted by the Township, such sewers in the plat shall be Public Sewers.

Township Board Approval is required for parcels outside the defined Sewer District.

3.3 Extensions to Serve Other Parcels - Inside the defined Sewer District.

One service connection will be provided to all parcels within the Sewer District as part of the special assessment amount. Any additional connections or extensions would be at the property owner's expense.

Owners of undeveloped parcels located within Service Area who requested that Public Sewer service not be extended to undeveloped parcel at the time of construction may, at a future date, request that the parcel be serviced by the Public Sewer. If no service connection or lateral was constructed in accordance with the Township's specifications and under the review of the Township Sewer Administrator. The owner or developer shall obtain all required County Road Commission and other permits. The plans and specifications for the building drain, building sewer, service connection, and lateral shall be submitted to the Township and may be referred to the Township's Sewer Administrator for review and approval. The property owner or developer shall pay all costs of the connection, including all costs incurred by the Township to review and approve plans and to inspect the same. The owner or owners of the parcel shall apply to connect to the existing Public Sewer of th Service Area in which the land is located. Such application must be approved by the Township. The owner(s) of the parcel shall be responsible for payment of all costs related to construction and connection of the service, including, but not limited to, actual construction costs; backfill; restoration; and replacement; costs; and all applicable permit, inspection, and hood-up fees. Construction and connection of the service shall be in accordance with the Standard Specifications. Also, all conditions and requirements of this Sanitary Sewer Ordinance shall be satisfied by the owner(s) before the Township will allow connection to the system.

Township Board Approval is required for parcels outside the defined Sewer District.

3.4 Connection Permit Required. No unauthorized persons shall uncover, make any connections with or open into, use, alter, or disturb any Public Sewer or its appurtenances without first obtaining a written permit form the Township.

3.5 Permit Application. Prior to connection of a Building Sewer to the Public Sewer, the owner or the owner's agent shall submit a permit application to the Township. This application will be on a special form furnished by the Township. The permit application shall be supplemented by any fees, and by any plans, specifications, or other information required. Any user which will be discharging non-Domestic Wastewater shall provide detailed information about the quantities, characteristics, timing, and other aspects of its anticipated discharges into the Public Sewers, as well as details of any pre-treatment, slug control, discharge rate controls, spill prevention plans, and other controls or safeguards to be in the applicant's facility.

3.6 Permit Duration. A permit shall be valid for a period of one year from the date of issuance.

3.7 Payment of Costs: indemnification of Township. During the initial phase of construction a service lead will be extended from the sanitary sewer to the property line. The Building Sewer will make connection to that service lead at the property line. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner or applicant. A contractor hired or approved by the Township shall construct any needed lateral or stub from the Public Sewer main to the property line. The property owner shall pay all costs of such construction. The owner or applicant shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

3.8 Separate Sewer for Each Building. Separate and independent Building Sewer leads shall be provided for every building. Exceptions will be considered by the Township only for pre-existing buildings which cannot otherwise be connected to the Public Sewer. Exceptions will also be considered by the Township for integrated manufacturing facilities with process or assembly connections between buildings.

3.9 Old Building Sewers. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or the Connection Inspector, to meet all requirements of this Sanitary Sewer Ordinance and adopted plumbing code standards.

3.10 Pipe Requirements. The Building Sewer shall meet the requirements of the Standard Specifications.

3.11 Building Sewer Diameter. The size of the building sewer shall not be less than six (6) inches in diameter for all new construction with two (2) REU's or more. Existing buildings making connection to the system may use their existing piping on their own property upon the owner's discretion. Typical piping requirements are 4" for residential and 6" for commercial.

3.12 Check valves. All Building Drains shall have check valves or other backflow preventers. The failure to have proper functioning check valves or other backflow preventers shall serve as a defense to the Township against any and all claims including but not limited to a property damage claim or physical injury claim as a result of a sewage disposal event pursuant to MCL 691.1417.

3.13 Fees Established. The Township shall be responsible for the establishment of, and provide for the collection of, all permit, hook-up, and inspection fees as may be required.

3.14 Distancing from Water Lines. A minimum distance of ten (10) feet shall be maintained between the Building Sewer and any water-carrying pipes.

3.15 Building Sewer Elevation and Slope. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. The minimum depth of the Building Sewer at the property line shall be six (6) feet below the established street grade. Where this minimum depth cannot be obtained, the Building Sewer shall be laid with the rise of one-quarter (1/4) inch per foot.

3.16 Lift Device Required. In all buildings in which any Building Drain is too low to permit gravity flow to the Building Sewer, Sewage to be carried by the Building Drain shall be lifted by approved means and discharge to the Building Sewer.

3.17 Riser. Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer, bringing it up to six (6) feet using methods and materials approved by the Township.

3.18 Specifications and Inspection. All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Connection Inspector. Cinders shall not be used as backfill.

3.19 Joints. All joints and connections shall be made gastight and watertight and meet the requirements of the Standard Specifications.

3.20 Sampling Manhole. Upon Township review applicants which will be discharging non-Domestic Wastewater into the System may be required to construct and install a sampling manhole in a location, outside of any building or structure on the premises, which is accessible at all times by the Township employee who shall review and approve the plans and specifications for that manhole.

3.21 Connection Specifications. The connection of the Building Sewer to the Public Sewer shall be made at the wye or tee branch. If the property owner wishes to connect a Building Sewer to the Public Sewer and no wye or tee branch is available, the owner shall meet with the Township and, if required, with the Township Board. At this

meeting, the parties will determine the exact location and method of cutting into the Sewer and materials to be used.

3.22 Prohibited Connections.

Storm Water / Artesian Wells: No person shall make connection of roof down-spouts, exterior footing or foundation drains, areaway drains, storm drains, or other sources of surface runoff or groundwater (including artesian wells and any type of geothermal system waste) to a Building Sewer or building drain which in turn is connected directly or indirectly to any Public Sewer.

3.23 Compliance with Codes. Connection of the Building Sewer to the Public Sewer shall conform to requirements of the Standard Specifications, building and plumbing codes, and this Sanitary Sewer Ordinance along with appropriate specifications of the A.S.T.M., the W.P.C.F. Manual of Practice No. 9 and the Ten State Standards. Any deviation from the prescribed procedures and materials must be approved by the Township

3.24 Safety Measurers. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the expense of the owner.

3.25 Notification for Inspection. The applicant for the Building Sewer permit shall notify the Connection Inspector when the Building Sewer is ready for connection with the Public Sewer. The connection shall be made under the supervision of the Connection Inspector.

3.26 Capacity Available Downstream. Connections will not be permitted if there is inadequate capacity available in the downstream portions of the Public Sewer or at the sewage treatment plant.

3.27 Property Owner's Responsibility: The owner of the property which is served by the system by gravity shall at the owners own expense, maintain and repair the Building Drain and the portion of the Building Sewer located on the owner's property. The property owner shall be responsible for the maintenance and cleaning of the entire building drain and building sewer from the structure in which the sanitary sewer originates out to the public sewer. The property owners that are connected to a grinder pump basin shall maintain and repair the Building Drain from where the sanitary sewer originates to the grinder pump basin including the connection at the grinder pump basin. The property owner having a grinder pump station shall be responsible for cost of repairing any damage or flushing to the grinder pump cause by prohibited items being placed in the system. The cost of any damage to the grinder pump basin and/or electrical panel located on the owner's property through fault of the owner or any third party, other than the Township or its agents, shall be the responsibility of the owner.

Township's Responsibility: Township will maintain and repair the grinder pump basin and the Main Sewer line and maintain and repair electrical panels and grinder pump at no cost to property owner for normal service and repairs.

The Township obligation to clean sewer lines extends only to the Public sewer main which collects and transmits the sewage of various properties served by the system other than when there is a grinder pump station which then the Township's responsibility begins at the grinder pump station. The Township has no responsibility to clean building sewer on any private sewer or lateral lines on privately owned properties.

ARTICLE 4 USE OF THE PUBLIC SEWER

4.1 Surface Storm and Cooling Water Prohibited. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling waters into any Public Sewer.

4.2 Proper Storm Water Disposal. Storm water and all other unpolluted drainage shall be discharged to the ground surface, or to a natural outlet approved by the Township or the State.

4.3 Prohibited Discharges. No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater which will pass through or cause interference with the operation or performance of the POTW. No user shall contribute the following substances to the POTW:

- (a) BOD₅ in excess of 300 mg/l.
- (b) COD in excess of 450 mg/l.
- (c) Chlorine Demand in excess of 15 mg/l.
- (d) Any Explosive liquid, solid, or gas including, but not limited to, any benzene, naphtha, fuel oil, or other flammable material, and including, but not limited to, any substance which results in sewage having a closed air flashpoint of less than 140°F or 60°C.
- (e) Pollutants having a corrosive property capable of causing damage to the structures, equipment or employees of the sanitary sewer system, including but not limited to wastewater with pH less than the limit set forth in subsection (n) below.
- (f) Any Garbage which is not Properly Shredded.
- (g) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the sewer at temperatures between 32°F and

150°F.

- (h) Inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in unusual concentrations; or any material which can be disposed of as trash.
- (i) Substances which tend to settle out in the sewer, causing stoppage or obstruction to flow.
- (j) Liquids which are corrosive.
- (k) Garbage with particles greater than one-half inch in dimension.
- (l) Insoluble, solid, or viscous substances such as, but no limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, paunch manure or any substance which can be disposed of in the trash.
- (m) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (n) Substances having pH less than 6.5 and greater than 9.0.
- (o) All toxic, poisonous or radioactive wastes exceeding limits established by applicable state and federal regulations.
- (p) Any substance harmful to pipes, jointing material, and manholes.
- (q) Any live animals or fish.
- (r) Suspended solids in excess of 350 mg/l.
- (s) Wastes having a temperature less than 32°F or greater than 150°F.
- (t) Any substance which could cause any blockage of any pipes or grinder pumps or could cause interference.
- (u) Any Holding Tank wastes except as approved by the Township in accordance with policies of the Township and only at such places in the System as may be designated by and after the sampling and analysis required by such policies.
- (v) Color, as from, but not limited to, dyes, inks, and vegetable tanning solutions, if they interfere with light absorbency or analytical determinations.

- (w) Discharges resulting in excess foaming during treatment.
- (x) Anti-freeze, motor oil, break fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, and paint thinners.
- (y) Any discharge violating any order of the Township, any permit requirement, or any order of an agency or court of competent jurisdiction.
- (z) Any substance which by reason of its nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
- (aa) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the waste treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash.
- (bb) Any wastewater having pH less than 5.0 greater than 10 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- (cc) Solid or viscous substances in amounts which will cause obstruction to the flow within the POTW resulting in interference.
- (dd) Liquids, gases, solids, substances, or other wastewater which, either singly or by interaction with other wastes, are sufficient to cause the need for excessive sewer maintenance or repair.
- (ee) Any substances, which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
- (ff) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Township, upon request of the POTW, approves alternate temperature limits.
- (gg) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (hh) Pollutant which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker

health and safety problems.

- (ii) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (jj) Any pollutant, including oxygen-demanding pollutants released in a discharge at a flow rate and/or concentration (including any slug load), that may cause interference to the POTW.
- (kk) Any wastewater having effluent characteristics in excess of:

| Constituent | Maximum |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| BOD TSS Oil and grease pH | Plant design criteria |
| Copper Cadmium Nickel Zinc Chromium Arsenic Barium Mercury Selenium Silver Cyanide | To be calculated from data collected From a headworks loading analysis |
| Other pollutants (specify) | To be calculated from data collected from a headworks loading analysis |

- (xiii) (a) The Township has developed and shall enforce the following local limits to implement the general and specific prohibitions contained in this chapter.

| Constituent | Maximum Limits |
|-------------------|----------------|
| Total Phosphorous | 5.9 mg/l |
| BOD | 250 mg/l |
| TSS | 300 mg/l |
| Oil and Grease | 10.0 mg/l |

| | |
|-------------------|---------------------|
| Copper | 0.189 lbs./day |
| Cadmium | 0.0023 lbs./day |
| Nickel | 0.32 lbs./day |
| Zinc | 1.1 lbs./day |
| Chromium | 1.2 lbs./day |
| Arsenic | 0.27 lbs./day |
| Barium | 1.0 mg/l |
| Mercury | Non detect level |
| Selenium | 0.0 mg/l |
| Silver | 0.005 lbs./day |
| Cyanide | 0.137 lbs./day |
| Trichloroethylene | 9.5 lbs./day |
| pH | Max. 10.0; Min. 5.0 |
| Lead | 0.27 lbs./day |

(b) For all pollutants, limitations shall be established by individual contract or permit based upon information required by this chapter and sound engineering practices.

4.4 Industrial Cost Recovery.

(a) Applicability. Any non-governmental non-Domestic User of the System which discharges more than the equivalent of 25,000 gpd of non-domestic wastewater into the System and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A. Agricultural, Forestry and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

including (i) any discharger listed in those divisions with a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to the weight of BOD or SS normally found in 25,000 gpd of Domestic Waste; (ii) any user

discharging into the System any substance in a quantity which either singly or by interaction with other wastes, causes an Interference, a Nuisance, or a hazard to any person or animal, shall comply with section 3.5 of this Ordinance.

4.5 Non-Complying Discharges. If any sewage or substances are discharged, or are proposed to be discharged to the Public Sewers in violation of Section 3.3 of this Sanitary Sewer Ordinance, and which in the judgment of the Township may have a deleterious effect upon the System, its processes, its effluent, or the receiving waters, or which might otherwise be hazardous or constitute a public nuisance, the Township may:

- (a) Reject the Sewage or other substances.
- (b) Require pre-treatment to an acceptable condition for discharge to the Public Sewers.
- (c) Require control over the quantities and rates of discharge into the Public Sewers.
- (d) Require payment to cover the added cost of handling and treating the Sewage or other substances as provided in this Article.

If the Township permits the pre-treatment or equalization of Sewage flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township, and subject to the requirements of all applicable laws, rules, regulations, orders, directives, and permit requirements.

4.6 Pre-Treatment Facilities. Where pre-treatment or flow equalizing facilities are provided on a User's premises, they shall be constructed, installed, operated, repaired, and maintained continuously in satisfactory and effective operation, by the owner at the owner's expense.

4.7 Grease traps. Grease, oil and sand interceptors shall be required when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients or for any development that prepares or processes food or food products. All interceptors shall be of a type and capacity approved by the Township, and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be maintained by the users thereof to provide for and maintain proper function.

4.8 Sewage exceeding normal strength. When required by the Township, the owner of any property serviced by a building sewer carrying sewage that exceeds normal strength wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required,

shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

4.9 Tests of water and waste. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of the "Standard Methods for the Examination of Water and Sewage", or any successor thereof and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

4.10 Sampling. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken. The responsibilities of industry are further defined in of this ordinance.

4.11 Authorization to enter property for testing. Agents of the Township, Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other public entity having jurisdiction over the sewage works or any portion thereof shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

4.12 Special Arrangements. Nothing in this Sanitary Sewer Ordinance shall prevent any special agreement or arrangement between the Township and any non-Domestic User whereby a non-domestic wastewater of unusual strength or character may be accepted in the System for treatment, subject to payment therefore, by the non-Domestic User.

4.13 Arrangements With Other Municipalities. Nothing in this Sanitary Sewer Ordinance shall prevent any agreement or arrangement between the Township and any municipality whereby sewage from another municipality may be accepted in the System for treatment, subject to payment by the municipality.

ARTICLE 5 ADMINISTRATION, ENFORCEMENT AND FINES

5.1 Entry and Damage Prohibited. No person, without prior written authorization, shall break, damage, destroy, uncover, deface, tamper with, climb upon or enter into any line, main, pipe, manhole, pump, lift station, plant, building, structure, equipment, facility, improvement or appurtenance belonging to or part of the System.

5.2 Use Conditional. Use of the System and any discharge into any Public Sewer is conditional upon compliance with this Sanitary Sewer Ordinance including, without limitation, the payment of all rates, fees and charges for such use and the compliance with all orders, directives, permit requirements and requests for information pursuant to this Sanitary Sewer Ordinance. Users of the System are required to comply with all such orders, directives, permit requirements and information requests issued or made pursuant to this Sanitary Sewer Ordinance.

5.3 Remedies Cumulative. All remedies provided in the Sanitary Sewer Ordinance, including, without limitation, those in Article 5 and this Article 4, are cumulative of each other and of any other remedies available at law or in equity.

5.4 Notification Required. Any owner, occupant or operator of any premises or other person who knows or has reason to know a discharge into the System or any Public Sewer within the System has occurred or is going to occur in violation of Article 3 of this Sanitary Sewer Ordinance shall immediately notify the Township or, if the Township cannot be contacted, any other Township official, of the time, source, quantity and characteristics, including any offending characteristics, of that discharge. Such notification shall include any corrective actions which have been taken. Such notification shall be followed, with 24 hours, with a written report providing updated information fully disclosing all the above information in addition to a detailed description of how the violation occurred.

5.5 Sampling. The Township may sample or cause to be sampled at such times and frequencies as the Township may deem appropriate the Sewage of any User. If a violation is found after analyses, the violating user shall reimburse the System the cost of any such sampling and analyses.

5.6 Public Nuisances Per Se. A violation of this Sanitary Sewer Ordinance is declared to be a public nuisance *per se* for which the Township may avail itself of any remedies available at law or in equity.

5.7 Costs. Any person violating any provision of this Sanitary Sewer Ordinance shall, in addition to any other fines or consequences, reimburse the Township for any costs it may incur to investigate and prosecute that violation, to remedy or repair any damage to the System as a result of such violation, to pay any fines or penalties incurred as a result of any violation (such as a resulting violation in an NPDES Permit), to better assure such violations or damages do not recur, to compensate any persons injured or to pay for any damage to property (including natural resources) damaged as a result of any violation and for any other costs that incurs as a result of any violation. Costs may include without limitation, engineering and consultant fees, sampling and analytical fees, legal fees, personnel costs, costs for replacing Systems equipment or components, fines or penalties paid to the MDEQ or other agency, equipment rental, and other costs.

5.8 Remedies and Cost Recovery.

(a) The Township may obtain any remedy allowed by law for any violation of any discharge limitation, a pretreatment standard or requirement.

(b) A violation of this Sanitary Sewer Ordinance shall make the violator, including without limitation the owner of the property in violation or on which the violation occurs, liable or a civil fine up to \$1,000, or other amount allowed by law for each violation of any pretreatment standard or requirement. The following rules apply to violations:

- (i) Each day that a violation continues shall constitute a separate offense.
- (ii) Each substance or quantity discharged into the System in violation of Article 4 of this Sanitary Sewer Ordinance shall constitute a separate offense.
- (iii) A separate violation occurs for each pollutant that exceeds an applicable discharge limitation or pretreatment standard.
- (iv) If a user is in noncompliance with any discharge limitation or pretreatment standard that is a monthly average, 30-day average, seven day average or other daily average, then the user has one violation on each day of the averaging period.
- (v) If for any period a user has violated both a maximum and an average discharge limitation or pretreatment standard for a particular pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated and the days in the average period.
- (vi) One violation occurs on:
 - (A) Each day that a report is late; and
 - (B) Each day after an action required to be completed is not completed.

(c) If a user's discharge results in a deposit, an obstruction, damage or an impairment in the sanitary sewer system, then the user shall be liable to the Township for the costs of cleaning, repairing or replacing the affected components.

(d) In any enforcement action, the Township may recover from the user subject to the enforcement action the Township's costs for sampling, analysis, other surveillance measures and time devoted to the action by the Township, Township Attorney or other personnel.

(e) A user shall be liable to the Township for fine or costs or other liability imposed upon the Township if:

- (i) The user has violated any discharge limitation or pretreatment standard or requirement.
- (ii) The user's violation has caused the Township to violate any requirement to which it is subject or increased the magnitude or duration of a violation or resulted in the Township's incurring any other liability.
- (iii) An enforcement action against the Township by the DNR, the EPA or any other person resulted in the penalty or other liability being imposed upon the Township.

(f) In addition to any other rates, fees, charges, fines, penalties or other costs, a user shall be responsible for any additional costs incurred by the Township as a result of the user's violation of this article, including without limitation expenses for additional monitoring, sampling or analysis, expenses for additional investigation, costs for additional reports, costs for storing, dumping or treating discharges, costs of damage to or loss of the treatment works or natural resources, fines and penalties. The user shall be notified of all such charges and shall pay them within 30 days of notification. Failure to pay shall be a violation of this article.

5.9 Misdemeanors.

(a) A person who knowingly submits or prepares for submission to the Township a false statement, representation, or certification in any application, record, report, plan or other document, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.

- (i) The Township shall exercise its enforcement powers against a violator within any constituent municipality or any municipality contracting with the Township for service.
- (ii) A municipality may exercise its enforcement powers against a violator located in territory under its jurisdiction.

(b) Enforcement powers include the power to bring an action in a court of competent jurisdiction to enjoin the violation of this Sanitary Sewer Ordinance, to bring an action to recover actual damages sustained due to a violation of this Sanitary Sewer Ordinance and to be awarded costs and fees in those actions as provided in sections 2401 to 2461 of the Revised Judicature Act of 1961, 1961 P.A. 236, as amended.

5.11 Administrative Orders. The Township may, in case of any violation of the provisions of Article 4 of this Sanitary Sewer Ordinance order the User to pre-treat its Sewage or to control the quantities and rates of its discharges to the Public Sewer. Such order shall be in writing and shall provide a date by which the necessary facilities are constructed, installed and put into operation. Users to which such an order is issued shall comply with the requirements of Section 3.5 of this Sanitary Sewer Ordinance pertaining to the application for an construction and installation of such facilities.

5.12 Termination of Service. In case a violation of any provision of the Sanitary Sewer Ordinance constitutes or results in an imminent threat to the public health or safety or an imminent violation of an NPDES Permit requirement, the Township may immediately, upon written notice to the User, terminate the User's use of the System. In other situations, service may be terminated after written notice and an opportunity for a hearing before the hearing panel. (see Section 4.15 Appeals Procedures.)

5.13 Right of Entry. The Township, the Connection Inspector, the MDEQ, any agent of the Township for any premises within the System's Service Area, and any agent of a Constituent Municipality, shall have the right during any reasonable business hours to enter the premises of any User to inspect, observe, measure, sample and test to assure compliance with this Sanitary Sewer Ordinance. Such persons shall provide identification upon the request of any property owner or occupant.

5.14 Authorized Officials. The Township may hire such employees and agents as it deems reasonable necessary and convenient for the administration of the sanitary sewer system. the Township may also appoint special committees or panels to address any issues that may arise to provide the Township Board with guidance. The Connection Inspector and any officer of the Township are designated as Township officials authorized to issue civil infraction notices and citations as provided in this Sanitary Sewer Ordinance.

5.15 Appeals.

(a) Any person aggrieved by an action of the Township or the Connection Inspector pursuant to this Sanitary Sewer Ordinance may appeal in writing to the Township Clerk who shall transmit the appeal to the Township Board. That body shall at its next regular meeting either decide to itself hear the appeal as the appeal panel or appoint a separate appeal panel of not less than three persons who may be Township

officers or employees (provided they are not subordinates to the official from whom the appeal was made), consultants, engineers, attorneys or others and need not be Township residents.

(b) The written appeal shall state with specificity the issue being appealed, the basis for the appeal, the supporting facts for the appeal, the supporting legal basis, if any, for the appeal. the relief sought and any other information deemed relevant to the appeal and shall have attached all supporting documents.

(c) The appeal panel shall provide the appellant and the official from whom the appeal was made notice of the time and place for a hearing on the appeal which shall not be more than sixty (60) days after the appeal was filed and of the rules and procedures to be followed at the hearing. The hearing may be informal and need not follow any formal rules of evidence.

(d) The appeal panel shall within thirty (30) days after the hearing and any time after the hearing allowed for the filing of supplemental information, render its decision in writing. It may affirm the decision of the official from whom the appeal was made, reverse that decision or modify the decision. It may also condition its decision with terms the appeal panel deems necessary to assure the protection of the public health, safety and welfare, and the protection of the System.

(e) If the appellant does not prevail in the appeal, the appeal panel may order the appellant to pay all costs incurred by the Township or by a Constituent Municipality as a result of the appeal.

(f) The decision of the hearing panel shall be final.

ARTICLE 6 INDUSTRIAL USER REGULATIONS

6.1 WASTEWATER CONTRIBUTION PERMIT REQUIRED.

(A) It shall be unlawful to discharge without a wastewater contribution permit to the POTW any wastewater except as authorized by the Township in accordance with the provisions of this chapter.

(B) All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter. Penalty see §5.8.

6.2 PERMIT APPLICATION.

(A) Users required to obtain a wastewater contribution permit shall complete and

file with the Township an application in the form prescribed by the Township, and accompanied by a fee which shall be established from time to time by the Township Board. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 120 days prior to connecting to or contributing to the POTW.

(B) In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (A) Name, address, and location, (if different from the address) and name of owners and operator;
- (B) Classification number according to the most recent edition of the Standard Industrial Classification Manual or its successor manual (the North American Industrial Classification System manual);
- (C) Wastewater constituents and characteristics in accordance with this Ordinance as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304 (g) of the Act, being 33 USC 1314 (g), and contained in 40 CFR Part 136, as amended;
- (D) Time and duration of contribution;
- (E) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation and a current water use schematic;
- (G) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged;
- (H) The nature of concentration of any pollutants in the discharge which are limited by any pretreatment standards, and a statement signed by an authorized representative of the user and certified by a qualified professional regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (I) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing

preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- (b) No increment referred to in this division (a) shall exceed nine months.
- (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Township including, as a minimum, whether or not it complied with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Township.
- (J) Each product and/or byproduct by type, amount, process or processes and rate of production;
- (K) Type and amount of raw materials processed (average and maximum per day);
- (L) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (M) List of any environmental control permits held by or for the facility;
- (N) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(C) The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a wastewater contribution permit subject to terms and conditions provided herein.

6.3 PERMIT CONTENTS.

Permit shall contain, as appropriate, the following:

- (A) Statement of duration (not greater than 5 years) including issuance and expiration dates;
- (B) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this chapter, and state and local law;
- (C) General and specific discharge prohibitions as established herein;
- (D) Requirements to pay fees for the wastewater to be discharged to the POTW;
- (E) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (F) Requirements for installation and maintenance of inspection and sampling locations and frequency of sampling; and number, types and standards for tests and reporting schedule;
- (G) Requirements and specifications for monitoring programs including sampling locations and frequency of sampling; and number, types and standards for tests and reporting schedule;
- (H) Compliance schedules;
- (I) Requirements for submission of technical reports, discharge reports or

certification requirements. These include a reporting requirements contained in a National Categorical Standard or pretreatment requirement;

(J) Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;

(K) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;

(L) Requirements for installation, operation and maintenance of pollution control equipment;

(M) Requirements to develop and implement spill and slug control plans;

(N) Other conditions as deemed appropriate by the POTW to ensure compliance with this chapter, and requirements of pretreatment standards;

(O) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;

(P) Statement of non-transferability;

(Q) Conditions for modification or revocation of permit.

6.4 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit re-issuance at least 180 days prior to the expiration of the user's existing permit. Penalty see §5.8.

6.5 PERMIT MODIFICATIONS.

(A) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard.

(B) Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater contribution permit as required by § 3.02, the shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(C) In addition, a user with an existing wastewater contribution permit shall submit to the Township within 180 days after the promulgation of an applicable federal Categorical Pretreatment Standard the information required by § 3.02 (B) (i)-(ix).

6.6 PERMIT TRANSFER

Wastewater contribution permits are issued to a specific process or operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior notification to the POTW and provision of a copy of the existing wastewater contribution permit to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The POTW may set additional conditions, such as an application requirement.

6.7 MONITORING.

(A) Users shall provide and maintain in safe and proper condition, at their own

expense, facilities to allow the authorized representatives of the POTW, the EPA or the state to inspect, sample or measure flows from wastewater subject to this chapter.

(B) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

(C) If locating such facilities on a user's property would be impractical; the user may apply to the POTW for a right of way or for permission to construct on public property.

6.8 BYPASS

(A) *Bypass not violating applicable pretreatment standards or requirements.* An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to (B) and (C) below.

(B) *Notice.*

- (i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.
- (ii) An industrial user shall orally notify the POTW of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass, including exact times and dates, and, if the bypass has not been corrected, the anticipated time if it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(C) *Prohibition of bypass.*

- (i) Bypass is prohibited and the POTW may take enforcement action against an individual user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (b) There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The industrial user submitted notices are required by division (B) of this section.
- (ii) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in division (c)(1) of this section. Penalty see §5.8.

6.9 UPSET PROVISIONS

(A) *Definition.* For purposes of this section, **UPSET** means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) *Effect of any upset.* An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of division (C) are met.

(C) *Conditions necessary for a demonstration for upset.* An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that;

- (i) An upset occurred and the industrial user can identify the causes of the upset;
- (ii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (iii) The industrial user has submitted the following information to the POTW and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - (a) A description of the discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(D) *Burden of proof.* In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) *User responsibility in case of upset.* The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

6.10 BASELINE REPORT FOR CATEGORICAL DISCHARGERS.

(A) Industrial users subject to National Categorical Pretreatment Standards shall submit baseline reports to the POTW in a form prescribed and furnished by the POTW.

(B) Within 180 days after the effective date of the National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, industrial users that are existing sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall

submit a properly completed baseline report.

(C) New sources, when subject to a National Categorical Pretreatment Standard, shall install and start up technology prior to discharge, and achieve compliance within the shortest time feasible, not to exceed 90 days after commencement of discharge.

(D) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:

- (i) Name and address of the facility including the name of the operator and owners.
- (ii) List of any environmental control permits held by or for the facility.
- (iii) Brief descriptions of the nature, average rate of production, and standard industrial classification of the operation carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
- (iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams; and
 - (b) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).
- (v) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
- (vi) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The POTW may waive flow-proportional composite sampling for any industrial user that demonstrates that flow proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (vii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this division.
- (viii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and

concentrations necessary to allow use of the combined waste-stream formula of 40 CFR 406.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.

(E) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating where National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

(F) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

- (i) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste formula (40 CFR 403.6(e)), or net/gross calculations (40 CFR 403.15), at the time the industrial user submits a baseline report the information required in § 3.10(D)(vi) and (vii) and submit them to the POTW within 60 days after the modified limit is approved.

(G) The following conditions shall apply to any schedule submitted in response to § 3.10(F):

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, competing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (ii) No increment referred to in § 3.10 (G)(i) shall exceed nine (9) months.
- (iii) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the POTW.

(H) Such other information as may be reasonably requesting by the POTW. Penalty, see § 5.8.

6.11 COMPLIANCE DATE REPORTS.

(A) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Categorical Pretreatment Standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements.

- (i) Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate.
- (ii) Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period.
- (iii) The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional. Penalty, see § 5.8.

6.12 PERIODIC COMPLIANCE REPORTS

(A) Any user subject to a categorical pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of June and December, unless required more frequently in the pretreatment standard or by Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceed the average daily flow reported in § 3.10 (D)(iv). At the discretion of the Township and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.

(B) The POTW may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by division (A) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Township, of pollutants contained therein

which are limited by the applicable pretreatment standards.

(C) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR 403.6(c), the report required by division (A) shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by division (A) shall include the user's actual average production rate for the reporting period.

(D) Significant non-categorical industrial users shall submit to the POTW at least once every six (6) months (on dates specified by the Township) a description of the nature, concentration, and flow of pollutants required to be reported by the Township. Penalty, see § 5.8.

6.13 MONITORING AND ANALYSIS

(A) Any reports required by the terms of this Ordinance shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, and approved by the Administrator. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.

(B) If sampling performed by an industrial indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also report the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the industrial user is not required to re-sample if:

- (i) The POTW performs sampling at the industrial user at a frequency of at least once per month, or
- (ii) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(C) The reports required in § 3.12(A) and (D) shall be based upon data obtained through appropriate sampling and analysis during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(D) If an industrial user subject to the reporting requirements in this Ordinance monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(E) Signatory requirements for industrial user reports. The reports required by this Ordinance shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii); and shall be signed by an authorized representative. Penalty, see § 5.8.

6.14 REPORTING REQUIREMENTS FOR NON-SIGNIFICANT INDUSTRIAL USERS

The POTW shall require appropriate reporting from those industrial users with discharges that are not subject to Categorical Pretreatment Standards and are not otherwise deemed by the POTW to be significant. Penalty, see § 5.8.

6.15 HAZARDOUS WASTE NOTIFICATION.

(A) Any industrial user, except as specified in division (E) below, which discharge to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the POTW in writing of such discharge.

(B) All hazardous waste notifications shall include:

- (i) The name of the hazardous waste as set forth in 40 CFR Part 261;
- (ii) The EPA hazardous waste number;
- (iii) The type of discharge (continuous, batch or otherwise); and
- (iv) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to degree it has determined to be economically practical.

(C) In addition to the information submitted in the previous division, notification from the industrial users discharging more than 100 Kg of hazardous waste per calendar month to the POTW shall contain, to the extent such information is known and readily available to the industrial user, the following:

- (i) An identification of the hazardous constituents contained in the waste;
- (ii) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
- (iii) An estimation of the mass of the constituents in the waste stream discharged during the following 12 months.

(D) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need to be submitted only once for each hazardous waste discharged, although notification of changed discharges must be submitted under § 2.50 (D).

(E) Industrial users are exempt from the hazardous waste notification requirement during a calendar month in which the user discharges 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33 (e) requires a one-time notification. Penalty, see § 5.8.

6.15 SPILL PREVENTION AND SLUDGE CONTROL PLANS.

(A) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans.

Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the POTW before construction of the facility.

(B) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

(C) The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements;

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under §2.01, with procedures for follow-up written notification within five days;
- (iv) If necessary, procedures to prevent adverse impact from accidental spill, including inspection, and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. Penalty see § 5.8.

6.16 NOTIFICATION.

(A) In the case of any discharge in violation of this chapter or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any sludge loadings, as defined by § 1.03 of this chapter, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:

- (i) The date, time, location and duration of the discharge;
- (ii) The type of waste including concentration and volume; and
- (iii) Any corrective actions taken by the user.

(B) Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.

(C) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this chapter or other applicable state or federal law.

(D) *Notification of changed discharge.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of

pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12 (p). Penalty, see §5.8.

6.17 EMPLOYEE TRAINING.

The industrial user shall permanently post a notice in a prominent place advising all employees of the industrial user to call the City Manager for the City of Cheboygan at (231) 627-9931 in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure. Penalty see §5.8.

6.18 RECORDS.

(A) Industrial users shall retain and make available upon request of authorized representatives of the POTW, the state, or the EPA all records required to be collected by the user pursuant to this chapter or any permit or order issued pursuant to this chapter.

(B) These records shall remain available for a period of at least three years after their collection.

(C) This period shall be extended during any litigation concerning compliance with this chapter or permit conditions. Penalty see §5.8.

6.19 PRETREATMENT REQUIREMENTS.

(A) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent of this chapter, federal pretreatment standards, as established by 40 CFR Chapter N, Subpart I, state standards and permit conditions, and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations, and with any other pretreatment standards by applicable deadlines.

(B) Any facilities required to pre-treat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this chapter and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the POTW. Penalty, see § 5.8.

6.20 DILUTION PROHIBITIONS.

No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. Penalty see § 5.8.

6.21 ANALYTICAL REQUIREMENTS.

All analyses, including sampling results submitted in support of any application

reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA. Penalty, see §5.8.

6.22 CONFIDENTIAL INFORMATION

(A) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person has made the demonstration required by division (A) of this section, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this chapter, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the state or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information. Penalty, see §5.8.

6.23 RIGHT OF ENTRY.

Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Industrial users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW, State, and EPA to enter and inspect the premises as guaranteed by this division. Penalty see §5.8.

6.24 AGREEMENTS WITH INDUSTRIAL USERS.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial user after recommendation by the Township whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefore, by the industrial user.

ARTICLE 7
RATES, FEES AND CHARGES

7.1 Rationale. It is recognized that use of the System requires payment of costs of providing the services of the System. Such costs include not only the day-to-day operation and maintenance costs, but also the costs incurred to construct and install the System components, the cost to undertake reasonably foreseeable repairs and replacement, etc. When the System components were designed and constructed, they necessarily needed to be sized to accommodate all foreseeably possible usage of the System from a premises and so the System is available to accommodate such reasonably foreseeable usage. Accordingly, certain charges are imposed regardless of actual usage while other charges recognize that those who actually make more use of the System should pay more.

7.2 Resolution Establishing. The rates, fees and charges, including but not limited to the Residential Equivalent Unit/Benefit Charges as calculated utilizing the Township Schedule of Benefits Table, for permits issued pursuant to this Sanitary Sewer Ordinance, and for connection to and use of the System shall be in such amounts as are established by resolution of the Township Board.

(a) Such rates, fees and charges shall be established in amounts sufficient to pay all costs of the operation, maintenance and repair of the System and any amounts required to be paid or maintained under the terms of any bonds or other obligations of indebtedness of the System, including without limitation, a fund balance reasonably anticipated to be sufficient to fund reasonably anticipated equipment replacement and emergency repairs of the System.

(b) Such rates, fees and charges may, in the discretion of the Township Board include the following in such amounts or at such rates as determined by the Township Board:

(1) Permit fees in amounts as are reasonable determined to cover the costs of permit issuance, inspection and enforcement.

(2) Connection fees in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System.

(3) Flat rate sewer use charge per REU.

(4) Readiness to serve charges or debt service charges based upon residential equivalent units, meter size or other methodology as determined by the Township in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation,

maintenance, repair and replacement costs of the System.

(5) Commodity or usage charges in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

(6) Special rates, fees and charges in amounts and on such basis as is reasonable determined to be sufficient to pay the costs of special services.

(c) At least annually the Township shall review the rates, fees and charges and adjust them as necessary to meet the requirements of this rule 7.2.

(d) No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

7.3 Billing and Collection.

(a) When System rates, fees and charges are not timely paid, it is necessary to re-bill, to undertake other procedures required by this article, to prepare separate notices and accountings and undertake other tasks that are not needed if they are timely paid. In addition, the other System users essentially subsidize the non-paying or late paying user's use of the System. The System is not established, operated or well-adapted to provide financing services for its users. Accordingly, charges are made to compensate the System for the costs incurred due to untimely payments.

(b) Bills will be rendered at such intervals as are determined by resolution of the Township Board, but not less frequently than quarterly.

(c) Bills shall be due and payable without interest or late fee at such time after billing as is stated on the bill, provided not less than fifteen (15) days shall be given for such payment after the billing date.

(d) Bills not paid by the due date shall bear interest at such rate and be subject to a re-billing fee as determined by the Inverness Township Board.

(e) Service, installation, inspection, use and material rates, fees and charges, including late fees and interest due thereon, shall constitute a lien on the premises served from the date of such service unless the Township is served with written notice that a tenant is responsible for such charges. The Township official or officials in charge of the collection shall

annually, not later than September 1 of each year, certify to the tax assessing officer of the Township the fact and the amount of the delinquency in payment for sewer services to the property. Such lien shall have the same priority and shall be collectible in the same manner as delinquent ad valorem real property taxes. If the Township is provided with notice in writing, including a copy of the lease of the affected premises, that a tenant is responsible for the sewer charge, the Township Board may require as a condition to rendering sewer services to such premises a cash deposit equal to service charges at current rates for three months (one quarter) as security for the payment of service charges.

(f) In addition to the other methods of collection and enforcement provided in this rule or in law or at equity, the Township may, after notice of its intention to do so and of the opportunity for a hearing to show cause why it should not occur, have the right to shut-off sewer service to any premises for which rates, fees and charges for sewer service are not paid by the due date, and such service shall not be re-established until all delinquent charges, interest, penalties and a turn-on charge, to be specified by the Township, have been paid.

(g) In addition to the other methods of collection and enforcement provided in this rule or in law or in equity, the Township shall have the option of collecting all rates, fees, charges, interest and late fees due pursuant to this Sanitary Sewer Ordinance by legal proceedings in a court of competent jurisdiction.

7.4 ESTABLISHED; FISCAL YEAR.

(A) Rates and charges for the use of the sewage disposal system of the Township are hereby established. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the sewer system of the Township or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Such charges shall be based upon each lot, parcel of land or premises being assessed a Resident Equivalence Unit (REU) Factor based off of the use of said lot, parcel of land or premises. The assessment of the REU Factor is allocated according to use based off the schedule attached as Appendix A, which schedule may be modified or amended, from time to time, by resolution of the Township Board.

(B) The system shall be operated based on a fiscal year commencing on the first day of July and ending on the thirtieth day of June.

7.5 AMOUNTS, BILLING.

(A) The rates and charges for services furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connections with such system, on the basis of the REU Factor multiplied by the service fee per REU.

(B) Charges shall be collected by the Township quarterly, except:

(i) In cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the average sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or

(ii) The Township may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such a manner as shall be specified by the Township before discharging such sewage into the sewage disposal system.

(iii) The Township may classify the users of the system according to the quantity of water used and charge such rates to users in each class, as it may deem reasonable.

(iv) The rate to be billed to all users within the sanitary sewer service area of the Township for use of the system shall be as established by resolution of the Township Board and may, from time to time, be amended, by Township Board resolution.

The current schedule of Sewerage Rates Per Month shall be:

Minimum Charge per Month or part thereof

REU

Minimum Billing

1

\$39.57

The foregoing charge is a user charge to pay for operation, maintenance and replacement of the sewage works.

7.6 SURCHARGES FOR BOD, SUSPENDED SOLIDS AND SINGLE EVENT DISCHARGES.

(A) There shall be an additional charge for laboratory testing or wastewater samples. The laboratory charge shall be for the cost thereof and will be determined for each user.

(B) Surcharges for single event discharges. Surcharges may be levied for single event discharges that violate the conditions of this ordinance. Said charges shall be reflective of the additional cost to treat or maintain the sewage works due to the high strength discharge or the cost to maintain or repair the sewer, sewer equipment or sewer pumps due to a discharge in violation of this Ordinance. Said surcharges are in the sole discretion of the Township Board.

(C) The rates stated herein shall be effective on February ____, 2021, except as otherwise provided. A billing covering use of the system before and after the effective date of this rate change shall have such bill prorated, based upon the average user per day and the number of days within such billing period, at the rate then in effect.

(D) User or users of sewer or sewer services located outside of the Downtown Development Authority of the Township who have connection with the sewage system of the Township shall pay for such service at the above rates and such additional rate to that charged to users within the Downtown Development Authority as the Township Board may determine to cover additional costs to the Township of transportation of wastewater and depreciation of investments by the Township in sewer facilities.

7.7 COST OF CONSTRUCTION, CONNECTION CHARGES.

Where a sewer or sanitary sewer is constructed by a landowner, said landowner shall pay the cost of construction. Construction shall not be commenced until all required permits are obtained and connection charges are paid to the Township. Penalty see § 5.8.

7.8 DEBT RETIREMENT

The initial construction of the sewer system is to be in part financed by debt.

(A) The costs of this construction debt shall be levied upon each lot or parcel of land, building or premises, having any sewer connections with such system, on the basis of the REU Factor multiplied by the debt retirement charge per REU.

(B) Charges shall be collected by the Township quarterly,

(i) The rate to be billed for debt retirement attributable to the initial construction of the system shall be as follows for all users within the sanitary sewer service area of the Township except as otherwise provided herein:

Schedule of Debt Retirement Fee Per Month

Minimum Charge per Month or part thereof

| | |
|------------|--------------------|
| <u>REU</u> | <u>Minimum Fee</u> |
| 1 | \$29.37 |

The foregoing charge is a debt retirement fee for the debt incurred to construct the initial sanitary sewer system.

7.9 REPAIR, REPLACEMENT & IMPROVEMENT CHARGES

The sewer system will require repair, replacement and improvements over time.

(A) The costs of these repairs, replacements and improvements shall be levied upon each lot or parcel of land, building or premises, having any sewer connections with such system, on the basis of the REU Factor multiplied by the R R and I charge per REU.

(B) Charges shall be collected by the Township quarterly,

(i) The rate to be billed for debt retirement attributable to the initial construction of the system shall be as follows for all users within the sanitary sewer service area of the Township except as otherwise provided herein:

Schedule of R R & I Charges Per Month

Minimum Charge per Month or part thereof

| | |
|------------|--------------------|
| <u>REU</u> | <u>Minimum Fee</u> |
| 1 | \$4.95 |

The foregoing charge is a fee for the repair, replacement and improvement of the sanitary sewer system.

7.10 FREE SERVICE PROHIBITED.

No free service shall be furnished to the Township or any person, or to any public or private agency.

7.11 SERVICE INTERRUPTIONS.

The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is practical to do so. However, the Township shall not be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

7.12 SEPTAGE STORAGE TANKS PROHIBITED.

No septage storage tanks shall be allowed in the sewer district unless approved by the Township Board.

7.13 COLLECTION.

(A) The Township is hereby authorized to enforce the payment of charges for sewage disposal service to any premises by discontinuing the sewage disposal service to such premises in accordance with the provisions of this section and an action of assumpsit may be instituted by the Township against the customer.

(i) If any bill is not paid by or before the date noted in the bill, a second bill will be mailed containing a notice that if the bill is not paid within ten days of the mailing of the second bill, said charges shall be assessed as a lien on the property in accordance with § 7.13(B) and (C).

(ii) Any customer disputing the correctness of their bill shall have a right to a hearing at which time they may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing their complaint and contentions to the official designated by the Township to be in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(iii) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(B) The charges for sewage service which, under the provisions of Public Act 178, § 2, of 1939, being MCLA § 123.162, as amended, are made a lien on the premises to which is furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, on the Tuesday following the second Monday in October of each year; certify to the Township Board, at their regular board meeting, the amounts which are over six months delinquent and the billing address on which the lien is to be placed.

(C) The Township Board, no later than the Tuesday following the second Monday in November, shall at the regular Board meeting, direct the County Equalization Director to spread the several amounts against the properties listed on the winter tax roll. Such charges shall be collected in the same manner as general Township taxes.

(D) In cases where the Township is properly notified in accordance with Public Act 178, § 5, of 1939, being MCLA § 123.165, that a tenant is responsible for sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the Township a sum sufficient to cover the average quarterly bill for such premises as estimated by the Township, such deposit to be in no case less than an amount which shall be established by resolution of the Township Board from time to time.

(E) In any case where, in the discretion of the Township, the collection of charges for sewage disposal service may be difficult or uncertain, the Township may require a deposit.

7.14 USE OF PROCEEDS.

The rates hereby fixed are estimated to be sufficient to provide for the payment of any or all indebtedness to provide for the expenses of administration and operation and such expenses of maintenance of such system as are necessary to preserve the same in good repair and working order, to build up a reasonable reserve for depreciation thereof, and to build up a reserve for reasonable and proper improvements, betterments and extensions thereto other than those necessary to maintain the same in good repair and working order. Such rate shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be revised annually and revised as necessary to meet system expenses.

ARTICLE 8 MISCELLANEOUS

8.1 Severance. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

8.2 Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

8.3 Effective Date. This ordinance shall become effective 30 days after adoption and publication.

Adopted: February 2, 2021