

**CHARTER TOWNSHIP OF GAINES**

**COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Gaines, County of Kent, Michigan, held at the Gaines Township Hall located at 8555 Kalamazoo Avenue, SE, Caledonia, MI 49316, in the Township, on the \_\_\_\_ day of \_\_\_\_\_, 2008 at 7:00 p.m. Local Time.

PRESENT: Members: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members: \_\_\_\_\_  
\_\_\_\_\_

Janice Boone, Township Water and Sewer Administrator, introduced Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE THE USE OF PRIVATE WELLS AND PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS

The Ordinance was then discussed.

It was moved by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_ that the following Ordinance be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: \_\_\_\_\_  
\_\_\_\_\_

NAYS: Members: \_\_\_\_\_  
\_\_\_\_\_

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. \_\_\_\_\_ as adopted:

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**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE THE USE OF PRIVATE WELLS AND PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS

THE CHARTER TOWNSHIP OF GAINES ORDAINS:

**ARTICLE 1  
TITLE**

**Section 101. Short Title.** This Ordinance shall be known as the “Water and Sewer Ordinance” and may be cited as such.

**ARTICLE 2  
OBJECTIVES AND FINDINGS**

**Section 201. Objectives Re: Water System.** The Water System was established by the Township in coordination with the Township of Byron to protect and promote the health, safety and welfare of the Township by assuring to residents and property owners in the Township an adequate and reliable supply of Potable Water on a continuous basis for household and drinking purposes. The Township is required by the terms of the Wyoming Water Supply Agreement to provide for the administration and regulation of the Water System including protection of the Water System against contamination and, in general, maintaining a high quality of water for distribution to customers. The Township is adopting this Ordinance to provide for appropriate means of administering, managing and regulating the connection to, use of and payment of fair and equitable rates for use of the Water System and to provide in general for compliance with the state and federal safe drinking water acts and other applicable laws and regulations.

**Section 202. Objectives Re: Sewer System.**

a. The Sewer System was established by the Township in coordination with the Township of Byron to promote the health and welfare of the residents of the Township. Accordingly, it is necessary for the Township to establish rates and charges for services to persons using the Sewer System in amounts necessary to regulate, operate, maintain and administer the Sewer System and to adopt an ordinance that requires users of the Sewer System to pay rates and charges for sewer collection and disposal services.

b. The Township is further required by the terms of the Interjurisdictional Pretreatment Agreement, the Grand Rapids Sewage Treatment Agreement and the Wyoming Sewage Treatment Agreement, pursuant to which the City has agreed to accept and treat the Sewage from the Sewer System at the Sewage Treatment Plant, to adopt by ordinance such regulations and restrictions applicable to the use of the Sewer System that are not less restrictive than those in effect in the City with respect to the Sewage Treatment Plant, and

which enable the City to comply with all state and federal laws and regulations applicable to the treatment and discharge of Sewage. It is the purpose of the Township, by enacting and keeping in force and effect this Ordinance, to comply with the foregoing requirements of the Grand Rapids Sewage Treatment Agreement and Wyoming Sewage Treatment Agreement and to protect and promote the health and welfare of Township residents.

c. This Ordinance sets forth uniform requirements for Customers of the Sewer System and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.). In addition, the objectives of this Ordinance include the objectives set forth in Section D101 of Appendix D, Section E101 of Appendix E and the following:

(1) To prevent the introduction of pollutants into the Sewer System which will interfere with the operation of the Sewer System or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the Sewer System which will pass through the Sewer System, inadequately treated, into the Receiving Stream or the atmosphere or otherwise be incompatible with the Sewer System;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Sewer System;

(4) To provide for equitable distribution of the cost of the Sewer System;  
and

(5) To protect the physical integrity of the Sewer System and the Sewage Treatment Plant and to provide for the safety of the public and workers on and in the Sewer System and the Sewage Treatment Plant.

**Section 203. Findings Re: Public Health, Safety and Welfare.** The Township hereby determines that the Water System and the Sewer System are immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon:

a. The express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

“Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

b. The use of private water wells as a source of drinking water in the Township has been characterized by shallow wells, poor water quality, including high nitrate levels, and groundwater contamination.

**Section 204. Findings Re: Useful Life of Sewer System and Water System.** The Township Engineer has advised the Township and the Township so finds that the useful life of System components comprised of Public Water Main, valves and fittings, storage facilities and water booster and meter stations, exclusive of mechanical and electrical components and Public Sewer, manholes and pumping stations, exclusive of mechanical and electrical components, is 50 years and upwards and that the useful life of other System components is 15 years and upwards for mechanical and electrical components and 10 years and upwards for paint systems such as elevated storage tanks.

**Section 205. Finding Re: Measure of Sewer and Water Use by Metering.** The Township hereby finds that:

(1) The metering of domestic water supply is the best available technology for measuring with relative precision the use of the Water System and the discharge to and the use of the Sewer System; and

(2) With respect to Commercial and Industrial Customers of the Sewer System which do not have a public or private source of water supply, the metering of discharges of Sewage to the Sewer System is the best available technology for measuring with relative precision the use of the Sewer System.

### ARTICLE 3 DEFINITIONS

**Section 301. Definitions.** Unless the context specifically indicates otherwise, the meaning of the words, terms and phrases used in this Ordinance, including the appendices, shall be as set forth in the Appendices or as follows:

(1) **Act 451.** The Natural Resources and Environmental Protection Act, which is Act 451 of the Public Acts of Michigan of 1994, as amended.

(2) **Authority.** The Byron-Gaines Utility Authority incorporated by the Township of Byron and the Charter Township of Gaines in accordance with Act 233 of the Public Acts of Michigan of 1955, as amended.

(3) **Available Public Sewer.** A public sanitary sewer system with sufficient capacity to which connection can be made and which is located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon a Premises and passes not more than two hundred (200) feet at the nearest point from a Structure in which Sanitary Sewage Originates which is located on the Premises. The Public Sewer shall also be considered to be available to commercial and industrial buildings located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the Public Sewer would have been available at the time of such division to a building on the undivided Premises pursuant to the preceding sentence, without regard to the 200-foot requirement.

(4) **Available Public Water Main.** A public water main with sufficient capacity to which connection can be made and which is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon a Premises and passes not more than two hundred (200) feet at the nearest point from a building using or requiring Potable water which is located on the Premises. The Water System shall also be considered to be available to commercial and industrial buildings located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the Water System would have been available at the time of such division to a building on the undivided premises, pursuant to the preceding sentence, without regard to the 200 foot requirement.

(5) **Backflow.** Water of questionable quality, wastes, or other contaminants entering the Water System due to a reversal of flow and/or loss of pressure..

(6) **Backflow Preventer.** A device to prevent Backflow.

(7) **Building Drain.** That part of the lowest horizontal piping of a sanitary drainage system which receives the discharge of Sewage inside the walls of a building and conveys it to the Building Sewer. The Building Drain shall end thirty (30) inches beyond the outer face of the building wall.

(8) **Building Sewer.** The privately owned extension of sewer pipe from the Building Drain to the Sewer Lateral or other place of disposal, including any privately-owned grinder pump or similar equipment, including the connection to the Sewer Lateral.

(9) **Cesspool.** An underground pit into which Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

(10) **City.** The City of Wyoming, with respect to the Water System and that portion of the Sewer System for which sewage treatment service is provided in accordance with the Wyoming Sewage Treatment Agreement, or the City of Grand Rapids with respect to that portion of the Sewer System for which sewage treatment service is provided in accordance with the Grand Rapids Sewage Treatment Agreement, as the case may be.

(11) **Commercial Customer.** A Customer whose Premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, supportive care homes, hospitals, warehouses, private clubs, theaters, and governmental buildings.

(12) **Contamination.** The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water Nonpotable.

(13) **Corner Lot.** A Premises which abuts on the intersection of two (2) intersecting street right-of-ways, or that has frontage on two or more street right-of-ways, or that has frontage on a street right-of-way and a public utility easement.

(14) **Cross Connection.** A connection or arrangement of piping or appurtenances through which a Backflow could occur.

(15) **Customer.** The Person who owns or, subject to the limitations of Section 1711, concerning rental properties, leases any Premises which are connected to the System which constitute a home or dwelling, retail or wholesale business, multi-family dwelling, manufacturing establishment, educational, religious or social establishment, or any federal, state or local government office or service facility including Commercial Customers and Industrial Customers.

(16) **Customer Class.** The group by user class of Commercial Customers, Industrial Customers or Residential Customers.

(17) **Customer Surcharge Fee.** A charge imposed on a Customer of the Sewer System which discharges Sewage that exceeds the discharge limitations set forth in Section D123, D135 and D136 of Appendix D or Section E136 of Appendix E, as the case may be.

(18) **Depreciation.** The consumption of capital invested in the System over the useful life of the System, reflected as an expense of the System. Revenues derived from Depreciation shall typically be used to fund the cost of Replacement.

(19) **Domestic Sewage.** The liquid wastes (exclusive of Industrial Wastes) from all habitable buildings and residences which includes human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water carried wastes either singly or in combination.

(20) **Drainage Violation Fee.** A fee based upon unauthorized drainage service rendered to a Premise by the Public Sewer.

(21) **Dwelling Unit.** A building or a part thereof which is intended for or used for occupancy by a family or group of persons living together as a single housekeeping unit. A “dwelling unit” shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen. A “dwelling unit” shall include a foster care home but not supportive care or nursing homes.

(22) **Engineer.** The engineer retained by the Township to carry out functions under this Ordinance.

(23) **Grand Rapids Sewage Treatment Agreement.** The Sanitary Sewer Service Agreement dated as of June 7, 1988, by and between the City of Grand Rapids and the Township.

(24) **Health Department.** Kent County Health Department.

(25) **Health Hazard.** Any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Township, may create by Contamination or otherwise, a danger to the health and well-being of the Customer. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

(26) **Incidentally Available.** With regard to any Premises, an Available Public Water Main or an Available Public Sewer shall be Incidentally Available to the Premises if the Public Water Main and/or the Public Sewer was installed in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises by either a private developer or the Township without a determination by the Township that the Public Water Main or the Public Sewer was a necessity for the Premises.

(27) **Industrial Customer.** A Customer whose Premises are used for a manufacturing or process facility which is engaged in the manufacture of goods and materials or the processing of goods and materials by physical or chemical change, and facilities related thereto, including related offices, warehousing, and research and development areas.

(28) **Inspection Fee.** The amount charged to an applicant at the time a permit is issued by the Township for connection to or disconnection from the System to cover the routine cost of inspecting and approving the physical connection or disconnection of a Service Line and Water Service, in the case of the Water System, and the Building Sewer and Sewer Lateral, in the case of the Sewer System.

(29) **Inspector.** The Authority or other Person designated by the Township, or a duly authorized representative, responsible for inspecting the connection of Service Lines or Building Sewers to the System or other aspects of the System.

(30) **Interjurisdictional Pretreatment Agreement.** This shall refer to the Wyoming Sewage Treatment Agreement, except with respect to that portion of the Sewer System served in accordance with the Grand Rapids Sewage Treatment Agreement, in which case this shall refer to the Interjurisdictional Pretreatment Agreement dated September 26, 1988, between the City of Grand Rapids and the Township of Gaines.

(31) **Local Sewer.** A Public Sewer designed in size to serve the intended normal land use and capacity needs within the lands adjacent to said Public Sewer.

(32) **Local Water Main.** A Public Water Main designed in size to serve the intended normal land use and capacity needs within the lands adjacent to said Public Water Main.

(33) **May.** Is permissive.

(34) **Miscellaneous Customer Fee.** An amount charged to Customers for miscellaneous services and related administrative costs associated with the System and not covered by Rates and Charges, including additional fees for inspections required by the Township or the Authority, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water and sewer usage, industrial pretreatment fees, surcharges, fines, penalties and other expenses applicable to a Customer of the Sewer System by the terms of the Interjurisdictional Pretreatment Agreement and the related provisions of Appendix D and Appendix E, attorney and professional fees related to such matters, and similar expenses authorized by this Ordinance.

(35) **Nonpotable.** Water that is not safe for human consumption or that is of questionable potability.

(36) **Nuisance.** Includes, without limitation, any Cross Connection, Health Hazard or any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground or discharged into any Natural Outlet or when the odor, appearance, or presence of said sewage or effluent 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.

(37) **Operation and Maintenance Agreement.** The Operation and Maintenance Agreement For the Byron/Gaines Water Supply System and Sewage Disposal System dated as of July 1, 2003 by and between the Authority, the Township and the Township of Byron.

(38) **Oversizing.** In the case of a Public Water Main, the difference in size between a Local Water Main and a Trunk Water Main. In the case of a Public Sewer, the difference in size between a Local Sewer and a Trunk Sewer.

(39) **Person.** Any individual, firm, company, association, society, corporation, or group, whether public, private or nonprofit.

(40) **Plumbing System.** The water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; Building Drains, Building Sewers and Service Line, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

(41) **Potable.** Water suitable for human consumption and contact; free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Environmental Quality.

(42) **Premises.** The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable item in the name of the taxpayer or taxpayers at one address including the buildings or structures thereon or any part thereof but in the case of platted lots or site condominium units shall be limited to a single platted lot or site condominium unit unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

(43) **Public Sewer.** A Sewer for carrying sewage which is owned and controlled by public authority.

(44) **Public Water.** Water provided by the Water System.

(45) **Public Water Main.** A Water Main which is owned and controlled by public authority.

(46) **Public Water Meter.** An instrument for measuring the rate of flow and volume of Public Water, including a Submeter.

(47) **Rates and Charges.** When not specifically identified as either Sewer Rates and Charges or Water Supply Rates and Charges, either Sewer Rates and Charges or Water Supply Rates and Charges, or both, or any component thereof, as indicated by the context in which the term is used.

(48) **Receiving Stream.** The Grand River.

(49) **Reduced Pressure Principle Backflow Preventer.** An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of flow reversal and/or pressure reversal.

(50) **Replacement.** Expenditures and costs for obtaining, installing and replacing equipment, accessories, or appurtenances which are necessary during the service life of the

System to maintain the capacity and performance for which the System was designed and constructed.

(51) **Residential Customer.** A Customer whose premises contain one or more Dwelling Units for single or multiple family use.

(52) **Safe Air Gap or Air Gap.** The minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve inches.

(53) **Sanitary Sewer.** A sewer designated to carry Sewage only and to which storm, surface and ground waters are not normally admitted.

(54) **Schedule of Rates and Charges.** The Schedule of Rates and Charges listing the amounts of the various Water Supply Rates and Charges and Sewer Rates and Charges. This schedule shall be adopted, and may be amended in part or in whole, by resolution of the Township Board from time to time.

(55) **Secondary Water Supply.** A water supply system maintained in addition to the Public Water supply, including, but not limited to, water systems from ground or surface sources not meeting the requirements of Act 399 of the Public Acts of Michigan of 1976, as amended, or successor provisions of like import, or water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an approved storage facility.

(56) **Septage Waste.** Any Sewage removed from private Sewage Disposal Facilities.

(57) **Service Line.** The privately owned water pipe extension from the property or easement line into the building supplied with Public Water, including the connection to the Water Service.

(58) **Sewage.** Any liquid or water carried waste received from Residential Customers, Commercial Customers and Industrial Customers including Domestic Sewage, Industrial Wastes and any infiltration or inflow as may be present.

(59) **Sewage Disposal Facilities.** A Toilet Device, privy, outhouse, Septic Tank, septic toilet, chemical closet, Seepage Pit, Cesspool, Sub-surface Disposal Field or other device used in the disposal of Sewage.

(60) **Sewage Meter.** An instrument for measuring the rate of flow and volume of Sewage.

(61) **Sewage Meter Fee.** The fee charged to cover the cost of the Sewage Meter and its installation.

(62) **Sewage Meter Bypass Violation Fee.** A fee intended to reimburse the Township for public sewer and water service, in lieu of the Sewer Use Fee and the Water Use Fee, while a sewer bypass valve is open.

(63) **Sewage Treatment Plant.** The physical plant designated to receive and process the raw, untreated Sewage discharged by the properties served by the Sewer System, including stabilization ponds, effluent sprayers and all appurtenant piping, manholes, chemical contact chambers, control structures, ground water monitor wells, earthwork, valves, gates, electrical circuitry, fencing and openings. In the case of Customers served in accordance with the Wyoming Sewage Treatment Agreement, the City of Wyoming wastewater treatment plant, and in the case of Customers served in accordance with the Grand Rapids Sewage Treatment Agreement, the City of Grand Rapids wastewater treatment plant.

(64) **Sewer.** A pipe, tile, tube or conduit for carrying Sewage and Nonpotable Water.

(65) **Sewer Availability Fee.** The amount charged to a Premises in the Township to make the Local Sewer directly available to serve said Premises. This charge represents a cost allocable to such Premises for the Sewer Mains available to the Premises for connection thereto, and associated costs.

(66) **Sewer Lateral.** The publicly-owned extension of the Public Sewer, laterally from the local or main collector sewer to the property or easement line of the Premises adjacent to the path of the Public Sewer, including any publicly-owned grinder pump or similar equipment.

(67) **Sewer Lateral Fee.** The fee charged by the Township for construction and installation of a Sewer Lateral.

(68) **Sewer Operation, Maintenance and Replacement Costs.** Costs, direct and indirect, necessary to insure adequate treatment and collection of Sewage on a continuing basis to conform with all applicable federal, state and local regulations and contractual obligations, and to assure optimum long-term administration, regulation, management, operation and maintenance of the Sewer System, and may include a reasonable allowance for debt service, Depreciation and Replacement.

(69) **Sewer Rates and Charges.** The Sewer Availability Fee, Sewer Trunkage Fee, Sewer Lateral Fee, Inspection Fee, Sewer Readiness to Serve Fee, Sewer Use Fee, Sewage Meter Fee (if applicable), Water Meter Fee (if applicable), Sewage Meter Fee (if applicable), Sewage Meter Bypass Violation Fee (if applicable), Customer Surcharge Fee, Drainage Violation Fee, Miscellaneous Customer Fee, and the unpaid balance of, and interest on, connection fees payable in installments under Section 1705, and any other fee or charge imposed by this Ordinance.

(70) **Sewer Readiness to Serve Fee.** A fee levied on each Customer of the Sewer System, based upon the size of the Customer's Water Meter, for a portion of the fixed expense of Sewer Operation, Maintenance, and Replacement Costs.

(71) **Sewer System.** All facilities and all subsequent additions, including the Sewage Treatment Plant, and all Public Sewers and lift stations that convey Sewage to the Sewage Treatment Plant and appurtenances thereto.

(72) **Sewer Trunkage Fee.** The charge allocated to a Premises for the installation, upgrade (including Replacement) and Oversizing of Trunk Sewers, lift stations and appurtenances necessary to serve the Premises so as to promote efficient operation of the Sewer System without overburdening the Sewer System.

(73) **Sewer Use Fee.** A charge based on metered (or assumed) water usage levied on Customers of the Sewer System for a portion of the fixed and all of the variable Sewer Operation, Maintenance and Replacement Costs.

(74) **Shall.** Is mandatory.

(75) **State.** The State of Michigan.

(76) **Structure in which Sanitary Sewage Originates.** A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

(77) **Submerged Inlet.** A water pipe or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

(78) **Submeter.** A Public Water Meter used to measure the flow and volume of Public Water that does not enter into the Sewer System. A series of Submeters may be used to measure water and sewer volumes, if necessary.

(79) **System.** Either the Water System, or the Sewer System, or both, as indicated by the context in which the term is used.

(80) **Township.** The Charter Township of Gaines, located in Kent County, Michigan, and/or its duly authorized agent or representative.

(81) **Treasurer.** The Treasurer of the Township or his or her authorized deputies, assistants or agents.

(82) **Trunk Sewer.** A Public Sewer which is designed in size to accommodate sanitary sewer service capacity needs beyond the lands adjacent to said Public Sewer.

(83) **Trunk Water Main.** A Public Water Main which is designed in size to accommodate public water supply capacity needs beyond the lands adjacent to said Public Water Main.

(84) **Trunkage Unit.** A standard of assigning to land and the use thereof a share of the costs of Oversizing, including, in the case of the Sewer System, the cost of Sewage lift

stations, master Sewage meters and extra depth and, in the case of the Water System, the cost of pumping and storage facilities and master water meters.

(85) **25 Percent Rule.** 25 percent rule means that the combined depth of oil and grease and other solids (floating and settled) in any chamber of a trap shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the trap.

(87) **Unmetered Fire Protection Fee.** The quarterly charge to a Customer with an Unmetered Fire Protection Service for the availability of the Water System to provide fire protection to the Premises.

(88) **Unmetered Fire Protection Service.** A pipe extending from the Water System to supply a sprinkler, yard main, or other fire protection system.

(89) **Water and Sewer Administrator.** The Water and Sewer Administrator of the Township.

(90) **Water and Sewer Advisory Committee.** The committee established by the Township Board to oversee the System.

(91) **Water Availability Fee.** The amount charged to a Premises in the Township to make the Water System directly available to serve said Premises. This charge represents a cost allocable to such Premises for the water mains made available to the Premises for connection thereto, fire hydrants, valves, and associated costs.

(92) **Water Main.** A pipe for conveying Potable Water.

(93) **Water Meter.** An instrument for measuring the rate of flow and volume of water, including any Public Water Meter or Well Water Meter of a System Customer.

(94) **Water Meter Bypass Violation Fee.** A fee intended to reimburse the Township for public sewer and water service, in lieu of the Sewer Use Fee and the Water Use Fee, while a Water Meter bypass valve is open.

(95) **Water Meter Fee.** The fee charged to cover the cost of the Water Meter and its installation, regardless of whether the Water Meter is a Public Water Meter or a Well Water Meter.

(96) **Water Operation, Maintenance and Replacement Cost.** Costs, direct and indirect, necessary to provide an adequate, treated water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term administration, regulation, management, operation and maintenance of the Water System and may include a reasonable allowance for debt service, Depreciation and Replacement.

(97) **Water Readiness to Serve Fee.** A fee levied on each Customer of the Water System based upon the size of a Customer's Water Meter, for a portion of the fixed expense of Water Operation, Maintenance and Replacement Costs.

(98) **Water Service.** The publicly-owned corporation cock, service and curb stop that convey Public Water from the Public Water Main to the property or easement line of a Premises adjacent to the path of the Public Water Main.

(99) **Water Service Fee.** The fee charged by the Township for the construction and installation of a Water Service.

(100) **Water Supply Rates and Charges.** Includes the Water Availability Fee, Water Meter Fee, Water Service Fee, Water Trunkage Fee, Inspection Fee, Water Readiness to Serve Fee, Unmetered Fire Protection Fee, Water Use Fee, Water Meter Bypass Violation Fee, Miscellaneous Customer Fee, and the unpaid balance of, and interest on, connection fees payable in installments under Section 1705, and any other fee or charge imposed by this Ordinance.

(101) **Water System.** All facilities and all subsequent additions, including wells, pumps, mains, hydrants, storage tanks, Water Services, Public Water Meters, and all other facilities used or useful in the pumping, treatment, and distribution of Public Water. Well Water Meters shall be owned by Township, but are not considered part of the Public Water System.

(102) **Water Trunkage Fee.** The charge allocated to a Premises for the installation, upgrade (including Replacement) and Oversizing of Trunk Water Mains, pumping stations and appurtenances necessary to serve the Premises so as to promote efficient operation of the Water System without overburdening the Water System.

(103) **Water Use Fee.** A charge based upon metered water usage levied on Customers of the Water System for a portion of the fixed and all of the variable Water Operation, Maintenance and Replacement Costs.

(104) **Well Water Meter.** An instrument measuring the rate of flow and volume of water from a private water well.

(105) **Wyoming Sewage Treatment Agreement.** The 2006 Wastewater Disposal Agreement dated as of June 23, 2006 by and between the City of Wyoming, the Township and the Township of Byron, as amended from time to time.

(106) **Wyoming Water Supply Agreement.** The Restated Water Supply Agreement dated as of September 5, 1989 by and between the City of Wyoming, the Township and the Township of Byron, as the agreement may be amended from time to time.

**Section 302. Conflicts.** In the event of a conflict between the definition of a word, term or phrase set forth in Section 301 and the definition of a word, term or phrase set forth in Appendix D or Appendix E then the definition of the word, term or phrase set forth in Section 301 shall apply to

Articles 1 through 21 of this Ordinance and the definition in conflict set forth in Appendix D or Appendix E shall apply to Appendix D or Appendix E, as the case may be.

## **ARTICLE 4 ADMINISTRATION OF SYSTEM**

**Section 401. Township Control.** The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Township, subject to the contractual arrangements of the Township with the Authority, the City of Wyoming and the City of Grand Rapids. The Authority shall operate and maintain the System in accordance with the Operation and Maintenance Agreement. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

**Section 402. No Limitation on Powers.** This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public Nuisance or Health Hazard.

**Section 403. Public Utility.**

a. The System shall, to the extent possible, be administered by the Township and operated and maintained by the Authority on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended.

b. The Water Supply Rates and Charges and Sewer Rates and Charges authorized by this Ordinance shall be established and set forth in the Schedule of Rates and Charges approved and amended by resolution of the Township Board from time to time.

**Section 404. No Free Service.** No free service shall be furnished by the System to any Person, public or private, nor to any public agency or instrumentality.

**Section 405. Notice and Claim Procedures Applicable to Overflow or Backup of the Sewer System.** This Section has been adopted in accordance with Act 222 of the Public Acts of Michigan of 2001 (“Act 222”) to set forth the notice and claim procedures applicable to an overflow or backup of the Sewer System, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Sewage Disposal System Event.” To afford property owners, individuals, the Township and the Authority greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, a Person making a claim for economic damages, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Claimant,” the Township and the Authority shall follow the following procedures:

a. A Claimant is not entitled to compensation unless the Claimant notifies the Authority of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.

b. The written notice under subsection (a) shall contain the Claimant’s name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of

the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.

c. The written notice under subsection (a) shall be sent to the Manager of the Authority, who is hereby designated as the individual to receive such notices pursuant to Section 19 of Act 222.

d. If a Claimant who owns or occupies affected property notifies the Authority orally or in writing of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections (a), (b) and (c), the Authority Manager shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

e. If the Authority is notified of a claim under subsection (a) and the Authority believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Authority shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Authority receives the Claimant's notice under subsection (a). In addition, the Authority shall notify the Township and the Township of Byron of that fact, in writing, within 15 business days after the date the Authority receives the Claimant's notice under subsection (a).

f. If the Authority receives a notice from a Claimant or a different or additional governmental agency that complies with this section, the Authority may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Authority or its duly authorized representatives to inspect damaged property or investigate a physical injury.

g. Prior to a determination of payment of compensation by the Authority, the Claimant shall provide to the Authority additional documentation and proof that:

(1) At the time of the Sewage Disposal System Event, the Township or the Authority owned or operated, or directly or indirectly discharged into, that portion of the Sewer System that allegedly caused damage or physical injury;

(2) The Sewer System had a defect;

(3) The Township or the Authority knew, or in the exercise of reasonable diligence, should have known, about the defect in the Sewer System;

(4) The Township or the Authority, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Sewer System; or

(5) The defect in the Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.

h. Prior to a determination of payment of compensation by the Authority, the Claimant shall also provide to the Authority additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:

(1) An obstruction in the Plumbing System not caused by the Township or the Authority; and

(2) A connection on the affected premises of a footing drain, sump system, surface drain, gutter, down spout or of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, unpolluted air-conditioning water or unpolluted industrial process waters to the Sewer System.

i. If the Authority and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.

j. To facilitate compliance with this section, the Authority and the Township shall make available public information about the notice and claim procedures under this Section.

k. The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Sewer System.

l. Neither the Township nor the Authority owns or operates any Storm Sewer, Storm Drain or Combined Sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of subsection (e), do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a Combined Sewer.

m. In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

n. As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

## **ARTICLE 5**

### **WATER AND SEWER ADVISORY COMMITTEE**

**Section 501. Committee.** A Water and Sewer Advisory Committee shall be appointed by the Township Board from time to time. The Committee shall study, investigate, make recommendations to the Township Board concerning all aspects of managing and extending the System, including discussions with developers for extension of the System, discussions with other municipalities, consideration of capital improvements, and any other matters connected with the System. Recommendations of the Water and Sewer Advisory Committee shall be presented to the Township Board at a regular or special meeting, and shall not be enforceable or binding unless adopted by the Township Board.

#### **Section 502. Appeal.**

a. Any Customer may appeal the Rates or Charges levied in accordance with this Ordinance, or the application of any other provision of this Ordinance. Appeals shall be directed in writing to the Township Water and Sewer Advisory Committee, along with any supporting documentation for the matter in question. Any additional information required to resolve the appeal, as directed by the Water and Sewer Advisory Committee, shall be provided by the Customer at his or her own expense.

b. A variance may be granted from the Rates and Charges, with respect to amount, time and manner of payment, or from application of any provision of this Ordinance if it is determined by the Township Board that

(1) Strict application of this Ordinance would cause undue hardship;

(2) There are special circumstances applicable to the property in question which are not applicable to a significant number of other properties;

(3) The hardship does not result from the applicant's own actions; and

(4) A variance would be consistent with the intent and purpose of this Ordinance, and it would not be contrary to the public health and safety.

c. The Water and Sewer Advisory Committee shall first consider the application for variance, and shall make a recommendation to the Township Board for action within sixty days. If a variance is approved by the Township Board, the Township shall, if necessary, adjust the applicant's Rates and Charges accordingly, and refund any monies due. Appropriate conditions may be placed upon a variance to accomplish the purposes of this Ordinance.

d. If a variance is requested as to Rates and Charges, any refund shall be retroactive for the previous twelve months billings only. All bills for Rates and Charges outstanding during the appeal shall continue to be due and payable. The Water and Sewer Advisory Committee shall not make any decision on an application if Rates and Charges are

delinquent with respect to the Premises in question, unless the Committee determines that non-payment is a result of severe economic hardship.

e. The Township Board may approve, deny or approve with modifications, the recommendation received from the Water and Sewer Advisory Committee with respect to an application for a variance.

f. Appeals from a decision of the Township Board may be made to the Kent County Circuit Court within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of 1969, which is Act 306 of the Public Acts of Michigan of 1969, as amended. All findings of fact, if supported by the evidence, made by the Township Board shall be conclusive upon the Court.

## **ARTICLE 6 INSPECTION, ETC.**

### **Section 601. Inspection by Township or Authority.**

a. Duly authorized employees or representatives of the Township or the Authority, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of inspection, observation, measurement, sampling, testing and repairs in accordance with the provisions of this Ordinance.

b. Duly authorized employees or representatives of the Township or the Authority, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross-Connections, meter bypass, or connection of unauthorized drains, and test or inspect devices preventing Cross-Connections. On request, the Customer shall furnish to the Township and the Authority all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross-Connection, meter bypass, or connection of unauthorized drains.

c. Any Person who applies for and receives service from the System or owns real property in the Township shall be deemed to have given consent for all such activities, including entrance upon the Person's property.

**Section 602. Compliance with Safety Rules.** While performing the duties in Section 601(a) and (b) above, the duly authorized employees or representatives of the Township or the Authority shall observe all reasonable safety rules applicable to the Premises established by the Customer.

## **ARTICLE 7 SYSTEM EXTENSIONS**

### **Section 701. Extensions.**

a. Extension of or changes in the Water System or Sewer System may be initiated by the Township or by written request, including petitions, from property owners. The Township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

b. If the petition is granted, the Township may proceed with the work under the direction and control of the Township. The work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

c. The Township may also, in its discretion, permit pursuant to a written construction agreement, the extension to be made under the direction and control of a private party and dedicated to the Township upon completion. If the Public Water Main or Public Sewer is to be so extended, the extension shall be approved by the Township and the Township Engineer, who shall determine the location of the Public Water Main or Public Sewer, and approve the construction methods and materials used in the construction, including in the case of a Public Water Main extension, the installation of fire hydrant markers. The extension shall cover the entire road or public right of way frontage of the Premises to be served by the extension or extend entirely through the Premises to be served, extending in each case to the adjoining Premises unless the Townships consider an extension to the adjoining Premises to be unnecessary. The persons responsible for the extension shall obtain all necessary permission to work in the public right-of-way from the Township, County Road Commission, Michigan Department of Transportation, and other public bodies, and shall be responsible for the payment of all costs related to construction of the Public Water Main or Public Sewer and Water Services or Sewer Laterals and related improvements and appurtenances including, but not limited to, actual construction costs, restoration and replacement costs, costs of connecting to the existing water or sewer system, permit and inspection fees, and reimbursement to the Township for out-of-pocket expenses for Township Engineer and staff review. These costs shall be in addition to all applicable Rates and Charges. Upon satisfactory completion of the extension, the extension shall be dedicated to the public, and upon acceptance as evidenced by the terms of a written agreement between the persons responsible for the extension and the Township, become part of the Water or Sewer System. No building shall be connected to such an extension until the extension has been accepted by the Township.

d. An extension of or change in the Water System or Sewer System may be made at public expense, at the discretion of the Township Board, or at private expense pursuant to the terms of a written construction agreement acceptable to the Township.

## **Section 702. Extension to Divided Premises; Connection of Resulting Premises.**

a. Plats or premises divided into three or more lots or parcels or condominium units shall not be approved, and applicable Township permits to improve platted or unplatted premises shall not be issued, if a Public Water Main or Public Sewer, or both, with sufficient capacity is reasonably available, unless Local Water Mains or Local Sewers, or both, and Water Services or Sewer Laterals, or both, are provided to each of the Premises which are intended to be improved. The requirements of this section may be waived if the Water and Sewer Advisory Committee determines that compliance with this section will work an unreasonable hardship on the owner of the Premises involved.

b. A Public Water Main shall be deemed to be reasonably available for the purpose of extension if it can be reached by an extension outside the development equal to or less than 50 percent of the length of Water Main (exclusive of Water Services) required within the development, as measured by the Engineer, both in the proposed development itself and in the remainder of the property yet to be developed, or as required as a condition of land use approval.

c. Public Sewer shall be deemed to be reasonably available for the purpose of extension if it can be reached by an extension outside the development equal to or less than 25 percent of the length of Sewer (exclusive of Sewer Laterals) required within the development, as measured by the Engineer, both in the proposed development itself and in the remainder of the property yet to be developed, or as required as a condition of land use approval.

## **Section 703. Coordination with Land Use Approval.**

a. The party responsible for a development to which the Water System and/or Sewer System is proposed to be extended shall be responsible for submitting to the Water and Sewer Advisory Committee a proposal to extend Public Water Main and Public Sewer, including Water Services, Sewer Laterals and/or related appurtenances to and throughout the development.

b. The Water and Sewer Advisory Committee shall review the route, design, availability of capacity in light of the Township's utility extension plan, and all other aspects of the extension, including the availability or non-availability of a payback arrangement for the extension.

c. No final land use approval pursuant to the Zoning Ordinance or Township Subdivision Ordinance shall be effective until the Water and Sewer Advisory Committee has reviewed and provided comments upon the proposal to extend the Water System and/or the Sewer System. Final land use approval shall not imply the Township's acceptance of the proposed manner of extension, unless and until such extension has been formally approved by the Township Board. Furthermore, approval of the extension by the Water and Sewer Advisory Committee shall not imply the grant by the Township of any other approval for land use.

#### **Section 704. Payback Arrangements.**

a. The Township may, with the approval of the Township Board upon recommendation of the Water and Sewer Advisory Committee, enter into “payback arrangements” with persons who extend the Water System and/or Sewer System, pursuant to which some portion of future Sewer Availability Fees and/or Water Availability Fees for connection to the extension are shared with the party who installed the extension. Payback arrangements may be considered in situations in which the Water System and/or the Sewer System is extended to serve a development, in such a way that an Available Public Sewer or an Available Public Water Main becomes Incidentally Available to properties not under the control of the person extending the Water System and/or the Sewer System, as the case may be, along the route of the extension.

b. Each request for a payback arrangement shall be considered by the Township on a case-by-case basis, based upon the circumstances and merits of each situation. The Township shall have no obligation to enter into a payback arrangement. Where authorized, payback arrangements shall conform to the following general principles:

(1) Payback arrangements shall be offered only from the connection of properties which are upstream from the end point of the water extension installed by the person extending the Water System or downstream from the end point of the sewer extension installed by the person extending the Sewer System. Payback arrangements shall not be made with respect to connections within the Premises or development to which the extension is being made.

(2) The term of the payback arrangement shall be limited to connections made not more than ten (10) years from the date of the payback agreement. The Township shall not be required to reimburse the developer with respect to any connections made after that time.

(3) No developer shall be reimbursed more than the amount determined to be attributable to the cost of making the Water System or Sewer System, as the case may be, Incidentally Available to Premises along the route of the extension.

(4) Decisions as to Rates and Charges applicable to new connections and the amount reimbursed to the developer, shall be made exclusively by the Township.

#### **Section 705. Service to Properties Outside of Township Boundaries.**

a. The Township may, from time to time, make System service available to properties outside of Township boundaries when permitted by contract and applicable law.

b. No service shall be made to any property outside of the boundary of the Township without the consent of the jurisdiction within which a proposed Customer is located.

c. Prior to providing service to a property outside of the boundary of the Township, the Township shall make appropriate arrangements to ensure that the property

being served pays applicable Rates and Charges and complies with this Ordinance by means including, but not limited to:

(1) A written agreement by the property owner to pay Rates and Charges and abide by the Ordinance; and

(2) A written agreement between the Township and the jurisdiction to which service is being provided pursuant to which the properties are subjected to this Ordinance and required to pay the applicable Rates and Charges; or

(3) Any other legal means.

## **ARTICLE 8**

### **PRIVATELY OWNED WATER WELLS AND WATER SYSTEMS**

**Section 801. Private Water Wells.** A property owner shall install and maintain a private water well on Premises for which there is no Available Public Water Main or which is not otherwise connected to the Public Water System. Upon connection to the Public Water System or demolition of the building served by the private water well, unless the private water well is to be used for Nonpotable purposes in accordance with Section 802, the private water well shall be properly plugged and abandoned to prevent the private water well from becoming a Health Hazard or a Nuisance or in any way serving as a channel for the contamination of groundwater or the escape of subterranean gas. The plugging and abandonment of the well shall be in compliance with the requirements of the Health Department and applicable law (e.g., the Michigan Safe Drinking Water Act, which is Act 399 of the Public Acts of Michigan of 1976, as amended, and related administrative rules and the Michigan Water Well Construction and Pump Installation Code, which is Part 127 of the Michigan Public Health Code which is Act 368 of the Public Acts of Michigan of 1978, as amended, and related administrative rules.

**Section 802. Continued Use of Private Water Wells for Non-Drinking Water Purposes.** After a Premises is connected to the Water System, the existing private water well shall either (i) be capped and abandoned in accordance with applicable county and state requirements or (ii) maintained for Nonpotable use. For purposes of this section, permissible Nonpotable uses include lawn watering, irrigation, automobile or equipment washing, use in a building's heating or cooling system and similar uses not involving human consumption or prolonged bodily contact. In addition, piping connected to a private water well shall be physically and completely separate from all plumbing used for Public Water, and identified by tagging, consistent with the prohibition on Cross Connections set forth in Article 13 of this Ordinance.

**Section 803. Privately Owned Public Water System.** A privately owned public water system shall not be constructed in the Township except in compliance with Act 451. The Township shall not be held liable or be responsible for a privately owned public water supply unless and until the Township Board adopts a resolution accepting responsibility for the privately owned water supply setting forth the terms and conditions upon which the Township will accept such responsibility. In accepting responsibility, the Township may require that the owner of the privately owned public water system enter into an enforceable written agreement with the Township that adequately protects the Township, as determined by the Township Board in the Township Board's sole discretion.

**Section 804. Additional Standards.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Department, the State, or by any other governmental unit or body having jurisdiction or to which the Township has delegated such jurisdiction.

## **ARTICLE 9 PRIVATELY OWNED SEPTIC TANKS AND SEWER SYSTEMS**

**Section 901. Sewage Disposal Facilities Regulated.** Except as provided in this Ordinance, no Person shall construct or maintain any Sewage Disposal Facilities in the Township.

**Section 902. Private Sewage Disposal.** Where connection to a Public Sewer is not required, the Building Sewer shall be connected to private Sewage Disposal Facilities which shall comply with all regulations of the Township, the Health Department and all other governmental agencies having jurisdiction.

**Section 903. Maintenance.** The owner shall operate and maintain private Sewage Disposal Facilities in a sanitary manner at all times in accordance with applicable regulatory requirements with no expense to the Township.

**Section 904. Disposal of Septage Waste.**

a. No Septage Waste removed from private Sewage Disposal Facilities located in the Township shall be applied to any land, lake, pond, stream, river or other body of water located in the Township.

b. All Septage Waste removed from private Sewage Disposal Facilities located in the Township shall be transported to and disposed of at either (i) the City of Wyoming Sewage Treatment Plant which is a public Septage Waste treatment facility approved for the treatment of Septage Waste in accordance with Part 117 of Act 451 or (ii) any other public Septage Waste treatment facility approved for the treatment of Septage Waste in accordance with Part 117 of Act 451, regardless of where such facility is located.

**Section 905. Abandonment.** At such time as connection to the Public Sewer is made, any private Sewage Disposal Facilities shall be pumped and abandoned. Following pumping, the private Sewage Disposal Facilities shall be removed, crushed and stabilized or filled in place with sand or gravel, except that the Sub-surface Disposal Field may be left in place, as is, subject at all times to any applicable regulatory requirements that are more restrictive than the foregoing.

**Section 906. Privately Owned Public Sewer System.** A privately owned public sanitary sewer system shall not be constructed in the Township except in compliance with Act 451. The Township shall not agree to assume responsibility for the operation and maintenance of a privately owned public sanitary sewer system in accordance with Act 451, and the regulations promulgated thereunder, unless and until the Township Board adopts a resolution accepting responsibility for the privately owned public sanitary sewer system setting forth the terms and conditions upon which the Township will accept such responsibility. In accepting responsibility, the Township may require that the owner of the privately owned public sanitary sewer system enter into an enforceable written agreement with the Township that adequately protects the Township, as determined by the Township Board in the Township Board's sole discretion.

**Section 907. Additional Standards.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Department, the State, or by any other governmental unit or body having jurisdiction or to which the Township has delegated such jurisdiction.

## **ARTICLE 10**

### **REQUIREMENTS FOR CONNECTION TO PUBLIC WATER SYSTEM AND PUBLIC SEWER SYSTEM**

**Section 1001. Mandatory Connection to Water System.** All owners of a building using or requiring Potable Water, now situated within the Township, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Water Main in accordance with the provisions of this Ordinance. If there is no Available Public Water Main, the provisions of Section 801 shall apply. The Township may require any such owners, pursuant to the authority conferred upon the Township by law or ordinance, to make such installations or connections.

**Section 1002. Connection of New Construction to Water System.** All owners of Premises located in the Township which are presently undeveloped and which are hereafter improved by a building using or requiring Potable Water are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Water Main in the manner provided by Sections 1001 and 1004. If there is no Available Public Water Main and an extension of the Public Water Main is not required in accordance with Section 702, the provisions of Section 801 shall apply. The Township may require such owners, pursuant to authority conferred upon the Township by law or ordinance, to make such installations or connections.

**Section 1003. Connection of Existing Improved Properties to Water System.** Owners of an existing building using or requiring Potable Water, which are located in the Township and which are currently served by a private water well, shall not be required to connect to an Available Public Water Main until such time as:

- a. a new private water well is required;
- b. the existing private water well fails to the extent it would be necessary to drill a replacement well;
- c. an existing single family or multiple family residence is changed from a residential to a non-residential use;
- d. there is an addition to an existing building using or requiring Potable Water equal in size to 50% or more of the area of the existing structure; or
- e. connection of all improved properties, within the area in which said Premises are located, is declared a necessity by the Township for the public health and welfare.

Upon the occurrence of any such event, connection shall be made to an Available Public Water Main in accordance with Sections 1001 and 1004. In the alternative, an owner of property subject to this Section 1003, may connect to an Available Public Water Main at any time in compliance with the terms of this ordinance.

**Section 1004. Water System Connection Deadline.** When connection to an Available Public Water Main is declared a necessity by the Township for the public health and welfare, all

connections to the Available Public Water Main required hereunder shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a building so as to become a building using or requiring Potable Water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection to an Available Public Water Main when required shall be liable for a Miscellaneous Customer Fee equal in amount to the Water Readiness to Serve and Water Use Fee that, based upon similarly situated Customers, would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

**Section 1005. Enforcement in the Event of a Failure to Connect to Water System.** In the event a required connection to an Available Public Water Main is not made within the time provided by Section 1004, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Water Main and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Water Main.

**Section 1006. Mandatory Connection to Sewer System.** All owners of Structures in which Sanitary Sewage Originates, now situated within the Township, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Sewer in accordance with the provisions of this Ordinance. If there is no Available Public Sewer, the provisions of Section 902 shall apply. The Township may require any such owners, pursuant to the authority conferred upon the Township by law or ordinance, to make such installations or connections.

**Section 1007. Connection of New Construction to Sewer System.** All owners of Premises located in the Township which are presently undeveloped and which are hereafter improved by a Structure in which Sanitary Sewage Originates shall be required to connect to an Available Public Sewer in the manner provided by Sections 1006 and 1009. If there is no Available Public Sewer, and an extension of the Public Sewer is not required in accordance with Section 702, the provisions of Section 902 shall apply.

**Section 1008. Connection of Existing Improved Properties to Sewer System.** Owners of existing Structures in which Sanitary Sewage Originates, which are located in the Township and which are currently served by private Sewage Disposal Facilities, shall not be required to connect to an Available Public Sewer until such time as:

- a. new private Sewage Disposal Facilities are required;
- b. the existing private Sewage Disposal Facilities fail (as determined by the Health Department);

c. an existing single family or multiple family residence is changed from a residential to a non-residential use;

d. there is an addition to an existing Structure in which Sanitary Sewage Originates equal in size to 50% or more of the area of the existing structure; or

e. connection of all improved properties, within the area in which said Premises are located, is declared a necessity by the Township for the public health and welfare.

Upon the occurrence of any such event, connection shall be made to an Available Public Sewer in accordance with Sections 1006 and 1009. In the alternative, an owner of property subject to this Section 1008, may connect to an Available Public Sewer at any time in compliance with the terms of this ordinance.

**Section 1009. Sewer System Connection Deadline.** When connection to an Available Public Sewer is declared a necessity by the Township for the public health and welfare, all connections to the Available Public Sewer System required hereunder shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection to an Available Public Sewer when required shall be liable for a Miscellaneous Customer Fee equal in amount to the Sewer Readiness to Serve and Sewer Use Fee that, based upon similarly situated Customers, would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

**Section 1010. Enforcement in the Event of a Failure to Connect to Sewer System.** In the event a required connection to an Available Public Sewer is not made within the time provided by Section 1009, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sewer and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action, in the manner provided by law, in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sewer.

## **ARTICLE 11**

### **APPLICATION AND APPROVAL OF PERMITS**

**Section 1101. Application for Permit.** The owner of a Premises to be connected to the Water System or Sewer System, or his agent, shall make application for a permit to connect on a form furnished by the Township. An owner of a Premises currently connected to the Water System or Sewer System, or his agent, shall make application for a permit to alter, repair or replace the existing connection on a permit form furnished by the Township.

**Section 1102. Additional Requirements for Commercial Customers and Industrial Customers.** Prior to applying for a permit to connect to the Water System or Sewer System, each Commercial Customer, Industrial Customer, or Customer that owns a multi-family dwelling with more than two Dwelling Units shall undertake the following, as applicable:

a. With regard to a requested connection to the Water System:

(1) Submit a plan to the Township inspection department showing the location of all proposed meter sets required under Section 1208. Meter sets must comply with the Submeter Policy set forth in Appendix C.

(2) Submit a site plan to the Engineer showing the location of all proposed connections. The Engineer shall review the information submitted and prepare written recommendations and/or approval for the applicant and the Township. The written recommendation or approval of the Engineer shall accompany the application for a permit to connect to the Water System.

(3) Following a determination by the Township Building Inspector that an Unmetered Fire Protection Service is required, submit a fire protection plan to the Township Building Department for the required (or desired) Unmetered Fire Protection Service. The written recommendation of the Township Building Inspector regarding the need for Unmetered Fire Protection Service and approval of the proposed size of the service line shall accompany the application for a permit to connect to the Water System.

(4) Submit fire protection plans, including the location and size of each proposed connection for Unmetered Fire Protection Service and information regarding type and location of Backflow Preventers, to the Engineer for review and pre-approval of all unmetered fire protection lines. The written approval of the Engineer shall accompany the application for a permit to connect to the Water System.

(5) Submit Water Meter bypass plans to the Engineer, together with a written explanation of the need. The written recommendation of the Engineer shall accompany the application for a permit to connect to the Water System.

b. With regard to a requested connection to the Sewer System:

(1) Complete the wastewater contribution information and/or permit form required by Section D106 of Appendix D or Section E110 of Appendix E and file the completed form with the Township. In turn, the Township shall file the completed form with the City. The completed wastewater contribution form shall accompany the application for a permit to connect to the Sewer System.

(2) Submit to the Township Building Department two copies of a site plan showing the location of proposed Grease Traps and/or sand/oil separators required by the current Township plumbing code and that comply with the requirements of Section 1406. (Upon approval, a copy of the site plan shall be filed with the Authority). The written approval of the Township Building Department shall accompany the application for a permit to connect to the Sewer System.

c. With regard to a requested connection to either the Water System or the Sewer System, submit information regarding the size of the proposed Water Meter, a list of all plumbing fixtures or other appurtenances that will utilize water and an explanation of the type of land use to the Engineer for review and approval. The written recommendation of the Engineer shall accompany the application for a permit to connect to the Water System or the Sewer System.

**Section 1103. Approval of Application and Issuance of Permit.** No connection, alteration, repair or replacement to, or disconnection from, the System shall be made until an application is filed in accordance with Section 1101 and a connection permit is issued by the Township. A building permit shall not be issued until the connection permit application is approved and a permit has been issued by the Township. The approval of a permit application shall be subject to (a) compliance with all terms of the application for a permit and this Ordinance, (b) the availability of sufficient capacity in the System, (c) compliance of the plans and specifications with the standards for construction required by this ordinance, and (d) compliance with all applicable administrative and regulatory requirements. After approval of a permit application, the applicant shall pay in full, as a condition to the issuance of the permit to connect, the Inspection Fee and the following applicable fees: Water Availability Fee, Sewer Availability Fee, Water Trunkage Fee, Sewer Trunkage Fee, Water Service Fee, Sewer Lateral Fee, Water Meter Fee, any Miscellaneous Customer Fee, and such other charges or deposits required by this Ordinance, except to the extent provided by Section 1704 for properties subject to special assessment, or Section 1705 with respect to payment of connection fees in installments.

**Section 1104. Owner is Bound by the Application.** The owner of a Premises to be connected to the Water System or Sewer System shall be bound by the terms of the application and the permit issued pursuant to the application. If there is a subsequent change in the Plumbing System within the Premises or other change in circumstances which materially affects the use by the Customer of the Water System (measured in volume or demand) or Sewer System (measured in volume or strength of Sewage), then, as a condition to the continued use of the Water System or the Sewer System, an updated application, or an amendment to the application on file, must be filed with the Township and additional Rates and Charges, if applicable, must be paid upon the issuance of a new permit to connect.

## **ARTICLE 12 INSTALLATION AND MAINTENANCE OBLIGATIONS**

**Section 1201. Installation of Water Services and Sewer Laterals.** Water Services and Sewer Laterals shall be installed only by the Township or its authorized representative or by a licensed plumber or qualified contractor (as determined by the Township) at the Customer's expense in a manner approved by the Township and only after issuance of the connection permit by the Township. All contractors working in the public right of way shall be responsible for obtaining any required permits from the Kent County Road Commission or Michigan Department of Transportation, and for complying with all the requirements of those agencies.

### **Section 1202. Service Lines.**

a. All costs and expenses related to or incidental to the installation and connection of the Service Line to the Water Service shall be borne by the owner. The owner shall indemnify the Township and its authorized representatives against any loss or damage, including attorney fees, that may directly or indirectly result from the installation and connection of the Service Line to the Plumbing System or the Sewer Lateral, including but not limited to damage to the System, cost of cleaning the System, damage caused to other properties as a result of loss of service or similar cause, and all other similar expenses.

b. For Water Services installed after July 1, 2001, a single Water Service shall not serve more than one Premises unless approved by the Township, even though the ownership of the adjacent Premises may be the same. In addition, where a single Premises has two or more free-standing buildings, each building shall have a separate Water Service and Water Meter, except that, where one building stands at the rear of another on the same Premises and no Service Line can be constructed to the rear building through an alley, courtyard or driveway, the Water Service from the front building may be extended to the rear building and the whole considered as one Water Service. This subsection does not apply to a mobile home park.

c. The materials, construction, installation, and testing of the Service Line, and its connection to the Water Service, shall be pursuant to the Authority's then current Standard Construction Requirements. A sketch of a typical connection of a Service Line to a Water Service is attached as Appendix A.

d. The Person responsible for the connection shall notify the Township or authorized agent when the Service Line and Water Service are ready for inspection and connection. The Service Line and the Water Service shall be left uncovered and unconnected until inspected by the Inspector. The connection of the Service Line to the Water Service shall be made under the supervision of the Inspector.

e. A separate Service Line and Water Service shall be provided for potable water supply and Unmetered Fire Protection Service.

### **Section 1203. Building Sewers.**

a. All costs and expenses related to or incidental to the installation and connection of the Building Sewer to the Sewer Lateral shall be borne by the owner. The owner shall indemnify the Township and its authorized representatives against any loss or damage, including attorney fees, that may directly or indirectly result from the installation and connection of the Building Sewer to the Building Drain (and Plumbing System) or the Sewer Lateral, including but not limited to damage to the Public System, cost of cleaning the Public System, damage caused to other properties as a result of backup or similar cause, and all other similar expenses.

b. For Sewer Laterals installed after July 1, 2001, a single Sewer Lateral shall not serve more than one Premises unless approved by the Township, even though the ownership of the adjacent Premises may be the same. In addition, where a single Premises has two or more free standing buildings, each building shall have a separate Sewer Lateral except that, where one building stands at the rear of another on the same Premises and no Building Sewer can be constructed to the rear building through an alley, courtyard or driveway, the Sewer Lateral from the front building may be extended to the rear building and the whole considered as one Sewer Lateral. Compliance with pretreatment standards or local discharge limits prescribed by Ordinance or other regulation shall be determined separately within each tributary to the common Sewer Lateral.

c. For all new buildings, the Building Sewer shall be brought to the building at an elevation below the basement floor. For existing buildings, the Building Sewer shall also be brought to the building on an elevation below the basement floor, if feasible. No Building Sewer shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly-curved pipe or long-radius fittings.

d. The materials, construction, installation, and testing of the Building Sewer, and the manner of its connection with the Sewer Lateral, shall be pursuant to the Authority's then current Standard Construction Requirements. A sketch of a typical connection of a Building Sewer to a Sewer Lateral is attached as Appendix B.

e. The Person responsible for the connection shall notify the Township or authorized agent when the Building Sewer and the Sewer Lateral are ready for inspection and connection. The Building Sewer and Sewer Lateral shall be left uncovered and unconnected until inspected by the Inspector. The connection of the Building Sewer to the Sewer Lateral shall be made under the supervision of the Inspector.

**Section 1204. Excavation.** All excavations for Water Service and Sewer Lateral installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township.

**Section 1205. Owner's Responsibility for Ownership, Operation, Maintenance and Repair of Plumbing System.** The owner of a Premises shall own the Plumbing System and shall be responsible for the maintenance and repair of the Service Line, Building Drain and Building Sewer, and all other elements of the Plumbing System. Existing Service Lines and Building Sewers shall meet all requirements of this Ordinance. Whenever any examination determines that an existing Service Line or Building Sewer does not meet the requirements of this Ordinance and the Township determines that the connection is creating a Health Hazard, odor, public Nuisance, or environmental hazard the Service Line or Building Sewer, as the case may be, shall be reconstructed at the Customer's expense. Any expense of thawing a frozen Service Line, Building Sewer or any other element of the Plumbing System shall be borne by the Customer.

**Section 1206. Township's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacement of the System as well as each Water Service and Sewer Lateral, shall be borne by the Township as part of the Township's annual expense of the System, subject to the right of the Township to impose a Miscellaneous Customer Fee. In this regard, the expense of repair and replacement of a Sewer Lateral attributable to problems caused by prohibited Sewage discharges made from the Premises shall be billed to the owner of the Premises as a Miscellaneous Customer Fee.

**Section 1207. Non-Obstruction.** No Person shall obstruct or interfere in any way with any Water Service or other appurtenance of the System, including Water Meters, by placing in, on or about said Water Service, Water Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

**Section 1208. Installation of Water Meters.**

a. The Public Water used by each Customer shall be metered by a Public Water Meter. In addition, non-residential Customers not served by Public Water shall install a Well Water Meter within ninety (90) days after the effective date of this Ordinance to meter each source of private water supply, which is a source of Sewage ultimately discharged to the Sewer System.

b. Water Meters for ordinary domestic service shall be of 5/8 inch x 3/4 inch size. Larger sizes of Water Meters may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use. Where application for a larger service is made, determination as to size and type shall be made by the Customer, subject to review and approval by the Township.

c. The Township will furnish Water Meters in standard 5/8 inch, 1 inch, 1 1/2 inch and 2 inch sizes together with the related meter horn or spacer bar and readout assembly with installation responsibility as shown below:

<u>Township Furnishes</u>	<u>Installation By</u>
Meter horn or spacer bar	Customer
Water meter valve - 5/8" only	Township
Water meter valves - 1" or larger	Customer
Water meter & readout assembly	Township

NOTE: For Water Meters larger than 5/8 inch and up to 2 inches, the Township will furnish the spacer bar and install the Water Meter and the Water Meter readout assembly, and the Customer shall furnish and install the Water Meter valves.

d. A separate valve the same size as the Water Meter connection shall be installed on the Service Line on both sides of the Water Meter.

e. One Water Meter shall be installed for each Water Service, except that one or more Submeters may be installed at the expense of any Customer to meter uses of Public Water which do not generate Sewage to be discharged to the Sewer System (e.g., lawn sprinkler water, cooling water, unpolluted air conditioning water or unpolluted industrial process water). In addition, all new Commercial, Industrial and multi-family dwellings with irrigation systems are required to separately meter the irrigation system with a Submeter.

f. Each Water Meter will be tested and maintained by the Township at the Customer's expense.

g. All Water Meters installed on Premises served by the System, including those furnished by a Customer, shall remain the property of and under control of the Township.

h. Where a larger Water Meter must be installed as a result of an increase in the use of Public Water, the Customer shall be responsible for the cost to purchase the new larger meter and all costs associated with the removal of the existing Water Meter and installation of the new larger Water Meter.

**Section 1209. Location of Water Meters.** Water Meters shall be set in an accessible location and in a manner approved by the Township. Where due to unusual circumstances it is necessary to place the Water Meter in a pit, the pit shall be installed in accordance with Township standards at the expense of the Customer.

**Section 1210. Access to Water Meters.** The Township shall have the right to shut off the Public Water to any Customer where access is not available to the Water Meter. Qualified employees of the Township shall at all reasonable hours have the right to enter each Premises where a Public Water Meter or Well Water Meter is installed, for the purpose of reading, testing, removing or inspecting the Water Meter and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

**Section 1211. Damage to Water Meters.**

a. The Township may inspect and test any Water Meter, including remote read out wiring and equipment, as deemed necessary by the Township to insure accurate readings.

b. The cost of repair or replacement of a Water Meter for damage resulting from carelessness or neglect of a Customer to properly secure and protect the Water Meter from damages caused by frost, hot water, steam or other misuse shall be paid for by the Customer as a Miscellaneous Customer Fee.

**Section 1212. Water Meter Bypass.** Water Meter bypass piping valves are prohibited, except as provided in this Section. A Commercial or Industrial Customer may submit a written request to install Water Meter bypass piping and valves. The request shall explain why installation of Water Meter bypass piping is necessary. The Water and Sewer Advisory Committee may approve Water Meter bypass piping if it determines, in its discretion, that it is necessary for the protection of equipment or the public health. In some cases a gap in the bypass piping will be required. The Township will maintain in inventory various spool pieces which may be inserted into the gap while necessary repairs are made to the Water Meter or associated plumbing.

**Section 1213. Accuracy of Water Meters; Adjustments.**

a. Testing of Water Meters for accuracy of readings shall be performed either by the Authority or, at the Authority's request, by the factory. The Authority may, on its own initiative, test a Water Meter. In addition, a Customer may request that a Water Meter be tested upon depositing a Miscellaneous Customer Fee in an amount determined by resolution of the Township Board from time to time.

b. A Water Meter shall be considered accurate if when tested it registers neither 2% more than nor 2% less than the actual quantity of Public Water passing through it, as determined by the Authority. If the Authority determines that a Water Meter registers in excess of 2% or more than the actual quantity of Public Water passing through it, it shall be considered "fast" to that extent. If a Water Meter registers in excess of 2% less than the actual quantity of Public Water passing through it, it shall be considered "slow" to that extent.

c. If a Water Meter has been tested and is determined to register "fast" the Township shall refund to the Customer the deposit made by the Customer in accordance with Section 1213(a) and shall credit the Customer with a sum equal to the percentage "fast" multiplied by the total Water Use Fee billed to the said Customer (or with respect to the Premises) within the six months prior to the test. If a Water Meter so tested is determined to register "slow" the Township shall refund to the Customer the deposit made by the Customer in accordance with Section 1213(a) after deducting from the deposit a sum equal to the percentage found "slow" multiplied by the amount of the Water Use Fee billed to the Customer (or with respect to the Premises) within the six months prior to the test.

d. If a Water Meter has been tested at the request of a Customer and is determined to register neither "fast" nor "slow," the Township shall retain the deposit made by the Customer in accordance with Section 1213(a).

e. Notwithstanding the foregoing, if any Water Meter shall fail to register properly, the Township may estimate the consumption of Public Water and bill accordingly.

**Section 1214. Obstruction of Fire Hydrants Prohibited.** No Person shall, in any manner, obstruct or prevent free access to, or place or store temporarily or otherwise, any object, material, debris, automobile or structure of any kind within a distance of fifteen (15) feet of any fire hydrant. No Person shall heap or pile snow within a four-foot (4') radius of any fire hydrant. Each Person who has a fire hydrant on his or her Premises shall keep the fire hydrant and the surrounding area

within a four- foot (4') radius of the fire hydrant free and clear from piled and accumulated snow. Upon the failure of said Person to remove said obstruction or snow which shall be set forth in a notice which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction or snow and charge the cost of said removal to said Person, as a Miscellaneous Customer Fee.

**Section 1215. Private Fire Hydrants.**

- a. The Township must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.
- b. All fire hydrants owned by the Township, installed on or after July 1, 2001 and connected to the Water System shall be constructed to Township standards, and located in public rights of way or easements, with sufficient access for emergency vehicles.
- c. All privately owned fire hydrants installed prior to July 1, 2001 shall be maintained by the owner in good repair and working order. Sufficient access for emergency vehicles shall be provided at expense of the owner and maintained at all times.
- d. No fire hydrant installed on or after July 1, 2001 and connected to the Water System shall be privately owned.

**Section 1216. High Pressure Zone.** In the event that pressure in one or more sections of Public Water Main exceeds recommended levels, as determined by the Township Engineer, the owner of a Premises served by such high pressure Public Water Mains shall be required to retain a qualified contractor and install a pressure reducing valve at the Owner's sole expense. The valve shall be installed immediately downstream of the Water Meter. Adjustment ranges shall be 20 psi to 200 psi. A shutoff valve shall be placed immediately downstream of the water pressure reducing valve. The valve shall be a hydraulically or pneumatically operated, diaphragm actuated globe valve or direct-acting, adjustable, spring loaded, and designed to permit flow when pressure exceeds the spring setting. The Township shall approve the type of water pressure reducing valve prior to installation.

**Section 1217. Installation of Sewage Meters.**

- a. Where the Water and Sewer Advisory Committee determines that a Customer shall pay a Sewer Use Fee and/or a Sewer Readiness to Serve Fee based on metered Sewage use, the Sewage discharged by the Customer shall be metered by a Sewage Meter.
- b. Determination as to size and type of Sewage Meter shall be made by the Township Engineer.
- c. The Sewage Meter will be tested and maintained by the Township at the Customer's expense.
- d. All Sewage Meters installed on Premises served by the System, including those furnished by a Customer, shall remain the property of and under control of the Township.

e. Where a larger Sewage Meter must be installed as a result of an increase in the discharge of Sewage, the Customer shall be responsible for the cost to purchase the new larger meter and all costs associated with the removal of the existing Sewage Meter and installation of the new larger Sewage Meter.

**Section 1218. Location of Sewage Meters.** Sewage Meters shall be set in an accessible location and in a manner approved by the Township at the expense of the Customer.

**Section 1219. Access to Sewage Meters.** The Township shall have the right to shut off the Public Sewer to any Customer where access is not available to the Sewage Meter. Qualified employees of the Township shall at all reasonable hours have the right to enter each Premises where a Sewage Meter is installed, for the purpose of reading, testing, removing or inspecting the Sewage Meter and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

**Section 1220. Damage to Sewage Meters.**

a. The Township may inspect and test any Sewage Meter, including remote read out wiring and equipment, as deemed necessary by the Township to insure accurate readings.

b. The cost of repair or replacement of a Sewage Meter for damage resulting from carelessness or neglect of a Customer to properly secure and protect the Sewage Meter from damages caused by blockage, frost, hot water, steam or other misuse shall be paid for by the Customer as a Miscellaneous Customer Fee.

**Section 1221. Sewage Meter Bypass.** Sewage Meter bypass piping valves are prohibited, except as provided in this Section. A Commercial or Industrial Customer may submit a written request to install Sewage Meter bypass piping and valves. The request shall explain why installation of Sewage Meter bypass piping is necessary. The Water and Sewer Advisory Committee may approve Sewage Meter bypass piping if it determines, in its discretion, that it is necessary for the protection of equipment or the public health. In some cases a gap in the bypass piping will be required. The Township will maintain in inventory various spool pieces which may be inserted into the gap while necessary repairs are made to the Sewage Meter or associated plumbing.

**Section 1222. Accuracy of Sewage Meters; Adjustments.**

a. Testing of Sewage Meters for accuracy of readings shall be performed by the Authority. The Authority may, on its own initiative, test a Sewage Meter. In addition, a Customer may request that a Sewage Meter be tested upon depositing a Miscellaneous Customer Fee in an amount determined by resolution of the Township Board from time to time.

b. A Sewage Meter shall be considered accurate if, when tested, it registers within the accuracy ranges documented by the manufacturer of the Sewage Meter.

c. If any Sewage Meter shall fail to register properly, the Township may estimate the Sewage use based on previous Sewage use and bill accordingly.

## **ARTICLE 13**

### **USE OF WATER SYSTEM; PROHIBITION OF CROSS CONNECTIONS**

**Section 1301. Other Water Sources Prohibited.** Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System, unless permitted under Sections 1307 through 1316, inclusive.

**Section 1302. Right to Limit Use.** The Township may regulate, limit or prohibit the use of Public Water to the extent deemed necessary to ensure an adequate supply for essential domestic, commercial and/or industrial needs, firefighting, and protection of the Water System, or to make necessary repairs, extensions, or for other proper purposes. By connecting to the System, all Customers agree to release the Township and its authorized agents from any liability whatsoever as a result of interruption of water service or water pressure. Customers further agree to indemnify, save and defend the Township and its authorized agents against all claims, demands, costs or expenses for loss, damage or injuries to persons or property in any manner directly or indirectly arising out of the transmission and use of water by the Customer.

**Section 1303. Tampering Prohibited.** No Person, except an authorized representative of the Township in the performance of authorized duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Township for the injury or damage and for the loss of water caused thereby and shall be responsible for any damage caused by escaping water.

**Section 1304. Unlawful Actions.** It shall be unlawful for any Person to do any of the following.

- a. Damage or destroy any portion of the Water System;
- b. To do anything which will in any way contaminate the Water System;
- c. To connect any pipe to the Water System or take any Public Water from the Water System without complying with all the provisions of this Ordinance; or
- d. Install, or cause to be installed, Water Meter bypass piping and valves, so as to create the capability to bypass the Water Meter, without first obtaining written permission from the Township.

**Section 1305. Use of Fire Hydrants.**

- a. No person, other than an Authority employee or a representative of the Authority, shall open or cause to be opened any fire hydrant, except in the case of an emergency, without first securing a "Hydrant Use Permit" from the Authority and paying appropriate costs as established by the Authority and the Township. The Fire Department shall notify the Authority within 72 hours after emergency use of a fire hydrant. All fire hydrant flushing shall be performed by the Authority.

b. The Hydrant Use Permit must be obtained at the Authority's office. The costs include a deposit for use of the hydrant, a hydrant wrench (used to turn the hydrant on/off) and a Water Meter (used to measure the volume of water used) with Backflow Preventer assembly, as determined by the Township from time to time and established as a Miscellaneous Customer Fee in the Schedule of Rates and Charges, and payment of a Water Use Fee for the volume of water used. A permit form must be completed and payment of the deposit received before the permit is issued. The applicant will then receive the permit (good for use only on the day specified on the permit), the aforementioned equipment and instructions on the proper method for operating the hydrant and equipment.

c. After the equipment is returned to the Authority's office, the hydrant will be inspected and the permit holder will be refunded the deposit minus the Water Use Fee for the metered volume of water used and a Miscellaneous Customer Fee for the cost of any damage or repairs to the hydrant or equipment.

d. Permit holders are responsible for damage to the hydrant and loss or damage to the equipment. If the deposit is insufficient to cover the Miscellaneous Customer Fee and the Water Use Fee charged for the metered volume, the applicant shall pay the difference to the Authority immediately.

e. The Authority may refuse to issue Hydrant Use Permits to persons who cause damage to hydrants or equipment, violate the provisions of this Ordinance, or who are delinquent in payment of charges for use of hydrants.

f. Anyone who does not obtain a Hydrant Use Permit and is caught taking water from a hydrant, shall have their hydrant connection removed and taken by Authority personnel to the Authority's office, where it shall remain until a Hydrant Use Permit is obtained and all appropriate fees are paid. Repeat violations may result in fines or criminal action for theft.

#### **Section 1306. Central Filling Location.**

a. The Authority may direct individuals or companies to use a central water filling location, designated by the Authority, for filling of tank trucks and similar equipment.

b. Use of this location shall be in accordance with policies and procedures as established by the Authority.

c. A Hydrant Use Permit must be obtained and all fees paid in the manner provided in Section 1305.

d. A Backflow Preventer or Safe Air Gap must be used at all times when filling tank trucks and similar equipment.

**Section 1307. State Rules.** The Township adopts by reference, and shall comply with, the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as amended.

**Section 1308. Cross-Connection Prohibited.** A Cross-Connection shall not be made:

- a. between the Water System and a Secondary Water Supply;
- b. by a Submerged Inlet;
- c. between the Water System and piping which may contain sanitary waste or chemical contaminant; and
- d. between the Water System and piping immersed in a tank or vessel which may contain a contaminant.

**Section 1309. Approved Devices.** All devices for the prevention of Cross-Connection shall be approved. Plans for all such devices shall be submitted to the Authority for review and approval before installation of the device. The devices shall be installed in good working condition at the Customer's expense. The Township will routinely inspect such devices and, if found to be defective or inoperative, shall require replacement thereof.

**Section 1310. Corrective Action.** The Customer shall obtain prior written approval from the Township before taking any proposed corrective action or installing any protective device. The total time allowed for completion of corrections ordered by the Township shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross-Connection has not been removed within the time specified, the Township shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person.

**Section 1311. Identification of Secondary Water Source.** When a Secondary Water Supply is used in addition to the Water System, or in other high risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the American Water Works Association Standard Color Code and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it shall be considered a Cross-Connection and it shall be necessary to protect the Water System at the Water Service in a manner acceptable to the Department of Environmental Quality.

**Section 1312. Private Water Storage Tank.** A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is designed and approved by the Township for Potable Water usage.

**Section 1313. Maintenance of Devices.** It shall be the responsibility of the Customer to maintain Cross-Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

**Section 1314. Testing.** Periodic testing and inspection schedules shall be established by the Township for all Cross-Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the

installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved. Certified testing of an approved Back Flow Preventer is required by a licensed plumber at the Customer's expense on an annual basis. Records of the test as well as records of repair shall be provided to the Township by the Customer.

**Section 1315. Discontinuance of Service.** The Township is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross-Connection exists. The Township may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such Premises shall not be restored until such Cross-Connection has been eliminated and the Customer pays a turn-on charge.

**Section 1316. Imminent Health Hazard.** The Township shall immediately stop water service to any Customer discovered to have a Cross-Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

## **ARTICLE 14 USE OF SEWER SYSTEM**

**Section 1401. Unlawful Discharge.** It shall be unlawful to discharge to any Natural Outlet or Watercourse within the Township, or in any area under the jurisdiction of said Township, any Sewage, Industrial Wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

**Section 1402. No Connection of Drains.** No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to any Sanitary Sewer. No footing drains shall be connected to Sanitary Sewers. All footing drain water shall be discharged to Storm Sewers, drains or dry wells. Garage floor drains shall be connected to a Sanitary Sewer.

**Section 1403. Stormwater.** Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as Storm Sewers, or to a Natural Outlet approved by the Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Environmental Quality, and/or other governmental agencies having jurisdiction. Industrial cooling water, unpolluted air conditioning water, or unpolluted process waters may be discharged to a Storm Sewer or Natural Outlet upon approval of the Kent County Road Commission, and, where appropriate, upon approval of the Kent County Drain Commissioner, Michigan Department of Environmental Quality, and/or other governmental agencies having jurisdiction.

**Section 1404. Sewer System Served in Accordance with the Wyoming Sewage Treatment Agreement; Industrial Pretreatment.** The use of that portion of the Sewer System served in accordance with the Wyoming Sewage Treatment Agreement shall be subject to the terms and conditions set forth in Appendix D attached to and made a part of this Ordinance which is enacted as part of this Ordinance in accordance with the City of Wyoming Interjurisdictional Pretreatment Agreement. In accordance with said Interjurisdictional Pretreatment Agreement, the City of Wyoming shall be the authorized representative of the Township with the legal authority and responsibility for the performance of technical and administrative activities necessary for implementation of a pretreatment program within those portions of the Sewer System served in accordance with the Wyoming Sewage Treatment Agreement. These activities may include, among others: (1) updating the industrial waste survey; (2) inspecting Customer on-site pretreatment and sewer facilities; (3) providing technical services, such as sampling, process chemical analysis and engineering advice; (4) order of determination; (5) compliance monitoring; and (6) enforcement action by the Wyoming City Attorney in any court proceeding required. An Industrial or Commercial Customer may be required by the City to install a sampling manhole or take other measures set forth in Appendix D. The Township shall assist the City of Wyoming as reasonably required. The costs incurred by Wyoming in conjunction with the administration of the pretreatment program on behalf of the Township shall be recovered by the City of Wyoming from the monitoring fees charged for non-domestic uses and from the collection of surcharges and fees (as set forth in Appendix D to the Ordinance).

**Section 1405. Use of that Portion of the Sewer System Served in Accordance with the Grand Rapids Sewage Treatment Agreement; Industrial Pretreatment.** The use of that part of the Sewer System served in accordance with the Grand Rapids Sewage Treatment Agreement shall be subject to the terms and conditions set forth in Appendix E attached to and made a part of this Ordinance which is enacted as part of this Ordinance in accordance with the Interjurisdictional Pretreatment Agreement between the Township and the City of Grand Rapids. In accordance with said Interjurisdictional Pretreatment Agreement, the City of Grand Rapids shall be the authorized representative of the Township with the legal authority and responsibility for the performance of technical and administrative activities necessary for implementation of a pretreatment program within that portion of the Sewer System served in accordance with the Grand Rapids Sewage Treatment Agreement. These activities may include, among others: (1) updating the industrial waste survey; (2) inspecting Customer on-site pretreatment and sewer facilities; (3) providing technical services, such as sampling, process chemical analysis and engineering advice; (4) permitting; (5) compliance monitoring; and (6) enforcement action by the Grand Rapids City Attorney in any court proceeding required. An Industrial or Commercial Customer may be required by the City to install a sampling manhole or take other measures set forth in Appendix E. The Township shall assist the City of Grand Rapids as reasonably required. The costs incurred by Grand Rapids in conjunction with the administration of the pretreatment program on behalf of the Township shall be recovered by the City of Grand Rapids from the surcharge and permit fees charged in accordance with Appendix E.

**Section 1406. Grease, Oil and Sand Interceptors.**

a. All establishments where food is manufactured, sold or prepared, except for small areas designated as employee break areas or the equivalent, discharging wastewater containing fats, oils, and grease (FOG) to the Sewer System shall install, operate, and maintain a tank of a size and material and so designed as to be capable of removing grease and oily wastes from the Sewage (hereinafter called "Grease Trap") necessary to achieve and maintain compliance with the Wyoming Sewage Treatment Agreement and the Grand Rapids Sewage Treatment Agreement.

b. Unless otherwise authorized by the Engineer, all Grease Traps shall be of the outdoor, inline variety. With special authorization by the Engineer, Grease Traps of the indoor, under-counter, stand-alone variety may be allowed. In this case, maintenance of indoor Grease Traps shall be performed at frequencies necessary to protect the capacity of the Sewer System against accumulation of grease and oils, as required by the "25 percent rule" as defined in this Ordinance. Under no condition shall an indoor Grease Trap be cleaned at intervals less than once every 14 days.

c. Grease Traps and oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such traps and interceptors shall not be required for Dwelling Units. All interceptors shall be of a type and capacity approved by the Engineer and shall be located so as to be readily accessible for cleaning and inspection.

d. Grease Traps and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

e. Where installed, all Grease Traps and oil and sand interceptors shall be cleaned and maintained by the owner and shall be operated continuously in an efficient manner whenever the facility is in operation. The Township shall have the right to inspect maintenance and disposal records related to the operation of Grease Traps and oil and sand interceptors.

f. The Customer shall be responsible for the proper removal and legal disposal of the Grease Trap waste. All waste removed from each Grease Trap must be disposed of at a facility permitted to receive such waste. No Grease Trap pumpage may be discharged to the Sewer System. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges and solids and jet flushing to remove measurable build-up on tank walls. Top skimming of outdoor Grease Traps, decanting or back flushing of the Grease Trap or its wastes for the purpose of reducing the volume to be hauled is prohibited.

g. There shall be ample room and reasonable access to interceptors to allow accurate sampling and preparation of samples for transport and analysis.

h. Notwithstanding other provisions of this Ordinance to the contrary, if a Grease Trap or interceptor is required to comply with the current plumbing codes adopted by the Township, the Grease Trap or interceptor shall meet the following minimum requirements: a 1,000 gallon, 3 compartment, H2O loading, concrete, water proof, leak proof structure with 3 access and testing ports. The Engineer may authorize, in writing, an exception to the foregoing minimum requirements, and the Engineer shall otherwise make the final determination and approval of a Grease Trap's size. If additional pretreatment and/or maintenance is required to meet the provisions in this section, the Engineer, may require that the establishment in existence prior to the effective date of this section upgrade to the requirements provided.

i. Maintenance of an outdoor Grease Trap shall be performed at frequencies necessary to protect the capacity of the Sewer System against accumulation of grease and oils, as required by the 25 percent rule and at intervals no less than once every 90 days.

j. Use of any bacteriological, chemical or enzymatic addition for the purpose of maintaining a Grease Trap is prohibited unless written approval is obtained from the Engineer.

k. The Customer shall be responsible for maintaining records and/or manifests as to the dates of service, quantity and waste hauler name at the Customer's location for a period of three years, which records shall be subject to review by the Township without prior notification.

l. Should any user fail to properly clean and maintain a Grease Trap or oil and sand interceptor as required herein, the Township, at its option may contract for appropriate cleaning and maintenance by a licensed contractor, the cost of which shall be collectable by the Township from the Customer at a charge of actual cost plus 100 percent as a Miscellaneous Customer Fee.

**Section 1407. Additional Prohibited Discharge.**

a. No Person shall discharge or cause to be discharged substances, materials, waters, or wastes described in Sections D122, D123 or D124 of Appendix D, Sections E108 or E109 of Appendix E, or similar substances, materials, water or wastes if the Township determines it is likely, in consultation with the Engineer, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the Receiving Stream, or can otherwise endanger life, limb, public property, or constitute a Nuisance. In making this determination, the Township will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials used for construction of the Sewer System, nature of the sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, and other pertinent factors.

b. For any discharge which, in the sole determination of the Township, is likely to (1) cause or causes a blockage in any portion of the Public Sewer, and/or (2) result or results in the disruption of transportation or treatment of sewage by the System, the Customer responsible for such blockage or disruption shall be responsible for and liable to the Township and/or the Authority for the following: (a) any costs associated with the removal of such blockage from the Public Sewer; (b) any destruction or damage to any component of the Public Sewer and all costs incurred by the Township and/or the Authority to repair or replace destroyed or damaged components; and (c) any other claims or costs asserted by or against the Township and/or the Authority resulting from the blockage including, but not limited to, any claims and costs asserted by other Customers of the System adversely affected by the blockage.

## **ARTICLE 15**

### **ABANDONMENT, DISCONTINUANCE OF SERVICE AND DISCONNECTION**

**Section 1501. Turn On/Off.** No Person other than an authorized representative of the Township shall turn on or off any Water Service.

**Section 1502. Interruption of Service.** The Township may stop services to any Customer at any time for any reason, including repairs to the System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the Public Water Main to keep them filled are hereby put on notice of the danger of collapse. The Township shall not be responsible or liable in damage for any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water or Sewer Service for any reason, including the shutting off of such supply by the Township, nor shall the Township be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

**Section 1503. Discontinuance of Service.** The Township may discontinue service if a Customer fails to maintain the Service Line or a Building Sewer in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Public Water Meter.

#### **Section 1504. Disconnection.**

a. Any person proposing to disconnect the Service Line from the Water Service or a Building Sewer from the Sewer Lateral shall apply for and obtain a disconnection permit from the Township and pay an Inspection Fee. The disconnection shall be made in the presence of the Inspector or his authorized representative.

b. If the Township determines, in its discretion, that a Sewer Lateral or Water Service will no longer be used, the Township may require that the Sewer Lateral or Water Service be removed or otherwise abandoned and capped at the main at the time of disconnection of the Building Sewer or the Service Line, in a manner approved by the Township and at the expense of the owner of the Premises from which the Building Sewer or the Service Line had been disconnected. If the owner fails to do so, the Township may so abandon the Sewer Lateral or Water Service, and charge the cost thereof against the Premises as a Miscellaneous Customer Fee.

c. If the building to be disconnected is to be demolished, a disconnection permit shall be obtained, and the disconnection or abandonment of the Water Service and/or the Sewer Lateral shall be completed, inspected and approved, prior to obtaining a demolition permit.

**Section 1505. Cancellation of Permits; Disconnection of Service.** In addition to all other remedies available by law and ordinance, applications for connection permits may be canceled and/or System service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

a. Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.

- b. Nonpayment of Rates and Charges.
- c. Failure to keep Service Lines or Building Sewers in a suitable state of repair.
- d. Damage to any part of the System.
- e. Existence of a Cross-Connection.
- f. Unauthorized bypassing of the Water Meter, Sewage Meter, or connection of unauthorized drains.
- g. Refusal to allow inspection.

## **ARTICLE 16 RATES AND CHARGES**

### **PART A: WATER RATES AND CHARGES**

**Section 1601. Inspection Fees.** An Inspection Fee for connection to or disconnection from the Water System shall be established by the Schedule of Rates and Charges and may be established at different rates per inspection for Residential Customers and Commercial or Industrial Customers. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense incurred by the Township or the Authority, for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour for a Residential Customer and more than two hours for a Commercial or Industrial Customer.

#### **Section 1602. Fees for Connection to the Water System.**

**a. Water Availability Fee.**

(1) The Water Availability Fee shall be based upon the frontage of the Premises upon a public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Water System or any combination thereof.

(2) The amount of the Water Availability Fee shall be provided in the Schedule of Rates and Charges. A minimum fee shall be charged for a Premises with a frontage of 120 feet or less; or, if a Corner Lot, a Premises with a combined frontage of 300 feet or less. An additional fee shall be charged per foot of frontage in excess of 120 feet, or 300 feet for Corner Lots, in addition to the minimum fee. The Water Availability Fee may be set at a higher rate for premises used by a Commercial Customer, which requires unmetered fire protection, or an Industrial Customer to account for the additional oversizing typically required by such Commercial Customer or Industrial Customers for fire protection.

(3) No Water Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Water Main for the purpose of making the Water System available to the Premises or the development of which the Premises is a part, at private expense. A Water Availability Fee shall be charged, however, if Public Water was made Incidentally Available to the Premises as a result of installation and dedication of a Public Water Main by a developer or private party in order to reach a building or development beyond the Premises in question.

**b. Water Trunkage Fee.** The Water Trunkage Fee shall be determined in accordance with the following:

(1) Premises used by a Residential Customer for single family, two-family, apartments, condominiums, mobile homes and similar uses:

1.0 Trunkage Unit per Dwelling Unit

- (2) Premises used by a Commercial Customer or an Industrial Customer:

3.0 Trunkage Units per acre

- (3) That portion of a Premises used for cemeteries or for designated school and park playgrounds, ball fields, or picnic areas or comprised of wetlands:

1.0 Trunkage Unit per acre

- (4) No Premises shall pay less than one Trunkage Unit.

- (5) The amount of the Water Trunkage Fee, expressed on a per Trunkage Unit basis, shall be established by the Schedule of Rates and Charges.

- (6) An additional Water Trunkage Fee shall be charged to a Premises, if following connection to the Water System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used by a Commercial Customer or an Industrial Customer is converted to residential use with more than 3.0 Dwelling Units per acre).

c. **Water Service Fee.**

- (1) For a Water Service installed by the Township at public expense, the Water Service Fee shall be as provided by the Schedule of Rates and Charges.

- (2) No Water Service Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Water Service for the purpose of making the Water System available to the Premises. A Water Service Fee shall be charged if the Water Service was installed by a developer or private party as part of a project to extend Public Water to a building or development beyond the Premises in question.

- (3) If no Water Service is available, no Water Service Fee shall be payable, and the applicant shall be responsible for all costs of installing a Water Service, including restoration.

d. **Water Meter Fee.** The Water Meter Fee shall be as provided in the Schedule of Water Supply Rates and Charges.

e. **Allocation of Water Availability Fee and Water Trunkage Fee.** The Township may determine to charge a portion of the Water Availability Fee or the Water Trunkage Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of that portion of the Premises, including that portion of the Premises served by an Available Public Water Main. For such Premises, the Township shall maintain an accurate record of the portion of the Water Availability and the Water Trunkage Fee paid for the Premises. The remaining applicable Water Availability Fee and Water Trunkage Fee, at the rate in

effect on the Schedule of Rates and Charges at the time of connection, shall be charged for subsequent connections on other parts of the Premises.

**Section 1603. Water Readiness to Serve Fee.** Customers shall pay a Water Readiness to Serve Fee, based on the size of the Public Water Meter, as provided in the Schedule of Rates and Charges. The Water Readiness to Serve Fee shall be billed quarterly in arrears. No Water Readiness to Serve Fee shall be charged for a Submeter.

The Water Readiness to Serve Fee shall be based upon the following meter equivalents:

<u>Meter Size</u>	<u>Meter Equivalent</u>
5/8"	1.0
1"	2.6
1 1/2"	5.8
2"	10.2
3"	23.0
4"	41.0
6"	92.2
8"	163.8
10"	256.0
12"	369.0

Notwithstanding the foregoing, the Water Readiness to Serve Fee and the Sewer Readiness to Serve Fee for a 5/8" Public Water Meter and a "1" Public Water Meter shall be set at the same rate per Public Water Meter for both sizes based upon a combination of the meter equivalents set forth above for a 5/8" Public Water Meter and a 1" Public Water Meter.

**Section 1604. Water Use Fee.** Customers shall pay quarterly a Water Use Fee based on metered water usage, to be paid in arrears based upon water usage during the immediately preceding quarter, in an amount provided by the Schedule of Rates and Charges. Water Use Fees may be established to encourage conservation of water, to the extent not inconsistent with State or Federal law. The Township reserves the right to base the Water Use Fee on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout, a program malfunction and similar events beyond the control of the Township. Customers with a Submeter shall have the Water Use Fee determined in accordance with Section 1612.

**Section 1605. Unmetered Fire Protection Fee.** Customers who have an Unmetered Fire Protection Service shall pay quarterly a Unmetered Fire Protection Fee based upon service size, as provided by the Schedule of Rates and Charges. No Water Use Fee shall be charged to the Customer for the Public Water used to test the Unmetered Fire Protection Service or to fight a fire on the Premises.

**Section 1606. Water Meter Bypass Violation Fee.**

a. A Water Meter Bypass Violation Fee shall be assessed in the following circumstances:

(1) If any Premises shall be determined to have installed unauthorized Water Meter bypass piping and valves;

(2) If a seal on an authorized Water Meter bypass valve is found to be broken; or

(3) If the owners or occupants of a Premises shall deny access to the Township or an authorized representative of the Township bearing proper credentials and identification, to a Premises between the hours of 8:00 a.m. and 5:00 p.m. during any weekday, or at such other time as may be reasonable, which access is being requested by mail or in person for the purpose of inspection of the Premises for the installation of unauthorized Water Meter bypass piping or the inspection of approved Water Meter bypass piping and valves.

b. When unauthorized Water Meter bypass piping is found, when a seal on an authorized Water Meter bypass valve is found to be broken or an unauthorized spool piece has been inserted into the bypass, or when access to a Premises is denied, there shall be a rebuttable presumption that Water Meter bypass has existed since the time of the last inspection or sealing of the Water Meter bypass valve or the date of connection to the Water System, whichever is later.

c. The Water Meter Bypass Violation Fee shall be established in the Schedule of Rates and Charges. The Water Meter Bypass Violation Fee may be billed by the Township with the quarterly Water Use Fee or by special invoice, payable upon receipt. In addition to imposing the Water Meter Bypass Violation Fee, the Township is authorized to exercise all remedies under this Ordinance to stop or remove the Water Meter bypass valve, or to gain entrance to the Premises.

**Section 1607. Miscellaneous Customer Fee.** The Township shall, from time to time, establish or charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, unauthorized connection to and use of the Water System, services to turn water service on or off, damages to the System, disconnection from the System, costs and expenses incurred by the Township or the Authority as a result of damage to other premises, attorney fees for enforcement of violation of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the Customer.

**Section 1608. Public Fire Hydrant Rental.** Unmetered public fire hydrants will be maintained at the expense of the System. The Township shall pay from the General Fund an annual fee as established by the Schedule of Rates and Charges for each hydrant for this service and the unrestricted right to use the hydrants to provide fire protection to the residents of the Township.

## **PART B: SEWER RATES AND CHARGES**

**Section 1609. Inspection Fee.** An Inspection Fee for connection to or disconnection from the Sewer System shall be established by the Schedule of Rates and Charges and may be established at different rates per inspection for Residential Customers and Commercial or Industrial Customers. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense

incurred by the Township or the Authority, for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour for a Residential Customer and more than two hours for a Commercial or Industrial Customer.

#### **Section 1610. Fees for Connection to the Sewer System.**

**a. Sewer Availability Fee.**

(1) The Sewer Availability Fee shall be based upon the frontage of the Premises upon the adjacent public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Sewer System and/or any combination thereof.

(2) The amount of the Sewer Availability Fee shall be provided in the Schedule of Rates and Charges. A minimum fee shall be charged for Premises with a frontage of 120 feet or less; or, if a Corner Lot, a Premises with a combined frontage of 300 feet or less. An additional fee shall be charged per foot of frontage in excess of 120 feet, or 300 feet for Corner Lots, in addition to the minimum fee. The Sewer Availability Fee may be set at a higher rate for Premises used by an Industrial Customer to account for additional oversizing typically required for Industrial Customers.

(3) No Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Sewer for the purpose of making the Sewer System available to the Premises or the development of which the Premises is a part, at private expense. A Sewer Availability Fee shall be charged, however, if a Public Sewer was made Incidentally Available to the Premises as a result of the installation and dedication of a Public Sewer by a developer or private party in order to reach a building or development beyond the Premises in question.

**b. Sewer Trunkage Fee.** The Sewer Trunkage Fee shall be determined in accordance with the following:

(1) Premises used by a Residential Customer for single family, two family, apartments, condominiums, mobile homes and similar uses:

1.0 Trunkage Unit per Dwelling Unit

(2) Premises used by a Commercial Customer or an Industrial Customer:

2.4 Trunkage Units per acre.

(3) That portion of a Premises used for cemeteries or for designated school and park playgrounds, ball fields, or picnic areas or comprised of wetlands:

1.0 Trunkage Unit per acre.

(4) No Premises shall pay less than one Trunkage Unit.

(5) The amount of the Sewer Trunkage Fee, expressed on a per Trunkage Unit basis, shall be established by the Schedule of Rates and Charges.

(6) An additional Sewer Trunkage Fee shall be charged to a Premises, if following connection to the System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used by a Commercial Customer or an Industrial Customer is converted to residential use with more than 2.4 Dwelling Units per acre).

c. **Sewer Lateral Fee.**

(1) For a Sewer Lateral installed by the Township at public expense, the Sewer Lateral Fee shall be as provided by the Schedule of Rates and Charges.

(2) No Sewer Lateral Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Sewer Lateral for the purpose of making the Sewer System available to the Premises. A Sewer Lateral Fee shall be charged, however, if the Sewer Lateral was installed by a developer or private party as part of a project to extend Public Sewer to a building or development beyond the Premises in question.

(3) If no Sewer Lateral is available, no Sewer Lateral Fee shall be payable, and the applicant shall be responsible for all costs of installing the Sewer Lateral, including restoration.

d. **Allocation of Sewer Availability Fee and Sewer Trunkage Fee.** The Township may determine to charge a portion of the Sewer Availability Fee and Sewer Trunkage Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of a Premises, including that portion of the Premises served by an Available Public Sewer. For such Premises, the Township shall maintain an accurate record of the portion of the Sewer Availability Fee and the Sewer Trunkage Fee paid for the Premises. The remaining applicable Sewer Availability Fee and Sewer Trunkage Fee shall be charged for subsequent connections on other parts of the Premises at the rates in effect at the time of connection on the Schedule of Rates and Charges.

e. **Sewage Meter Fee.** The Sewage Meter Fee shall be as provided in the Schedule of Rates and Charges.

**Section 1611. Sewer Readiness to Serve Fee.** Customers shall pay a Sewer Readiness to Serve Fee in accordance with this Section:

a. Residential Customers shall pay a quarterly Sewer Readiness to Serve Fee based on the size of the Water Meter which serves the Premises, as provided in the Schedule of Rates and Charges. Residential Customers without Public Water Service shall pay quarterly a Sewer Readiness to Serve Fee based upon an assigned Water Meter size utilized by comparable Public Water Customers.

b. An Industrial Customer or a Commercial Customer connected to the Water System shall pay a Sewer Readiness to Serve Fee based upon the size of the Water Meter.

c. An Industrial Customer or a Commercial Customer not connected to the Water System, but with a Well Water Meter shall pay a Sewer Readiness to Serve Fee based upon the size of the Well Water Meter.

d. An Industrial Customer or a Commercial Customer not connected to the Water System and without a Well Water Meter shall pay a Sewer Readiness to Serve Fee based upon a rate per 1,000 gallons of metered Sewage discharged to be determined as follows:

$$\begin{array}{lcl} \text{Sewer} & & \\ \text{Readiness} & \text{Sewer Readiness to Serve Fee for a Customer with a 5/8 inch Water Meter} & \\ \text{to Serve} & \text{Average quarterly Sewage discharge with a 5/8 inch Water Meter} & \\ \text{Fee =} & \text{(in 1000s of gallons)} & \end{array}$$

e. A Sewer Readiness to Serve Fee shall be billed in arrears and with respect to Customers described in Section 1611(a), (b) and (c) above, shall be based upon the schedule of meter equivalents in Section 1603.

f. No Sewer Readiness to Serve Fee shall be charged for a Submeter.

**Section 1612. Sewer Use Fee.** Customers shall pay quarterly a Sewer Use Fee based on metered water usage to be paid in arrears based upon water usage during the immediately preceding quarter, in an amount provided by the Schedule of Rates and Charges. In setting the Sewer Use Fee, the following shall be taken into account:

a. As a general rule, the Sewer Use Fee shall be based upon 100% of metered Public Water usage; provided that the Township reserves the right to establish a maximum quarterly Sewer Use Fee for single-family residential buildings.

b. A Sewer Customer may install one or more separate Submeters to meter Public Water that does not enter the Sewer System (e.g., lawn and garden irrigation water, cooling water, unpolluted air-conditioning water or unpolluted industrial process water). A Submeter generally installed downstream of the primary Water Meter is known as a Deduct Meter and in this circumstance the Water Use Fee shall be based upon the total Public Water usage as metered by the primary Water Meter and the Sewer Use Fee shall be based upon the “net” metered Public Water usage determined by subtracting the Public Water metered by the Deduct Meter from the Public Water metered by the primary Water Meter at the point of entry of the Public Water into the Premises. A Submeter generally installed upstream of the primary Water Meter is known as an Add Meter and in this circumstance the Water Use Fee shall be based upon the total Public Water usage metered by the primary Water Meter plus the total Public Water usage metered by the Add Meter. The Sewer Use Fee shall be based only upon the total Metered Public Water metered by the primary Water Meter, without taking into account the Public Water metered by the Add Meter.

c. A separately metered Dwelling Unit shall not be required to install a Submeter for Public Water that does not enter the Sewer System and for such Customer there shall be a presumption that the “net” Public Water discharged by a separately metered Dwelling Unit to the Sewer System shall equal the System wide ratio (which shall be established by percentage in the Schedule of Rates and Charges) of Sewage discharged to the Sewer System by Sewer Customers to the Public Water provided by the Water System to Water Customers.

d. Industrial and Commercial Customers of the Sewer System without Public Water service must install a Well Water Meter upon each private well or source of water which is the source of Sewage ultimately discharged to the Sewer System, and may in addition install a Submeter, and the private water so metered shall be used in lieu of metered Public Water usage to determine the Sewer Use Fee.

e. For an Industrial or Commercial Customer with a sewage meter (e.g., the Kent County Landfill located in Byron Township), the Sewer Use Fee shall be billed based upon the actual metered flow of Sewage discharged to the Sewer System.

f. For a Residential Customer without public water, the Sewer Use Fee shall be based upon an assumed discharge to the Sewer System of 18,250 gallons of Sewage per quarter per Dwelling Unit.

g. The Township reserves the right to base the Sewer Use Fee on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout, a program malfunction and similar events beyond the control of the Township.

h. The Township’s Submeter policy, including diagrams of typical Deduct Meter and Add Meter installations, is attached as Appendix C.

### **Section 1613. Sewage Meter Bypass Violation Fee.**

a. A Sewage Meter Bypass Violation Fee shall be assessed in the following circumstances:

(1) If any Premises shall be determined to have installed unauthorized Sewage Meter bypass piping and valves;

(2) If a seal on an authorized Sewage Meter bypass valve is found to be broken; or

(3) If the owners or occupants of a Premises shall deny access to the Township or an authorized representative of the Township bearing proper credentials and identification, to a Premises between the hours of 8:00 a.m. and 5:00 p.m. during any weekday, or at such other time as may be reasonable, which access is being requested by mail or in person for the purpose of inspection of the Premises for the installation of unauthorized Sewage Meter bypass piping or the inspection of approved Sewage Meter bypass piping and valves.

b. When unauthorized Sewage Meter bypass piping is found, when a seal on an authorized Sewage Meter bypass valve is found to be broken or an unauthorized spool piece has been inserted into the bypass, or when access to a Premises is denied, there shall be a rebuttable presumption that Sewage Meter bypass has existed since the time of the last inspection or sealing of the Sewage Meter bypass valve or the date of connection to the Sewer System, whichever is later.

The Sewage Meter Bypass Violation Fee shall be established in the Schedule of Rates and Charges. The Sewage Meter Bypass Violation Fee may be billed by the Township with the quarterly Sewer Use Fee or by special invoice, payable upon receipt. In addition to imposing the Sewage Meter Bypass Violation Fee, the Township is authorized to exercise all remedies under this Ordinance to stop or remove the Sewage Meter bypass valve, or to gain entrance to the Premises.

**Section 1614. Customer Surcharge Fee.** A Customer who discharges Sewage into the Sewer System that exceeds the discharge limitations set forth in Sections D123, D135 and D136 of Appendix D or Section E136 of Appendix E, as the case may be, shall also pay a Customer Surcharge Fee in the amount as such be established or referenced in the Schedule of Rates and Charges.

**Section 1615. Drainage Violation Fee.** A Drainage Violation Fee in an amount established in the Schedule of Sewer Rates and Charges shall be charged periodically to the Owner of a Premises connected to the Sewer System for the drainage service rendered to the Premises: (a) if the Premises has a footing drain or drains connected to any Public Sewer, or there is a discharge from the Premises of, or the owner or any occupant of the Premises shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to any Public Sewer, in violation of this Ordinance; or (b) in the event the owners or occupants of a Premises shall deny access to the Township or an authorized representative of the Township bearing proper credentials and identification, to the Premises between the hours of 8:00 a.m. to 5:00 p.m. during any weekday or at such other time as may be reasonable, which access is being requested by mail or in person for the purpose of inspection of the Premises for any such connections or discharges of the type set forth in subsection (a). For a Premises with an unauthorized drainage connection, the Drainage Violation Fee shall accrue as of the date of the connection, provided that a Drainage Violation Fee shall not be charged for more than one year past drainage service. When access to a Premises is denied under subsection (b) said Drainage Violation Fee shall accrue 30 days after notice by certified mail is given to the owner of such failure to gain access. Any changes or corrections to eliminate any such connection or discharge must be approved by the Township and the Drainage Violation Fee shall continue until such approval is given.

**Section 1616. Miscellaneous Customer Fee.** The Township shall, from time to time, establish or charge Miscellaneous Customer Fee, as deemed necessary, for miscellaneous services, repairs and related administrative costs associated with the Sewer System, including without limitation, unauthorized connection to and use of the Sewer System, services to turn water service on or off, damages to the System, disconnection from the System, costs and expenses incurred by the Township or the Authority as a result of damage to other premises, industrial pretreatment fees, surcharges, fines, penalties and other expense applicable to a Customer of the Sewer System by the terms of the Interjurisdictional Pretreatment Agreement and the related provisions of Appendix D or

Appendix E, attorney fees for enforcement of violation of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the Customer.

**ARTICLE 17**  
**BILLING AND COLLECTION OF RATES AND CHARGES**

**Section 1701. Bills/Collection.** It shall be the duty of the Water and Sewer Administrator to bill and collect all Rates and Charges. The Water and Sewer Administrator shall endeavor to mail each Customer a bill on or before the 5th day of each month in the quarterly billing period. Failure to mail a bill shall not excuse payment. The bill shall separately itemize the Rates and Charges payable. Payment of the bill is due on or before the last day of the first month in the quarterly billing period. Payment of a Miscellaneous Customer Fee, a Drainage Violation Fee, a Water Meter Bypass Violation Fee, or a Sewage Meter Bypass Violation Fee shall be due upon receipt. Payment of the bill shall be made at a location designated by the Township Board.

**Section 1702. Accrual Date.**

- a. Readiness to serve and use fees shall accrue in the following manner:

<u>Fee</u>	<u>Date of Accrual</u>
Water Readiness to Serve Fee	Date of connection to Water System
Water Use Fee	Date of installation of Water Meter
Sewer Readiness to Serve Fee	Date of connection to Sewer System
Sewer Use Fee	For Premises connected to both Water System and Sewer System: Date of installation of Water Meter
	For Premises connected only to Sewer System: Date of connection to Sewer System

- b. The Water Readiness to Serve Fee and the Sewer Readiness to Serve Fee shall be pro rated for partial initial quarterly billing periods.

**Section 1703. Payment of Connection Fees.** The owner of Premises who applies for connection of a building to the System shall pay the applicable connection fees in a single lump sum at the time of issuance of the permit to connect in accordance with Section 1103, unless the connection fees are payable as a special assessment pursuant to Section 1704, in installments pursuant to Section 1705, or have been prepaid pursuant to Section 1706.

**Section 1704. Special Assessment District (SAD).**

- a. **Credit for Special Assessments; Payment of Additional Rates and Charges Attributable to Premises.** Premises located in a special assessment district established by the Township to finance a portion of the System and subject to special assessment shall receive full credit towards payment of the Water Availability Fee, Water Trunkage Fee, Water Service Fee, Sewer Availability Fee, Sewer Trunkage Fee and Sewer Lateral Fee for the amount of frontage, and

the number of Trunkage Units and Water Services and Sewer Laterals shown on the Special Assessment Roll. However, such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll. The Township reserves the right to charge an additional Water Availability Fee, Water Trunkage Fee, Water Service Fee, Sewer Availability Fee, Sewer Trunkage Fee and Sewer Lateral Fee for Premises for which there has been a lot split, a change in use of all or part of the Premises to a more intensive use or for which a Water Availability Fee or Sewer Availability Fee was not charged, regardless of the reasons, for the entire eligible frontage or area of the Premises.

b. **Authorization.** In general, special assessments are levied by the Township with respect to the System in accordance with the requirements of Act 188 of the Public Acts of Michigan of 1954, as amended.

c. **Lien.** A special assessment levied by the Township constitutes a lien upon the respective Premises assessed from the date of confirmation of the special assessment roll by the Township Board.

d. **Installment Payments.** Special assessments are typically paid in equal annual installments of principal payable on the due date established by the Township Board with interest on the unpaid balance at a rate set by resolution of the Township Board equal to 1% over prevailing tax exempt interest rates on special assessment bond issues of terms comparable to the repayment term of the special assessment with a maximum interest rate of 8% per annum.

e. **Prepayment.** The unpaid balance of a special assessment may be prepaid: (1) in part, on the annual installment due date; or (2) in full, at any time, with interest accrued through the month of prepayment.

f. **No Subordination.** The Township shall not subordinate the lien for the unpaid balance of the special assessment to any other lien. This subsection (f) shall not be subject to variance.

g. **Delinquent Payments/Reassessment on December 1 Tax Roll.** Special assessments are considered delinquent if not paid when due and additional interest shall be charged on the past due principal plus a penalty of 1% on the total past due amount, including the additional interest, for each month or fraction of a month that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township ad valorem tax roll. On September 1 of each year following the date when any special assessment has become due, the Township Treasurer is required to submit to the Township Board, a sworn statement setting forth the names of the persons delinquent, a description of the parcels of land upon which there are delinquent special assessments, and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. In the event the Treasurer reports as delinquent any special assessment or part thereof, the Township Board shall certify the same to the Township Supervisor who shall reassess on the annual Township ad valorem tax roll of such year, in a column headed "Special Assessments," the sum of the delinquent special assessment with interest and penalties computed to September 1, plus an additional penalty of 6% of the total amount set forth in the Treasurer's Sworn Statement. Thereafter, the state laws relating to the levy and collection of Township ad valorem taxes shall be applicable to such reassessments of special assessments.

## **Section 1705. Payment of Connection Fees in Installments.**

a. **Installment Payments.** In the circumstances described in subsection (b), the Township Board, in its sole discretion, may determine by resolution to allow those property owners who so elect to pay one or more of the Water Availability Fee, Water Trunkage Fee, Water Service Fee, Sewer Availability Fee, Sewer Trunkage Fee and/or Sewer Lateral Fee (collectively referred to as “connection fees” in this section) in installments in lieu of making payment in full, or instead of including the property on an active special assessment roll.

b. **Eligibility.**

(1) The Township Board shall allow payment of connection fees in installments only in the following circumstances:

(a) The Water System or Sewer System is to be extended, or service otherwise made available, for the first time to properties to which service was not previously available.

(b) It is determined by the Township Board that allowing payment in installments does not risk the placement of a financial burden on the Township’s utility operations and expansion programs, and is not otherwise contrary to the public interest.

(2) Installment payments under this Section shall not be available for a property owner or developer required to extend or install the Water System or Sewer System as a condition of subdivision, site condominium, or other land use approval.

c. **Fees; Repayment.** If the Township Board determines to allow payment of connection fees in installments, the Township Board shall determine and approve:

(1) the total amount of the connection fees applicable to each property, based upon construction costs, charges specified in this Ordinance, and other appropriate factors;

(2) the number of installments in which the connection fees may be paid;

(3) the interest rate to be levied against the unpaid balance of connection fees, which rate of interest shall be determined in the manner provided in Section 1704(d), and the date upon which interest shall begin to accrue; and

(4) the deadline for eligible property owners to make an election to pay connection fees in installments.

d. **Notice.** If the option of installment payment of connection fees is to be offered, the Township Board shall give notice, by regular mail, to the owners of all properties to whom service will be available. The notice shall include at least the following information:

(1) Notice that Public Water or Sewer will be available to the property, and that applicable connection fees may be paid in installments, with interest, in lieu of payment in cash.

(2) Whether immediate connection to the System will be required.

(3) The amount of the connection fees, if paid in a lump sum.

(4) The rate of interest to be charged upon the unpaid balance of connection fees and the date upon which interest will begin to accrue.

(5) The number of installments in which connection fees may be repaid.

(6) The date by which the property owner must give written notice of election to pay connection fees in installments.

e. **Election.** Only those property owners who make a written decision, on a form provided by the Township, before the deadline set by the Township Board, shall be eligible to pay connection fees in installments. The election shall be irrevocable.

f. **Lien.** A lien shall attach upon the respective Premises on the date when a properly executed election to pay connection fees in installments is signed by the owner of the Premises.

g. **Installment Payments.** For those properties for which connection fees are payable in installments, an annual installment equal to the connection fee divided by the number of installments, plus interest, which shall accrue 30 days after the date the installment payments are authorized by the Township and accrue through the due date, shall be billed in annual installments and collected in the same manner as other Rates and Charges, including, without limitation, the procedures set forth in Sections 1709, 1710 and 1712, until the connection fee and interest is paid in full.

h. **Prepayment.** The unpaid balance of a connection fee deferred by this section may be prepaid: (a) in part, on the annual installment due date; or (b) in full, at any time, with interest accrued through the month of pre payment.

i. **No Subordination.** The Township shall not subordinate the lien for the unpaid balance of the connection fee to any other lien. This subsection (h) shall not be subject to variance.

j. **Delinquent Payments/Reassessment on December 1 Tax Roll.** Annual installments of connection fees are considered delinquent if not paid when due and additional interest shall be charged on the past due principal plus a penalty of 1% on the total past due amount, including the additional interest, for each month or fraction of a month that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township ad valorem tax roll. On September 1 of each year following the date when any annual installment of a connection fee has become due, the Township Treasurer is required to submit to the Township Board, a sworn statement setting forth the names of the persons delinquent, a description of the

parcels of land upon which there are delinquent installments, and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. In the event the Treasurer reports as delinquent any connection fee installment or part thereof, the Township Board shall certify the same to the Township Supervisor who shall reassess on the annual Township ad valorem tax roll of such year, in a column headed "Connection Fees," the sum of the delinquent connection fee installments with interest and penalties computed to September 1, plus an additional penalty of 6% of the total amount set forth in the Treasurer's Sworn Statement. Thereafter, the state laws relating to the levy and collection of Township ad valorem taxes shall be applicable to such reassessments of connection fee installments.

**Section 1706. Prepayment of Fees.** An Owner of a Premises fronting on a public street right of way or on a public utility easement in which the Township has constructed an extension of the Water or Sewer System with Township funds on hand may, within 12 months from the date of acceptance of said extension by the Township, receive full credit towards payment of the applicable Water Availability Fee, Water Trunkage Fee, Water Service Fee, Sewer Availability Fee, Sewer Trunkage Fee and/or Sewer Lateral Fee by payment in cash of the pro rata costs of construction (which shall include all costs of engineering, administration and similar costs incurred by the Township for said extension) attributable to said Premises as determined by the Water and Sewer Advisory Committee.

**Section 1707. Transition from Billing in Advance to Billing in Arrears.** As part of the transition from billing certain Rates and Charges from in advance to in arrears, full credit shall be given to Customers for all Rates and Charges previously billed and paid in advance.

**Section 1708. Time Price Differential.** If Rates and Charges (except for connection fees payable in installments in accordance with Section 1705) are not paid on or before the due date or if a Miscellaneous Customer Fee, a Drainage Violation Fee, Sewage Meter Bypass Violation Fee, or a Water Meter Bypass Violation Fee is not paid within thirty (30) days after the date of mailing, then a time/price differential of 5.4% of the unpaid balance shall be added thereto per quarter or fraction of a quarter, until paid or until certified for inclusion on the Tax Roll.

**Section 1709. Unpaid Rates and Charges.**

a. If Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, and Act 94 of the Public Acts of Michigan of 1933, as amended, may (i) discontinue water and sewer service by disconnecting the Service Line from the Water Service or the Building Sewer from the Sewer Lateral, or by turning off the curb stop, or by physically disconnecting the Premises from the System, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township; (ii) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including time price differential, penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 1710 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity.

b. Under no circumstances shall actions taken by the Township to collect unpaid Rates and Charges, including time price differential penalties and interest, invalidate or waive the lien created by Section 1710 below.

c. Before disconnecting service, the Township shall give thirty (30) days written notice to the Customer at the last known address according to the Township records. The notice shall inform the Customer that the Customer may request an informal hearing before the Water and Sewer Advisory Committee to present reasons why service should not be disconnected.

#### **Section 1710. Lien.**

a. Rates and Charges shall be a lien on the respective Premises served by the System. The lien for the Water Readiness to Serve Fee, the Water Use Fee, the Sewer Readiness to Serve Fee and the Sewer Use Fee shall attach when the fees accrue in accordance with Section 1702 above; in the case of connection fees deferred under Section 1705, when the election is signed by the property owners; and in the case of other Rates and Charges, when they are first due and payable according to this Ordinance.

b. Whenever connection charges payable in installments in accordance with Section 1705 are not paid when due or other Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. Each year, on or before September 1, the Treasurer shall certify all delinquent Rates and Charges, together with the time price differential, interest and penalties thereon, plus an additional penalty equal to 6% of the total amount so certified, to the Township Supervisor, who shall enter the delinquent Rates and Charges, time price differential, interest and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premises.

#### **Section 1711. Rental Properties.**

a. Unless the Landlord satisfies, and maintains compliance with, the provisions of (b) below, billings for leased premises shall be sent to the Landlord and the Premises shall be subject to all liens and remedies provided by this Ordinance for collection of Rates and Charges.

b. A lien shall not attach for Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a Dwelling Unit thereon shall be liable for payment of Rates and Charges, effective only for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township twenty (20) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the Water Readiness to Serve Fee, the Water Use Fee, the Sewer Readiness to Serve Fee and the Sewer Use Fee, as appropriate for public water and/or public sewer Customers for the preceding four (4) quarterly billing periods, but not

less than the minimum amount per tenant set forth in the Schedule of Rates and Charges. Upon the failure of the tenant to pay the Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest, time price differential and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in this Ordinance shall be applicable with respect to the unpaid Rates and Charges, including interest, time price differential and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

c. At the time of change in occupancy of any Premises, the landlord must comply with subsection (b) with respect to each Dwelling Unit in question. Furthermore, as a condition of continuing service, all unpaid Rates and Charges pertaining to that Dwelling Unit must be paid.

d. This Section shall not apply to the lien for Connection Fees payable in installments pursuant to Section 1705.

**Section 1712. Re-establishment of Service.** Where the water service supplied to a Customer has been discontinued for nonpayment of Rates and Charges, service shall not be reestablished until all delinquent Rates and Charges, including time price differential, interest and penalties, and the turn-on charge has been paid.

**Section 1713. Administrative Billing Errors.**

a. If the Township finds an error in billing Rates and Charges, regardless of cause, that supports a refund to the Customer, the Township will correct the error and send the refund to the Customer with a written explanation.

b. If the Township finds a Township error in billing Rates and Charges that is not in any part the fault of the Customer and that results in back charges for the Customer, the Township will correct the error and inform the Customer in writing stating that an error has been found and corrected and that, based on the correction, the Customer can expect higher bills in the future.

c. If the Township finds an error in billing Rates and Charges that is in any part the fault of the Customer and that results in back charges for the Customer, the Township will back bill the Customer for all additional charges due.

d. In no event, shall the Township make a refund or back bill for services for more than a three (3) year period.

## **ARTICLE 18 ENFORCEMENT**

**Section 1801. Damage to System.** No unauthorized Person shall maliciously, willfully, recklessly or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Building Sewer to or from a Sewer Lateral or any Service Line to or from a Water Service or tamper with or modify any Meter, fire hydrant, pump, valving appurtenance, flow control section or sampling equipment with the effect, without limitation, of rendering inaccurate any Meter or other monitoring equipment.

**Section 1802. Notice to Cease and Desist.** Except for violations of Section 1801 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 1803. Civil Infraction.** Any violation of Section 1801 or any violation beyond the time limit provided for in Section 1802, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney’s fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue citations for municipal civil infractions for violations of the Ordinance.

**Section 1804. Nuisance; Abatement.** Any Nuisance, Health Hazard or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health may enforce this Ordinance by injunction or other legal or equitable remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such Nuisance, Health Hazard or violation. The person who violated the Ordinance or permitted such Nuisance, Health Hazard or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney’s fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous Customer Fee.

**Section 1805. Liability for Expenses.** Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney’s fees, loss, or damage incurred by the Township or its authorized representative by reason of such violation as Miscellaneous Customer Fee.

**Section 1806. Remedies.** The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township.

## **ARTICLE 19 VALIDITY**

**Section 1901. Conflicting Ordinances; Repeal.** This Ordinance is intended to replace and supersede existing Township ordinances pertaining to the administration, use, connection, and related matters pertaining to the System, including the setting of rates and fees, including but not limited to Ordinance No. 06-APRIL-10-WS-ORD, adopted April 10, 2006, and Ordinance No. 07-APRIL-09-WS-ORD, adopted April 9, 2007. Accordingly all ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed. It is understood, however, that the adoption of this Ordinance or its subsequent amendment or repeal shall in no way change, relieve or release the existing contractual obligations of the Township with respect to the System.

**Section 1902. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 1903. Higher Standards.** If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

## **ARTICLE 20 AMENDMENT**

**Section 2001. Right to Amend.** The Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

**ARTICLE 21**  
**PUBLICATION AND EFFECTIVE DATE**

**Section 2101. Publication.** A true copy or a summary of this Ordinance shall be published in *The South Advance* within thirty (30) days after the adoption of the Ordinance by the Township.

**Section 2102. Effective Date.** This Ordinance shall be in full force and effect upon publication of this Ordinance or a summary thereof.

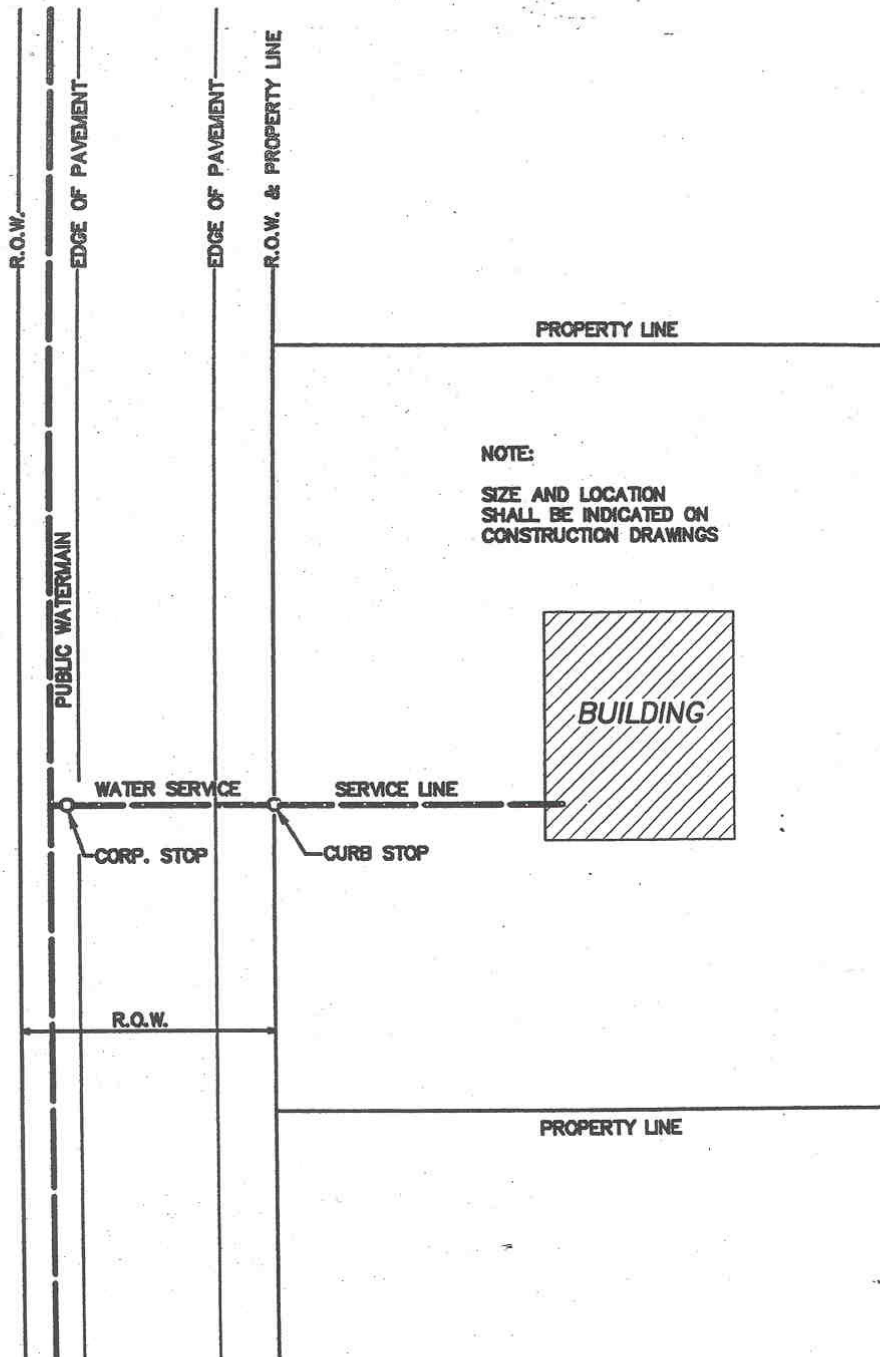
Passed and adopted by the Township Board of the Charter Township of Gaines, County of Kent, Michigan, on\_\_\_\_\_, 2008, and approved by me on\_\_\_\_\_, 2008.

\_\_\_\_\_  
Donald R. Hilton, Sr., Supervisor  
Charter Township of Gaines

Attest:

\_\_\_\_\_  
Crystal Osterink, Township Clerk

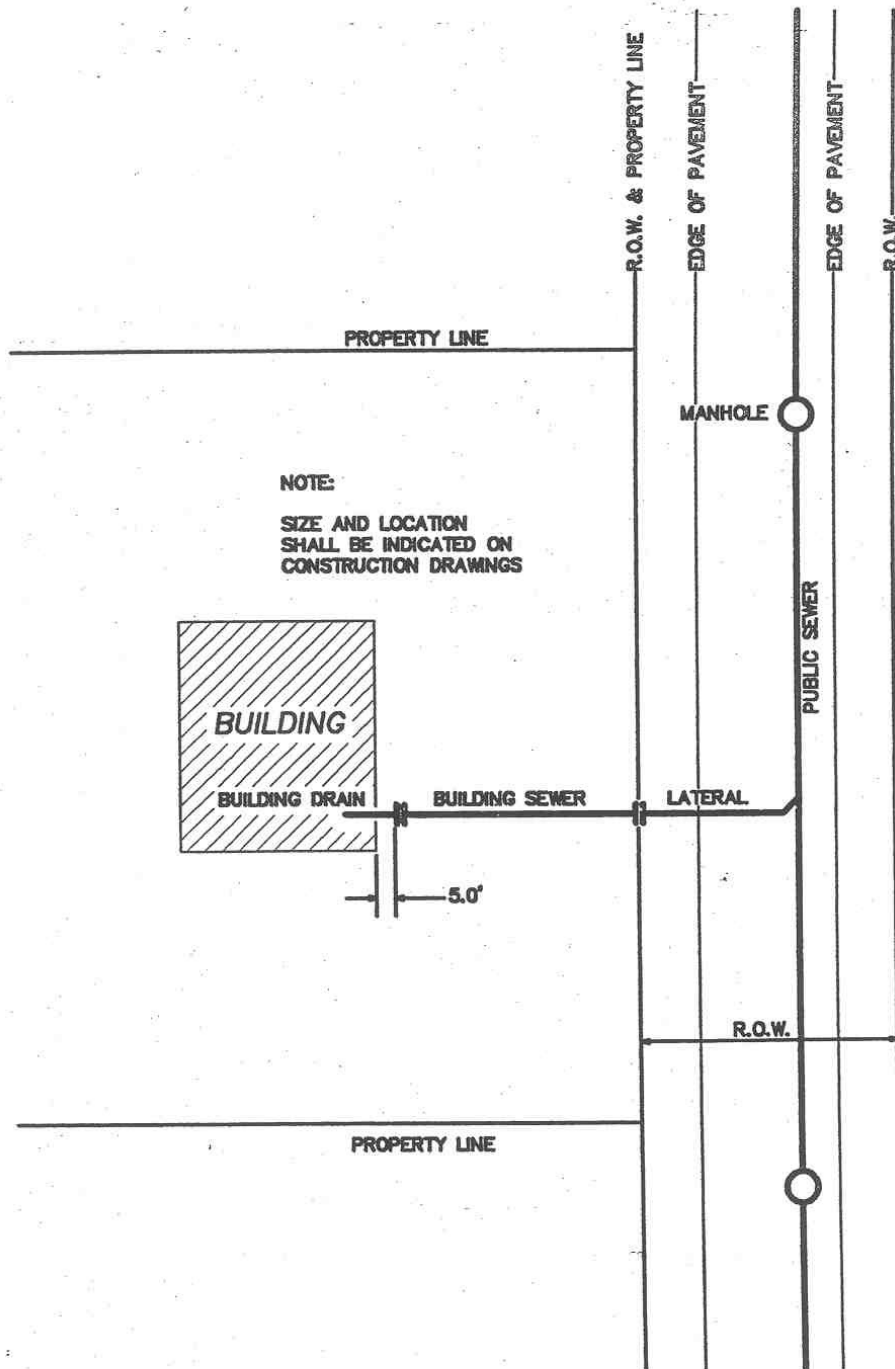
## APPENDIX A



**TYPICAL WATER CONNECTION**

**Prein & Newhof**  
 Engineers, Surveyors, Architects and Drafters

## APPENDIX B



**TYPICAL SEWER CONNECTION**

**Prein & Newhof**  
Engineers, Surveyors, Planners and Scientists

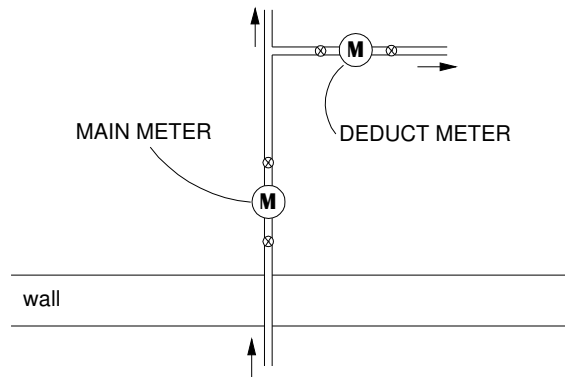
## APPENDIX C

### SUBMETER POLICY

The Township allows Submeters to be installed in homes, and commercial or industrial buildings to distinguish water used for potable purposes and water used for irrigation or other purposes where the water does not enter the sewer system. Two submetering configurations are allowed for these purposes as shown below. Please be prepared to indicate the type of Submeter on the permit application for water service. **\*\*Please note that Byron Township prefers Add Meters and Gaines Charter Township prefers Deduct Meters.**

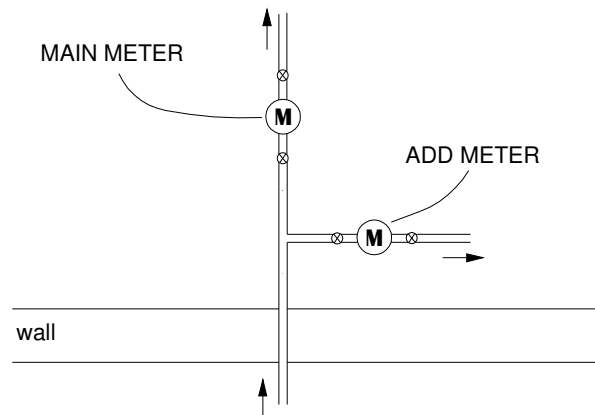
#### Deduct Meters

Deduct meters are installed on the water service after the main meter. The main water line is “teed” and a meter is installed on the tee typically for the purpose of measuring irrigation water. This type of Submeter is used to subtract the water used for irrigation/cooling/humidification from the main meter so that the sewer usage can be calculated accurately.



#### Add Meters

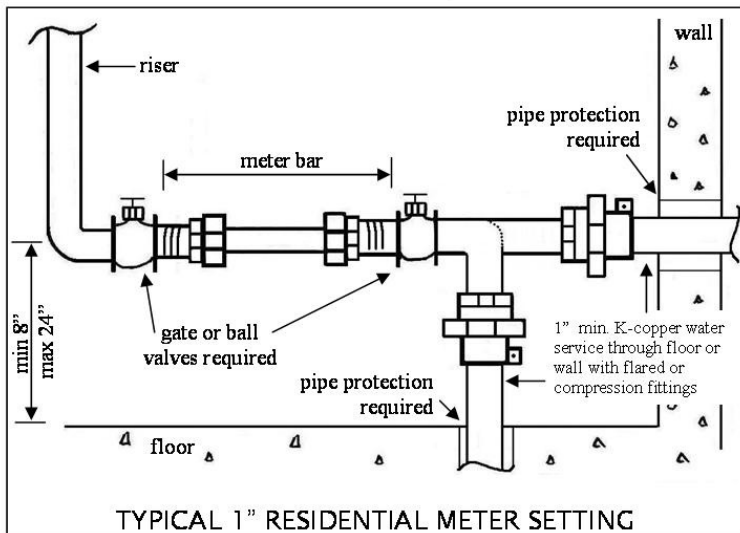
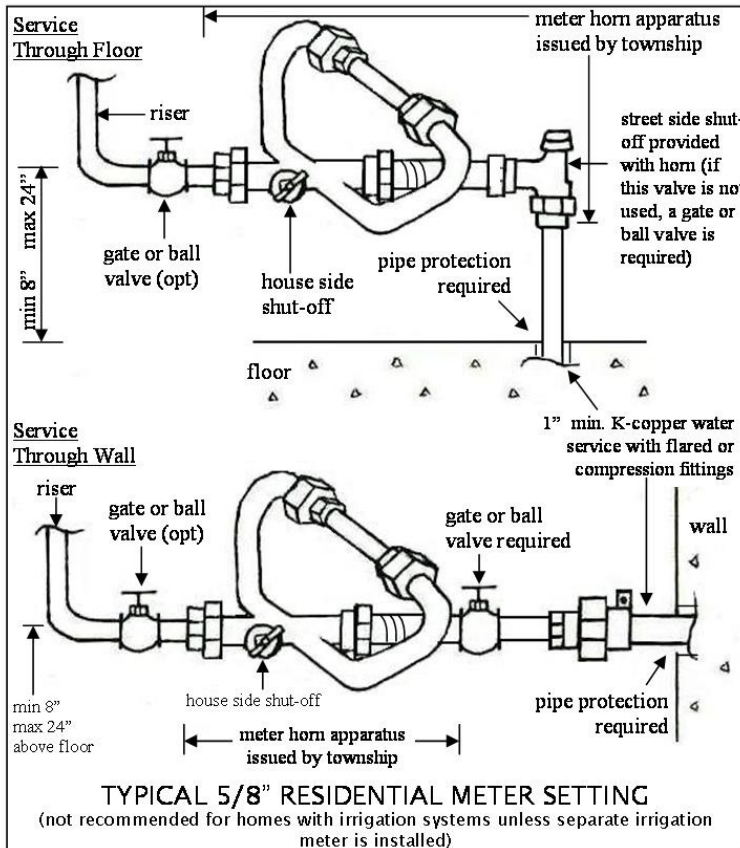
Add meters are installed on the water service before the main meter off a tee in the service line. This type of Submeter adds to the total water used so that the water bill can be calculated accurately. Note that the Township may bill for this water usage separately.



NOTE: ALL SUBMETERS MUST BE ISSUED A WATER PERMIT BY THE TOWNSHIP WATER & SEWER DEPARTMENT PRIOR TO INSTALLATION. ALSO, IT MAY BE NECESSARY TO OBTAIN A PLUMBING PERMIT IF CHANGES ARE TO BE MADE TO THE PLUMBING SYSTEM.

# **Byron-Gaines Utility Authority** **RESIDENTIAL Meter Set Drawings WITHOUT IRRIGATION METER** **for Byron and Gaines Townships**

For all meter sets, call (616) 971-0002 by 3:00 pm the day before meter is needed.  
 Have address and water permit number ready when calling.



## **REQUIREMENTS FOR METER SETS:**

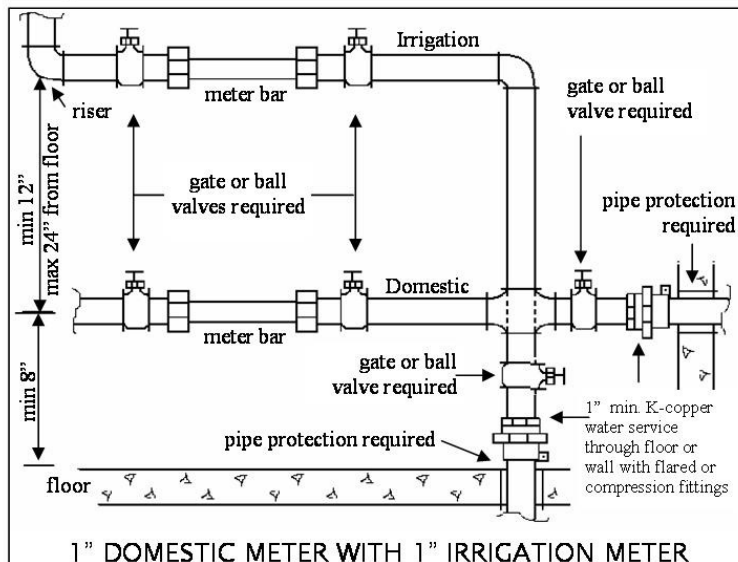
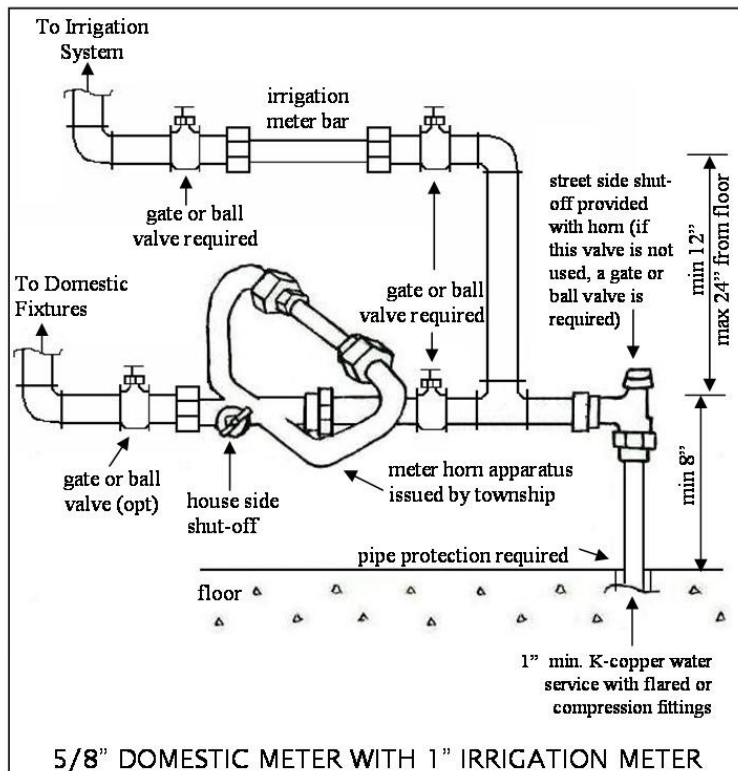
1. All plumbing must meet state and local codes, ordinances and Byron-Gaines Utility Authority Standard Construction Requirements.
2. Water may be used for construction prior to meter set on NEW residential only. Existing homes must have meter set prior to use.
3. Curb stop box must be at grade or above, clean and readily accessible prior to meter set.
4. Driveway and sidewalks must be poured. (Waivers are available from Dec. 1 to Apr. 1 each year, contact office for details.)
5. Water service and meter must be protected from freezing and theft.
6. The area around meter must be easily accessible with a 12" minimum and 24" maximum from outside wall.
7. Do not use pipe dope on meter bar couplings as these must be loosened at time of meter set.
8. All pipe nipples and fittings prior to meter must be threaded brass.
9. Meter horn or bar must be plumbed in with at least a riser past the house side outlet valve. Riser must be secured to wall or ceiling.
10. Meter bar or horn must be installed so that the meter will be horizontal.
11. Shut-off valves must be the same size as the water meter connection.
12. If installing irrigation system, 1" copper pipe is recommended to be installed from meter to irrigation tee to reduce noise.
13. Irrigation systems require backflow preventers on irrigation supply line.

REVISED 01/2007 kmh

# **Byron-Gaines Utility Authority** **RESIDENTIAL Meter Set Drawings with IRRIGATION METER** **for Byron and Gaines Townships**

For all meter sets, call (616) 971-0002 by 3:00 pm the day before meter is needed.  
 Have address and water permit number ready when calling.

## **REQUIREMENTS FOR METER SETS:**



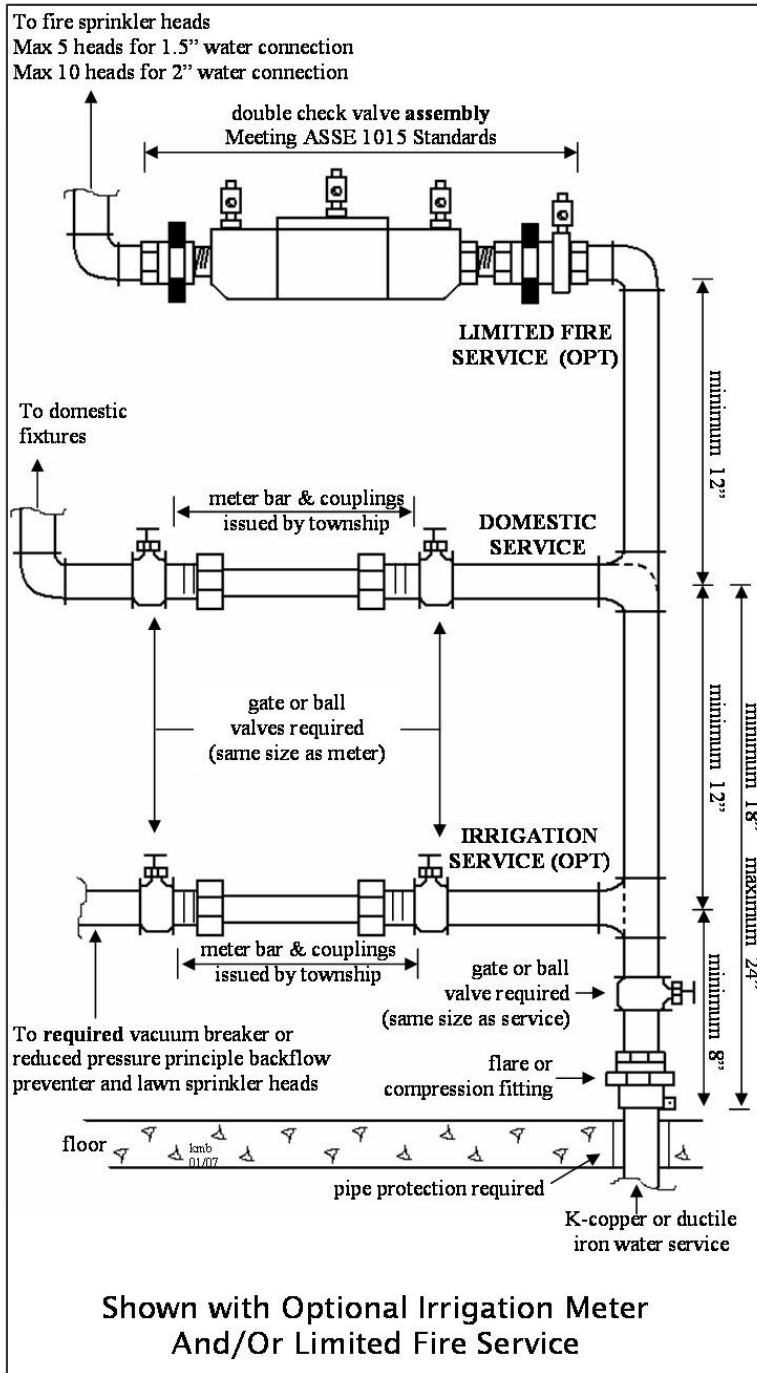
1. All plumbing must meet state and local codes, ordinances and Byron-Gaines Utility Authority Standard Construction Requirements.
2. Water may be used for construction prior to meter set on NEW residential only. Existing homes must have meter set prior to use.
3. Curb stop box must be at grade or above, clean and readily accessible prior to meter set.
4. Driveway and sidewalks must be poured. (Waivers are available from Dec. 1 to Apr. 1 each year, contact office for details.)
5. Water service and meter must be protected from freezing and theft.
6. The area around meter must be easily accessible with a 12" minimum and 24" maximum from outside wall.
7. Do not use pipe dope on meter bar couplings as these must be loosened at time of meter set.
8. All pipe nipples and fittings prior to meter must be threaded brass.
9. Meter horn or bar must be plumbed in with at least a riser past the house side outlet valve. Riser must be secured to wall or ceiling.
10. Meter bar or horn must be installed so that the meter will be horizontal.
11. Shut-off valves must be the same size as the water meter connection.
12. If installing irrigation system, 1" copper pipe is recommended to be installed from meter to irrigation tee to reduce noise.
13. Irrigation systems require backflow preventers on irrigation supply line.

REVISED 01/02/08 kmb

## Byron-Gaines Utility Authority

### COMMERCIAL Meter Set Drawing for Byron and Gaines Townships

For all meter sets, call (616) 971-0002 by 3:00 pm the day before meter is needed.  
Have address and water permit number ready when calling.



#### REQUIREMENTS:

1. Meter bar must be plumbed in with at least a riser past outlet valve. All outlet piping must be supported.
2. Curb stop box must be above grade, clean & readily accessible. Contractor is responsible for condition of curb stop box during construction process.
3. Water service and meter must be protected from freezing and theft.
4. The area around meter must be easily accessible with 12" minimum and 24" maximum from outside wall.
5. Do not use pipe dope on meter bar couplings as these must be loosened to set meter.
6. **Bypasses are NOT allowed.** Exemptions may be requested from Township Water & Sewer Dept. Bypass drawings are available.
7. Meter pits are NOT allowed.
8. Water CANNOT be used prior to the meter being set.
9. All pipe nipples and fittings prior to meter must be threaded brass.
10. All plumbing must meet local codes, ordinances and BGUA Standard Construction Requirements.

#### NOTES FOR 3" METERS & LARGER:

- Meters 3" and larger must be installed by contractor.
- Contractor must order meter through the BGUA office at least 6 weeks before needed. Payment is required prior to release of meter.
- Contractor must notify BGUA office when meter is set so a remote reading device can be installed.

REVISED 01/2007 kmb

## **APPENDIX D**

### **USE OF THE PORTION OF THE SEWER SYSTEM SERVED BY THE CITY OF WYOMING**

#### **Section D101. Purpose.**

The purpose of this Appendix D is to establish standards, rules and regulations with respect to the use of the Wyoming Sewage Works; to provide for rates and charges for connection to and use of the System and to prevent the pollution of the environment.

(1) This Appendix D sets forth uniform requirements for Dischargers into the Wyoming Sewage Works, and enables the Wyoming Sewage Works to protect public health in conformity with all applicable State and Federal laws relating thereto.

(2) The objectives of this Appendix D are:

- a. To prevent the introduction of pollutants into the Wyoming Sewage Works which will interfere with the normal operation of the System or contaminate the resulting sludge;
- b. To prevent the introduction of pollutants into the Wyoming Sewage Works which do not receive adequate treatment in the POTW, and which will pass through the System into the receiving waters or the atmosphere or otherwise be incompatible with the Wyoming Sewage Works;
- c. To improve the opportunity to recycle and reclaim wastewater and sludge from the Wyoming Sewage Works.

(3) This Appendix D provides for the regulation of discharges into the Wyoming Sewage Works through the issuance of permits.

#### **Section D102. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the words, terms and phrases, when used in this Appendix D, shall be as defined in the Water and Sewer Connection, Use and Rate Ordinance or as follows:

(1) *25 percent rule* means that the combined depth of oil and grease and other solids (floating and settled) in any chamber of a trap shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the trap.

(2) *Act* means the Federal Water Pollution Control Act and the Clean Water Act, Public Law 92 500, as adopted in 1972 and amended on February 4, 1987, as amended.

(3) *Alternative discharge limit* means limits set by the City in lieu of the promulgated National Categorical Pretreatment Standards for integrated facilities in accordance with the combined wastestream formula, as established by the EPA.

(4) *Authorized representative of industrial user* means:

- (1) If the industrial user is a corporation, a responsible corporate officer such as:
  - a. President, secretary, treasurer, or vice president in charge of principle business function, or any other person who performs similar policy or decision making processes for the corporation.
  - b. A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars).
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individuals designated in subsections (1) and (2) of this definition if:
  - a. The authorization made in writing by the individuals described in subsections (1) and (2) of this definition and;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the city.

(5) *Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (without the addition of nitrification inhibitors, and expressed in terms of milligrams per liter).

(6) *Building drain* means that part of the lowest horizontal piping of a drainage system that receives the drainage from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(7) *Building official* means the director of utilities, building inspector, the city engineer or another designated agent of the city.

(8) *Building sewers* means the extension from the building drain to the public sewer or other places of disposal.

(9) *Cesspool* means an underground pit into which raw sewage or other untreated liquid waste is discharged and from which the liquid seeps into surrounding soil or is otherwise removed.

(10) *Chemical oxygen demand (COD)* means a measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. It is also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

(11) *Chlorine demand* means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

(12) *Combined sewer* means a sewer receiving both surface runoff and sewage.

(13) *Combined wastestream* means the wastestream at industrial facilities where regulated process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process. Where required by federal or state law, and only to the extent required by federal or state law, the combined wastestream formula provided in 40 CFR 403 will apply to the limits applicable to a combined wastestream.

(14) *Compatible pollutant* means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and grease of animal or vegetable origin.

(15) *Composite sample* means a series of representative samples taken over a specific time period and combined into one sample.

(16) *Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which only heat is added.

(17) *Debt Service Charges* means the charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the sewage works.

(18) *Director* means the City's director of utilities or the authorized deputy, agent or representative.

(19) *Domestic Users* means a user of the sewage works whose discharge into the system is primarily household and human waste.

(20) *Dosing chamber* means a watertight tank or receptacle used for the purpose of retaining the overflow of effluent from a septic tank, pending its automatic discharge to a selected point.

(21) *Dosing siphon* means a mechanical device which will automatically cause a liquid entering a receptacle to be siphoned away until a second predetermined lower level has been reached, at which time the flow from the receptacle ceases until the high water level has again been attained.

(22) *Dry well* means a seepage pit.

(23) *Dwelling unit* means a building or portion thereof used for dwelling purposes and having cooking facilities, which is occupied solely as a home residence or sleeping place of one family.

(24) *Environmental Protection Agency (EPA)* means the U.S. Environmental Protection Agency, administrator or other duly authorized official.

(25) *Footing drain* means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.

(26) *Garbage* means liquid and solid wastes from the storage, preparation, cooking and dispensing of food and from the growing, handling, storage or sale of produce or other edible products.

(27) *Grab sample* means a sample which is taken from a wastestream on a one time basis with no regard to the flow in the wastestream and without consideration of time.

(28) *Grease trap* means a device designed to separate and retain fats, oils and grease from liquid waste to discharge into the sewer system.

(29) *Holding tank waste* means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks or vacuum pump tank trucks.

(30) *Incompatible pollutant* means any pollutant which is not compatible with biological treatment or removal of which is not designed into the treatment process.

(31) *Industrial wastes* means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structures with these characteristics.

(32) *Integrated facilities* means industrial facilities where wastestreams are combined prior to treatment.

(33) *Interference* means any discharge which alone or in conjunction with discharges from other sources, both:

- (1) Inhibits or disrupts the POTW and any of its process or operations, or its sludge use or disposal; and

- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal.

(34) *Laboratory determination* means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test or analysis of Standard Methods for Examination of Water and Waste Water, a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other method prescribed by or approved by EPA or MDEQ.

(35) *National categorical pretreatment standard* means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

(36) *National Pollution Discharge Elimination System permit (NPDES permit)* means a permit issued pursuant to section 402 of the Act (33 USC 1342), as amended.

(37) *National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5, as amended.

(38) *Natural outlet* means any outlet into a watercourse, pond, stream, river, ditch, lake or other body of surface water or groundwater.

(39) *New source* means:

- (1) Any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)b or (1 )c of this definition but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this definition has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous on site construction program:
    - 1. Any placement, assembly, or installation of facilities or equipment; or
    - 2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment;
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

(40) *Operation and maintenance* means all work, materials, equipment, utilities, administration and other efforts required to operate and maintain the sewage works including the cost of replacement.

(41) *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).

(42) *Penalty* means a charge for discharge of non-compatible substances including pH in violation of the wastewater discharge permit.

(43) *pH* means the logarithm (base 10) of the reciprocal of the concentration, of hydrogen ions expressed in grams per liter of solution.

(44) *Pollutant* means any of various chemicals, substances and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat and industrial, municipal and agricultural wastes which impair the purity of the water or soil.

(45) *Pollution* means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(46) *Premises* means a lot, parcel or plot of land including the buildings or structures thereon or any part thereof.

(47) *Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d), as amended.

(48) *Pretreatment facilities* means devices or structures for use in treating industrial waste prior to entry into public sewers.

(49) *Pretreatment requirements* means any substantive or procedural requirement for treating of a waste prior to discharge to the sewers.

(50) *Pretreatment standards* means National Categorical Pretreatment Standards, alternative discharge limits or other federal, state or local standards, whichever are applicable.

(51) *Private sewage works* means any sewage works or part thereof not connected to a public sewer and shall include, but not be limited to, septic tanks, cesspools and seepage pits.

(52) *Properly ground garbage* means garbage or vegetable wastes that has been ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-eighth of an inch in any dimension. The use of garbage grinder installations are restricted to locations where food is prepared for consumption on the premises. Installation of a garbage grinder with a three fourths horsepower motor or greater shall be subject to approval by the director.

(53) *Property from which sanitary sewage emanates* means any parcel of land as described in the last recorded deed of conveyance pertaining thereto on which there is located a structure in which water is used or is available for use to household, commercial, industrial or other purposes.

(54) *Public nuisance* means anything which is injurious to health, is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with human comfort or enjoyment of life or property, whether affecting individual interests per se or affecting at the same time an entire community or neighborhood of any considerable number of persons, although the extent of the annoyance, interference or damage may not be inflicted equally upon the persons therein.

(55) *Public sewer* means a city sewer or any part thereof.

(56) *Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the Clean Water Act, which is owned in this case by the city. This definition includes any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage

or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances if they convey wastewater to a POTW treatment plant.

(57) *POTW treatment plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(58) *Quality control* means a formal program designed to monitor the reliability (accuracy and precision) of reported analytical results.

(59) *Replacement* means the replacement, in whole or in part, of any equipment in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other state and federal regulations.

(60) *Sanitary sewer* means a sewer designed to carry sewage only.

(61) *Seepage pit* means an underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

(62) *Septic tank* means a receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

(63) *Sewage or wastewater* means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the sewage works.

(64) *Sewage works* means the sanitary sewage collection system any part thereof and the wastewater treatment facility.

(65) *Sewer* means a pipe or conduit for carrying sewage.

(66) *Sewer connection permit* means a written permit issued by the city prior to using, connecting, altering or opening any public sewer or appurtenance thereof.

(67) *Sewer service charge* means any applicable user charges, surcharges and debt service charges.

(68) *Significant industrial user* means, except as provided in subsection (3) of this definition:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process

wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- (3) Upon finding that an industrial user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.

(69) *Significant non-compliance* means one or more of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six month period exceed, by any magnitude, the daily maximum limit (or grab sample limit) or average limit (or composite limit) for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit (or grab sample limit) or the average limit (or composite limit) multiplied by the applicable TRC value (TRC=1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the wastewater discharge permit or other enforcement orders for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; or

(8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(70) *Slugload* means any pollutant, including compatible pollutants, released in a single extraordinary discharge episode of such volume or strength as to cause interference to the sewage works.

(71) *Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

(72) *Storm sewer or storm drain* means a sewer designed to carry stormwater and surface water and drainage only.

(73) *Subsurface disposal field* means a system for the distribution of septic tank overflow or effluent below the ground surface through a line or a series of branch lines, of drain tile laid with open joint to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

(74) *Superintendent* means the wastewater treatment plant superintendent, or his duly authorized representative.

(75) *Surcharge* means a charge to cover the cost of treating sewage which exceeds limits as established in this Appendix D. A surcharge is appropriate to cover costs of treating extra strength compatible waste which are authorized by order of determination. A surcharge is not acceptable as a sole remedy for violations of limits.

(76) *Suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

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

(78) *Total toxic organics (TTO)* means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter for toxic organics listed in the federal categorical pretreatment standards or as defined by the director.

(79) *Toxic pollutant* means any pollutant or combination of pollutants which is or can potentially be harmful to the public health, treatment or environment, including those listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency, under the provisions, of CWA 307(a) or other acts, as amended.

(80) *Upset* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of facts beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(81) *User* means any person who contributes, causes or permits the contribution of wastewater into the sewage works.

(82) *User charge* means a charge levied to users of a treatment works for the cost of sewage works including operation, maintenance and capital charges.

(83) *User class* means the kind of user connected to sanitary sewers including, but not limited to, the following:

- (1) Residential. A user of a dwelling unit discharging domestic waste.
- (2) Industrial. Any non-domestic user which also contributes, causes or permits the contribution or introduction of wastewater or pollutants into the POTW, whether intentionally or unintentionally, and whether directly or indirectly. For purposes of this Appendix, industrial users may also meet the definitions of governmental, commercial or institutional users.
- (3) Commercial user. Commercial users are divided into two categories, namely commercial domestic and commercial industrial. Commercial industrial means any commercial user where there is or can be any discharge into the sewage system other than normal domestic waste because of the particular type of operation including, but not limited to, carwashes, bakeries and restaurants. All other commercial users shall be called commercial domestic.
- (4) Institutional. Any establishment involved in a social, charitable, religious or educational function which, based on a determination by the director discharges primarily domestic waste.
- (5) Governmental. Any federal, state or local governmental unit or agency.

(84) *Wastewater* means the liquid and water carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions including, without limitation, contaminated groundwater and landfill leachate, whether treated or untreated, that is contributed, introduced or discharged into the POTW.

(85) *Wastewater discharge permit* means as set forth in Section D104, a written permit issued by the director to non-domestic users of the POTW.

(86) *Watercourse* means a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.

(87) *Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**Section D103. Abbreviations.**

The following abbreviations shall have the designated meanings:

- (1) BOD, biochemical oxygen demand;
- (2) CFR, Code of Federal Regulations;
- (3) COD, chemical oxygen demand;
- (4) EPA, Environmental Protection Agency;
- (5) L, liter;
- (6) MDEQ, state department of environmental quality;
- (7) mg, milligrams;
- (8) mg/l, milligrams per liter;
- (9) NPDES, National Pollutant Discharge Elimination System;
- (10) SIC, standard industrial classification;
- (11) SS, suspended solids;
- (12) TTO, total toxic organics;
- (13) USC, United States Code;
- (14) O&M, operation and maintenance;
- (15) CWA, Clean Water Act;
- (16) µg, micrograms;
- (17) POTW, publicly owned treatment works;
- (18) ppm, parts per million;
- (19) ppb, parts per billion;
- (20) MG, million gallons;
- (21) gpd, gallons per day;
- (22) Cd, cadmium;
- (23) Cr, chromium;

- (24) Cu, copper;
- (25) Pb, lead;
- (26) Ni, nickel;
- (27) Zn, zinc;
- (28) CN, cyanide;
- (29) Ag, silver;
- (30) Hg, mercury;
- (31) As, arsenic; and
- (32) Be, beryllium.

#### **Section D104. Wastewater Discharge Permits Generally.**

The director shall by written permit establish the maximum relative strength of sewage and industrial waste to be discharged into the public sewer by non-domestic users. Prior to the initial issuance of a permit or 90 days prior to the expiration of an existing permit, non-domestic users shall submit the information outlined in Section D106. Wastewater discharge permit fees shall be paid in the amount as set by resolution of the city council from time to time and on file in city hall. Permits shall contain, at a minimum, the following conditions:

- (1) A statement of duration (in no case more than five years);
- (2) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Effluent limits based upon applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law;
- (4) Self monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based upon general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law;
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; and
- (6) A statement to enable authorized representatives of the POTW, state, and EPA to enter and inspect the premises of non-domestic users.

#### **Section D105. Wastewater Discharge Permits Review and Adjustment.**

Any permit issued by the director may be periodically reviewed and adjusted.

## **Section D106. Wastewater Contribution Information.**

(a) Information required. All non-domestic users proposing to connect to or to contribute to the sewage works shall submit information on their processes and wastewater to the city before connecting to or contributing to the sewage works. All existing industrial users connected to or contributing to the sewage works shall submit this information upon request of the director. At least 90 days prior to the commencement of discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the city a report which contains the information in this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (a)(4) and (a)(7) of this section. The information submitted shall be sufficient for the city to determine the impact of the user's discharge on the sewage works and the need for pretreatment. Any statements or information submitted in connection with this section shall be signed by an authorized representative of the company. The user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name of the operator and owners, facility name, address and location.
- (2) A list of any environmental control permits held by or for the facility.
- (3) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (4) Measurement of pollutants. For industrial users subject to categorical pretreatment standards, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass where required) shall be reported. The sample shall be representative of daily operations.
  - a. 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 city may waive flow proportional sampling for any industrial user that demonstrates that flow proportional sampling is infeasible. In such cases samples must 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.
  - b. The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

- c. 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 prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula.
  - d. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the 40 CFR 136 sampling and 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 parties approved by the director.
  - e. If this report is a baseline report, the city may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. The baseline report shall indicate the time, date and place of sampling; the methods of analysis; and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (5) Average rate of production.
  - (6) Time and duration of contribution.
  - (7) Average daily and maximum wastewater flow rates from all regulated process streams and other waste streams as necessary to allow use of the combined wastestream formula, including daily, monthly and seasonal variations, if any. The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
  - (8) Industries identified as significant industries or subject to the national categorical pretreatment standards or alternative discharge limits or those required by the city must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation. For industrial users subject to categorical pretreatment standards, a schematic process diagram identifying the location of points of discharge from all regulated processes as well as the pretreatment standards applicable to each regulated point of discharge shall also be submitted.
  - (9) Description of activities, facilities and plant processes on the premises including all materials or pollutants which are or could be discharged.

- (10) The user shall submit a certification statement reviewed and signed by an authorized representative indicating whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required by the industrial user to meet applicable pretreatment standards.
- (11) If additional pretreatment or O&M will be required to meet the pretreatment standards, the user will provide 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 facilities required for the user to meet the applicable pretreatment standards.
  - b. No such increment shall exceed nine months.
  - c. 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 director including, as 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 user to return the construction to the schedule established. In no event shall more than nine months elapse between such increments of progress.
- (12) Type and amount of raw materials.
- (13) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (14) Location of sampling manhole.
- (15) Any other information as may be deemed by the city to be necessary to evaluate the impact of the discharge on the sewage works.

(b) Hazardous waste information requirement. Any industrial user must inform the appropriate authorities upon discharge of hazardous waste as follows:

- (1) Any industrial user shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100

kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of the constituents in the wastestream expected to be discharged during the following 12 months. Industrial users shall provide this notification no later than 180 days after the discharge of the listed or characteristic hazardous waste commences. Any notification under this section need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self monitoring requirements in this Appendix.

- (2) Dischargers are exempt from the requirements of subsection (b)(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e) requires a one time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous wastes or listing any additional substances as hazardous wastes, the industrial user must notify the POTW, the EPA regional waste management waste division director, and the state hazardous waste authorities of the discharge of such substances within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under subsection (b) of this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

#### **Section D107. Confidential Information.**

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user and that such information need not be disclosed in accordance with any applicable Freedom of Information Act or any other applicable law. When requested by the person furnishing a report which might disclose trade secrets, such report shall be kept confidential to the extent permitted by law except that the report shall be made available upon written request to governmental agencies for

uses related to this Appendix, the NPDES permit or any pretreatment programs, and it shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten day notification is given to the user. If any applicable state or federal law, rule or regulation conflicts with any provision in this Appendix by requiring a greater degree of disclosure, that state or federal law, rule or regulation shall govern.

#### **Section D108. Wastewater Discharges.**

No person shall discharge into the waters of the state within the city or in any area under the jurisdiction of the city or to the sewage works any wastewater except as authorized by the director in accordance with the provisions of this Appendix.

#### **Section D109. Liquid Discharges.**

No person shall discharge or cause to be discharged any type of liquid into any sanitary sewer unless specifically permitted by the director.

#### **Section D110. Waste Hauler Discharges.**

Waste haulers who are authorized to discharge into the POTW shall be required to pay fees as established by resolution of the city council from time to time and on file in the city hall, in addition to any surcharges. Discharge shall be allowed only at such points as designated by the city. Waste haulers applying for discharge authorization shall submit the information requested in Section D106 prior to receiving authorization.

#### **Section D111. Discharge Regulations, Charges and Fees.**

Wastewater discharges shall be expressly subject to all provisions of this Appendix and all other applicable regulations, user charges and fees established by the city. In addition, the city may:

- (1) Establish unit charges, surcharges or a schedule of user charges and fees for the wastewater to be discharged into the sewage works;
- (2) Limit the average and maximum wastewater constituents and characteristics;
- (3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- (4) Require the installation and maintenance of inspection and sampling facilities;
- (5) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

- (6) Establish compliance schedules;
- (7) Require submission of technical reports or discharge reports;
- (8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the city, and affording city access thereto, and copying thereof;
- (9) Require notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Require notification of slug discharges;
- (11) Require other conditions as deemed appropriate by the city to ensure compliance with this Appendix D.

#### **Section D112. Monitoring Facilities.**

(a) The city may require a user to provide, maintain and operate monitoring facilities at the user's expense. Such facilities may include any or all of the following: a source of power, a sampling manhole meeting the specifications required by the city, an approved sampler, and flow monitoring devices as required by the director to allow for inspection, sampling and flow measurement of the building sewer and internal drainage systems. Such facilities shall be kept free of snow, parked vehicles or other obstructions. The monitoring facility shall be situated on the user's premises in an area accessible to a vehicle, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the city and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city of requiring such facilities unless the completion date is extended by the director at his discretion.

(b) Flow measurement devices on building sewers shall be checked and necessary repairs made on an annual basis. Such maintenance and checks shall be performed by the equipment manufacturer or an authorized designee who shall certify in writing to the director as to the accuracy of the equipment.

#### **Section D113. Meters Required.**

All users shall have meters on all water sources that ultimately discharge into the sewage works or shall meter the liquid wastes at the point of discharge into the sewage works. All meters shall be approved by the city.

#### **Section D114. Inspection and Sampling.**

(a) The city may inspect the facilities of any user to ascertain whether the requirements of this Appendix are being met. Persons or occupants of premises where wastewater is created or discharged shall allow the city's representatives access to all parts of the premises for the purposes of inspection, sampling, records examination, record copying or any other task necessary in the performance of their duties. Non-domestic users shall be subject to inspection fees as stipulated by resolution of the city council from time to time and on file in city hall.

(b) The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require property identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(c) Refusal to allow duly authorized representatives entry shall be considered a violation of this Appendix D and may be considered grounds for discontinuing of sewer or water services, or both.

#### **Section D115. Refusing Entry for Inspection; Issuance of Search Warrant.**

Whenever the building official or director deems it necessary to enter upon any property at a reasonable hour for the purposes of inspection, observation, measurement, sampling and testing of enforcement in accordance with the provisions of this Appendix, and is refused such entry, the official who is refused such entry may make an affidavit in writing, under oath to the district court stating the facts of the case so far as it may be known to the complainant. The court may, issue a search warrant or inspection or other order allowing the director, building official or his representatives to enter upon such property to the extent and time necessary to enforce and carry out the provisions of this Appendix.

#### **Section D116. Sampling and Analytical Fee.**

Industrial users may be charged a sampling and analytical fee in cases where the city must utilize the analytical capabilities of a private laboratory in order to determine compliance with pretreatment standards. This fee shall be equal to the actual costs incurred by the city plus an additional administrative fee.

#### **Section D117. Self Monitoring.**

The city may require industrial users to conduct self monitoring. The city shall determine the frequency of self monitoring necessary to assess and assure compliance by the industrial user with applicable pretreatment standards and requirements. The city may require the industrial user to provide a split of self monitoring samples. The city shall require appropriate reporting from industrial users required to conduct self monitoring.

#### **Section D118. Sampling and Analysis Procedures and Methods.**

All sampling and analyses conducted shall be performed in accordance with the procedures and methods detailed in the most current version of:

- (1) “Standard Methods for the Examination of Water and Wastewater,” American Public Health Association.
- (2) “Manual of Methods for Chemical Analysis of Water and Wastes,” United States Environmental Protection Agency.
- (3) Any other method as may be approved by the city.

#### **Section D119. Laboratory Utilized by Industry Conducting Self monitoring to Be Approved by City; Quality Control Documentation Required.**

(a) Each laboratory utilized by industries conducting self monitoring as required by the city shall be approved by the city and required to operate a formal quality control program as outlined in the most current version of:

- (1) “Handbook for Analytical Quality Control in Water and Wastewater Laboratories,” United States Environmental Protection Agency.
- (2) “Standard Methods for the Examination of Water and Wastewater,” American Public Health Association.

(b) Laboratories conducting analyses for industrial users must submit a copy of the formal quality control documentation prior to approval by the city. Approval of laboratories shall be subject to periodic review. The city shall have the right to issue blind standards to be analyzed by other laboratories being utilized for self monitoring. In the case of resolving disputes between analytical data generated by the city and another laboratory, any data without documented supporting quality control data will be rejected.

#### **Section D120. User Notification to POTW of Spills, Etc, or Change in Volume or Character of Discharge; Requirements.**

All industrial users shall notify the POTW immediately of any accidental spills, unusual discharges, or slugloads. 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) or 40.24(2) or this Appendix. If self monitoring performed by an industrial user indicates a violation, the user shall notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the city within 30 days after becoming aware of the violation. The industrial user is not required to resample if:

- (1) The city performs sampling at the industrial user at a frequency of at least once per month.

- (2) The city performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

#### **Section D121. Pretreatment Compliance Reporting.**

(a) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the sewage works, any user subject to pretreatment standards and requirements shall submit to the director information requested in Section D106. For industrial users subject to equivalent mass or concentration limits established by the city in accordance with the procedures in 40 CFR 403.6, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. This report shall include the certification statement as required in Section D106. This statement shall be signed by an authorized representative.

(b) Periodic compliance reports. Periodic compliance reports shall be submitted by users as follows:

- (1) Any user discharging into the sewage works shall submit to the director semi-annually, unless required more frequently in the pretreatment standards or by the director, 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 exceeded the average daily flow reported in Section D106. The reports required in this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The city shall require that frequency of monitoring necessary to assess and ensure compliance by the industrial user with applicable pretreatment standards and requirements. If an industrial user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the city, the results of this monitoring shall be included in the report. At the discretion of the director, the director may alter the months during which the above reports are to be submitted. This report shall include the certification statement as required in Section D106. This report shall be signed by an authorized representative. In the case of significant non-categorical industrial users, where the POTW itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.
- (2) The director may also impose mass limitations on users using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (b)(1) of this section shall also indicate the

mass of pollutants regulated by pretreatment standards in the effluent of the user.

#### **Section D122. General Discharge Prohibitions.**

No person shall contribute nor cause to be contributed, directly or indirectly, any of the following substances into the sewage works:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion hazard in the POTW (including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21) or be injurious in any other way to the sewage works or to the operation of the sewage works.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer to other interference with the operation of the wastewater treatment facilities.
- (3) Any wastewater having a pH of less than 5.0, or other than that range established by the wastewater discharge permit, or any wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works. In any event, a minimum pH of 5.0 is necessary in order to comply with 40 CFR 403.5.
- (4) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (5) Any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage works or exceed any limitation set forth in the EPA categorical pretreatment standard, or any other applicable federal, state or county standards.
- (6) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard or are sufficient to prevent entry into the sewers for maintenance and repair.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- (9) Any substance which may cause the sewage works' effluent, or any other product of the sewage works such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (10) Any substance which, alone or in conjunction with a discharge or other discharges, causes pass through as defined in section D102.
- (11) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dyes, wastes and vegetable tanning solutions.
- (12) Any wastewater having a temperature which will inhibit biological activity in the sewage works. Wastewater with a temperature at the introduction into the sewage works which exceeds 49 degrees Celsius (120 degrees Fahrenheit) or is lower than 0 degrees Celsius (32 degrees Fahrenheit) is prohibited.
- (13) Any slugload.
- (14) Any wastewater containing radioactive wastes or isotopes of such half life of concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
- (15) Any wastewater which can cause any hazardous situation or creates a public nuisance.
- (16) Any wastewater containing non-compatibles in excess of the limits contained in the wastewater discharge permit.
- (17) Any trucked or hauled pollutants except, at discharge points designated by the POTW.
- (18) Any wastewater having a pH of greater than 10.5 except, where the discharge is monitored by continuous on-line pH measuring and recording devices, the following pH may be discharged over a period not exceeding the indicated time duration:

<i>Duration</i> <i>(hours/day)</i>	<i>Maximum pH</i> <i>(s.u.)</i>
0.0 to 0.25	12.2
0.25+to 0.50	11.8
0.50+to 1.0	11.5
1.0+to 2.0	11.2
2.0+to 4.0	10.9
≥ 4.0	10.5

### Section D123. Discharge Standards and Limits.

(a) All non-residential users who discharge compatible pollutants shall be subject to the requirements itemized below:

- (1) *Background standards.* Unless specially authorized via approval of the director and issue of a wastewater discharge permit, no wastewater containing pollutants in excess of the following background levels shall be discharged:

<i>Parameter</i>	<i>Daily Average Concentration (mg/L)</i>
5 Day BOD	243
Suspended Solids	262
Phosphorus	6.8
Fats, Oil & Grease	50
Ammonia Nitrogen	22.9

- (2) *User-specific maximum limits.* Upon approval of the director and issuance of a wastewater discharge permit, and if the discharge complies with the requirements of subsection (c) herein, wastewater not in excess of user specific maximum limits may be discharged. These limits will be established by the director via an appropriate mass allocation of the wastewater treatment plant's approved maximum allowable headworks loadings for the following parameters:

<i>Parameter</i>
5 Day BOD
Suspended Solids
Total Phosphorous

- (3) *General maximum limits.* Upon approval of the director and issuance of a wastewater discharge permit, wastewater containing pollutants not in excess of the following maximum concentration limits may be discharged:

<i>Parameter</i>	<i>Daily Average Concentration (mg/L)</i>	<i>Single Grab Concentration (mg/L)</i>
Fats, Oil & Grease	470	830
Ammonia Nitrogen	250	430

- (4) *Surcharge threshold standards.* Discharges of compatible pollutants shall also be subject to a surcharge in accordance with Section D135 when exceeding any of the following baseline levels:

<i>Parameter</i>	<i>Daily Average Concentration (mg/L)</i>
5 Day BOD	355
Suspended Solids	435
Phosphorus	8.5
Fats, Oil & Grease	71
Ammonia Nitrogen	[reserved]

- (b) All non-residential users who discharge incompatible pollutants shall be subject to the requirements itemized below.

- (1) *Primary toxic pollutants.*

- a. *Background standards.* Unless specially authorized via approval of the director and issue of a wastewater discharge permit, no wastewater containing pollutants in excess of the following background levels shall be discharged:

<i>Parameter</i>	<i>Daily Average Concentration (mg/L)</i>
Arsenic, Total	ND*
Cadmium, Total	0.0005
Chromium, Total	0.0025
Chromium, Hexavalent	ND*
Copper, Total	0.082
Lead, Total	0.0048
Mercury, Total	ND*
Molybdenum, Total	0.0024
Nickel, Total	0.0034
Selenium, Total	ND*
Silver, Total	ND*
Zinc, Total	0.106
Cyanides, Total	ND*
Total Phenols (Method 420.1)	0.118
Polychlorinated Biphenyls, Total	ND*

Note:

\*Non-deductible at corresponding test method currently approved by U.S. EPA, unless a higher detection level is appropriate due to demonstrated matrix interference.

- b. *General maximum limits.* Upon approval of the director and issue of a wastewater discharge permit, wastewater not in excess of the following limits may be discharged:

<i>Parameter</i>	<i>Daily Average Concentration (mg/L)</i>	<i>Single Grab Concentration (mg/L)</i>
Arsenic, Total	0.24	1.0
Cadmium, Total	0.19	0.24
Chromium, Total	7.3	9.5
Chromium, Hexavalent	0.19	0.25
Copper, Total	1.9	5.3
Lead, Total	2.2	2.5
Mercury, Total	ND*	ND*
Molybdenum, Total	1.1	4.9
Nickel, Total	1.3	2.4
Selenium, Total	0.33	1.5
Silver, Total	1.1	3.8
Zinc, Total	3.9	4.7
Cyanides, Total	0.27	0.89
Total Phenols (Method 420.1)	0.25**	0.68**
Polychlorinated Biphenyls, Total	ND*	ND*

Notes:

\*Non-deductible at corresponding test method currently approved by U.S. EPA, unless a higher detection level is appropriate due to demonstrated matrix interference.

\*\*Based on discharge of any or all of the following phenolic compounds: 2 Chlorophenol; 4 Chlorophenol; 2,4 Dichlorophenol; 2,4-Dimethylphenol; 2,4 Dinitrophenol; 2 Methylphenol; 4 Methylphenol; 2 Nitrophenol; 4 Nitrophenol; and Phenol. Discharge of other phenolic compounds is prohibited, except as specifically authorized by the director. If a discharge exceeds this total Phenols limit, the affected user may petition the director for an alternative individual phenolic limit in accordance with subsection (b)(4) herein.

(2) *Secondary toxic pollutants.*

- a. *Background standards.* Unless specially authorized via approval of the director and issue of a wastewater discharge permit, no wastewater containing pollutants in excess of the following background levels shall be discharged:

Parameter	Daily Average Concentration (mg/L)
Acetone (2 Propanone)	0.097
Benzene	ND*
Bromodichloromethane	0.0022**
2-Butanone (Methyl Ethyl Ketone)	ND*
Butylbenzylphthalate	0.0042
di-n-Butylphthalate	0.00198
Carbon Tetrachloride	ND*
Chlorobenzene	ND*
Chloroform	0.0047**
4-Chloro-3-Methyl Phenol (p-Chloro m Cresol)	ND*
Dibromochloromethane	0.0012**
1,2 Dichlorobenzene	ND*
1,3 Dichlorobenzene	ND*
1,4 Dichlorobenzene	ND*
1,2 Dichloroethane	ND*
1,1 Dichloroethylene	ND*
1,2 Dichloroethylene	ND*
1,2 Dichloropropane	ND*
2,4 Dimethylphenol	ND*
Ethylbenzene	ND*
bis 2-Ethylhexyl Phthalate	0.0254
Isophorone	ND*
Methylene Chloride	ND*
2-Methylphenol (o-Cresol)	ND*
4-Methylphenol (p-Cresol)	0.0259
Naphthalene	ND*
Phenol	0.00375
1,1,2,2 Tetrachloroethane	ND*
Tetrachloroethylene (Perchloroethylene)	ND*
Toluene	ND*
1,1,1 Trichloromethane	ND*
1,1,2 Trichloromethane	ND*
Trichloroethylene	ND*
2,4,5 Trichlorophenol	ND*
Vinyl Chloride	ND*
Xylenes, Total	ND*

Notes:

\*Non-deductible at corresponding test method currently approved by U.S. EPA, unless a higher detection level is appropriate due to demonstrated matrix interference.

\*\*Where background levels in normal tap water exceed any of the indicated concentrations, the city may grant an exemption to requiring a wastewater discharge permit if it is adequately demonstrated that no other discharge of the corresponding substance occurs from the Discharger's facility.

- b. *General maximum limits.* Upon approval of the director and issue of a wastewater discharge permit, wastewater containing pollutants not in excess of the following limits may be discharged:

Parameter	Daily Average Concentration (mg/L)	Single Grab Concentration (mg/L)
Acetone (2 Propanone)	610	2,600
Benzene	0.76	3.3
Bromodichloromethane	0.38	1.5
2 Butanone (Methyl Ethyl Ketone)	960	4,200
Butylbenzylphthalate	8.6	37
di n Butylphthalate	6.8	30
Carbon Tetrachloride	0.17	0.72
Chlorobenzene	8.0	35
Chloroform	2.8	11
4 Chloro 3 Methyl Phenol (p Chloro m Cresol)	0.77	3.4
Dibromochloromethane	0.19	0.81
1,2 Dichlorobenzene	2.0	8.5
1,3 Dichlorobenzene	25	110
1,4 Dichlorobenzene	0.36	1.5
1,2 Dichloroethane	0.33	1.4
1,1 Dichloroethylene	1.8	8.0
1,2 Dichloroethylene	4.3	4.3
1,2 Dichloropropane	0.3	1.3
2,4 Dimethylphenol	2.1	8.9
Ethylbenzene	4.5	16
bis 2 Ethylhexyl Phthalate	1.8	7.7
Isophorone	26	110
Methylene Chloride	3.8	17
2 Methylphenol (o-Cresol)	6.0	26
4 Methylphenol (p-Cresol)	17	72
Naphthalene	7.1	31
Phenol	28	120
1,1,2,2 Tetrachloroethane	0.060	0.26
Tetrachloroethylene (Perchloroethylene)	0.54	2.4
Toluene	5.6	17
1,1,1 Trichloromethane	3.3	3.3
1,1,2-Trichloromethane	0.21	0.90
Trichloroethylene	1.2	4.3
2,4,5-Trichlorophenol	9.4	41
Vinyl Chloride	0.047	0.17

Xylenes. Total

7.1

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(3) *Tertiary toxic pollutants.*

- a. *Background standards.* Unless specially authorized via approval of the director and issue of a wastewater discharge permit, no wastewater containing pollutants in excess of the following background levels shall be discharged:

Parameter	Daily Average Concentration (mg/L)
Benzoic Acid	0.0119
Carbon Disulfide	ND*
Chloroethane	ND*
Diethylphthalate	0.0343
1,1-Dichloroethane	ND*
Ethyl Ether (Diethyl Ether)	ND*
2 Hexanone (Methyl-n-Butyl Ketone)	ND*
Hexone (Methyl Isobutyl Ketone; 4 Methyl 1-2-Pentanone)	ND*
2 Methylnaphthalene	ND*
N Nitrosodiphenylamine	ND*
Phenanthrene	ND*

Note:

\*Non-deductible at corresponding test method currently approved by U.S. EPA, unless a higher detection level is appropriate due to demonstrated matrix interference.

- b. *User specific maximum limits.* Upon approval of the director and issue of a wastewater discharge permit, and if the discharge complies with the requirements of subsection (c) herein, wastewater not in excess of user specific maximum limits may be discharged. These limits will be established by the director via an appropriate mass allocation of the wastewater treatment plant's approved maximum allowable headworks loadings for the following parameters:

Parameter:

Benzoic Acid

Carbon Disulfide

Chloroethane

Diethylphthalate

1,1 Dichloroethane

Ethyl Ether (Diethyl Ether)

2 Hexanone (Methyl-n-Butyl Ketone)

Hexone (Methyl Isobutyl Ketone; 4-Methyl-2-Pentanone)

2 Methyl-naphthalene

N Nitrosodiphenylamine

Phenanthrene

- (4) *Individual phenolic compounds.* If a discharge exceeds the total phenols limit of subsection (b)(1) herein, the affected user may petition the director for an alternative individual phenolic compound limit. Included with this petition shall be a “phenol characterization plan” that shall aim to identify and quantify the specific phenolic compounds present in the discharge. If the director deems the plan approvable and concurs with the results of the subsequent study, if the specific compounds present in the discharge are included in those authorized herein, and if the discharge complies with the requirement of subsection (c) herein, the total phenols limit may be replaced with one or more of the following alternative user-specific maximum limits that will be established by the director via an appropriate mass allocation of the wastewater treatment plant’s approved maximum allowable headworks loadings:

Parameter:

2 Chlorophenol

4 Chlorophenol

2,4 Dichlorophenol

2,4 Dimethylphenol

2,4 Dinitrophenol

2 Methylphenol (o Cresol)

4 Methylphenol (p Cresol)

2 Nitrophenol

## 4 Nitrophenol

### Phenol

- (c) All discharges with user specific maximum limits established in accordance with Subsections (a)(2), (b)(3)b., and (b)(4) herein will be subject to all of the following additional requirements:
  - (1) The discharge shall be monitored by continuous on line flow measuring and recording devices, including the capability to calculate actual average daily flow.
  - (2) The discharge shall be monitored via an automatic sampler that is controlled via an input signal from the flow measuring device of subsection (c)(1), herein, so as to produce a flow proportioned composite sample.
  - (3) The associated wastewater discharge permit shall include both average daily flow and concentration limits (daily average and single grab) as enforceable conditions.

### **Section D124. National Categorical Pretreatment Standards.**

Upon the promulgation of any national categorical pretreatment standards, alternative discharge limits or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this Appendix for uses in that subcategory, shall immediately supersede the limitations imposed under this Appendix and shall be considered part of this Appendix. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct Dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical pretreatment standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of new source as defined in section D102. New sources shall install and have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards. The director shall notify all affected users of the applicable reporting requirements.

### **Section D125. Equivalent Mass and Concentration Limits.**

When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the city may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. The city shall calculate equivalent mass

per day limitations and equivalent concentration limitations in accordance with 40 CFR 403.6(c)(2)B(4) and 40 CFR 403.6(c)(6)B(7). Equivalent limitations calculated in accordance with these sections shall be deemed pretreatment standards for the purposes of section 307(d) of the Act and this Appendix. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards for which the equivalent limitations were derived. Any industrial user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the city within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the city of such anticipated change will be required to meet the mass or concentration limits in its wastewater discharge permit that were based on the original estimate of the long-term average production rate.

#### **Section D126. Net/Gross Calculation.**

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR 403.15.

#### **Section D127. Discharge Modifications.**

Within six months of the promulgation or revision of any applicable pretreatment standard, all affected users must submit to the city the information required by Section D105(a)(8) and (a)(9).

#### **Section D128. Application of State Requirements or Limitations.**

State requirements or limitations on discharges shall apply whenever they are more stringent than national categorical pretreatment standards or limitations provided in this Appendix. State and national requirements are not subject to any appeal procedures.

#### **Section D129. Compliance with Pretreatment Standards.**

Industrial users shall provide necessary wastewater treatment as required to comply with this Appendix and shall achieve compliance with all pretreatment standards within the time limitations specified by the federal pretreatment regulations, state regulations and as required by the city. Any facilities required to pre-treat wastewater shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to and approved by the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this Appendix. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable by the city prior to the user's initiation of the changes.

#### **Section D130. User to Initiate Construction of Facilities Necessary to Comply with Discharge Limitations.**

Where pretreatment facilities are necessary to comply with wastewater discharge permit limitations, industrial users shall initiate construction of such facilities within six months, and complete construction within 18 months from the date of notice of non-compliance by city.

### **Section D131. Increase of Process Water to Dilute Excessive Discharge.**

No user shall ever increase the use of process water or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, alternative discharge limits or in any other pollutant specific limitation adopted by the city or state.

### **Section D132. Procedures for Prevention of Accidental and Slugload Discharges; Notification If Discharge Occurs.**

When required by the city, a user shall provide protection from slugload discharges or accidental discharges of prohibited materials or other substances regulated by this Appendix. If necessary, the city may require the user to implement procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response. Facilities to prevent slugload discharges or accidental discharges of prohibited material shall be provided and maintained at the user's cost and expense. Detailed information and plans showing facilities and operating procedures to provide this protection, including descriptions of discharge practices and stored chemicals, shall be submitted to the city for review and approval by the city before construction. All users shall complete construction of required facilities within the time period specified by the director. New users shall not be permitted to introduce pollutants into the system until approved accidental discharge facilities have been constructed. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the facility as necessary to meet the requirements of this Appendix. In the case of a slugload discharge or an accidental discharge, it is the responsibility of the user to notify immediately the director of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Accidental discharge shall also include any discharge where such discharge has the possibility of entering into any waters of the state.

- (1) Written notice. Within five working days following a slugload or accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to correct the situation and to prevent similar future occurrences. Such notification shall not relieve the user of any expense, penalty, loss, damage or other liability which may be incurred as a result of damage to the sewage works treatment process, nor any other damage to person or property, nor shall such notification relieve the user of any fines, civil or other liability which may be imposed by this Appendix or other applicable law.
- (2) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the persons to notify in the event of an accidental discharge. Employers shall advise all employees who may cause or suffer such a dangerous discharge to occur of the emergency notification procedure.

### **Section D133. Upset to Constitute Affirmative Defense.**

(a) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (b) of this section are met.

(b) 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:

- (1) An upset occurred and the industrial user can identify the causes of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) 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 indirect discharge and cause of non-compliance;
  - b. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
  - c. Steps being taken or planned to be taken to reduce, eliminate and prevent recurrence of the non-compliance.

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

(d) In the usual exercise of prosecutorial discretion, the city's enforcement personnel should review any claims that non-compliance was caused by an upset. No determinations made in the course of the review constitute final city action subject to judicial review. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(e) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical 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.

### **Section D134. Bypass.**

For the purpose of this section, bypass shall mean the intentional diversion of wastestreams from any portion of the industrial user's treatment facility. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to subsections (1) and (2) of this section.

- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the city, if possible, at least ten days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the city within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The city may waive the written report on a case by case basis if the oral report has been received within 24 hours.
- (2) Bypass is prohibited, and the city may take enforcement action against an industrial user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. Severe property damage shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during periods of equipment downtime or preventative maintenance.
  - c. The industrial user submitted notices as required under subsection (1) of this section.
- (3) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in subsection (2) of this section.

**Section D135. Rates, surcharges and penalties to be set by city council.**

Rates, surcharges and penalties shall be paid by the user as set by resolution of the city council from time to time and on file in the city hall.

**Section D136. Surcharge calculation and billing; penalty for violation of wastewater discharge permit.**

(a) Calculation formula. All non-domestic users of the city sewage works shall pay a surcharge for effluent containing the compatible pollutants in excess of baseline concentrations specified in Section D123. For suspended solids, BOD, COD, phosphorus, grease and oil, or other specific compatible pollutants, the city may accept payment in lieu of the user meeting baseline concentration limits, subject to Section D123. The city may use the test results from a COD analysis as an alternative means of surcharging for BOD. Surcharges for compatible pollutants shall be calculated as follows:

$$(\text{Average Baseline}) (\text{mg over L}) \times \text{Flow (Mgal)} \times \text{Rate (\$ over lb)} \times 8.34$$

(b) Sampling methods and billing. The city shall collect three composite or grab samples quarterly and base the surcharge cost upon such samples. If the user does not agree with the sampling or testing method of the city, the city may agree to an independent company, approved by the city, taking such samples, at the user's expense, under conditions and standards as determined by the city. The surcharge shall be calculated and billed quarterly by the city unless another time period is designated by the director (e.g., monthly). City employees and officials shall not be involved directly or indirectly with any company performing tests on any samples where such tests are to be used by the city.

(c) Penalties for violation of discharge permit. Penalties listed in a resolution set by the city council from time to time and on file in city hall shall be assessed for violation of the wastewater discharge permit. Penalties may be based on, either a grab, composite or in the case of pH, on the basis of results from a pH recorder. Penalties will be assessed for any sample exceeding limits listed in a resolution set by the city council from time to time and on file in city hall. Unless otherwise specified in a resolution set by the city council from time to time and on file in city hall, any user who is found to have violated any provision of this article, or permits issued under this article, shall be penalized in an amount not to exceed \$1,000.00 (or the maximum penalty allowed under state law). Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Payment of penalties does not constitute compliance with the permit. In addition to these penalties, continued, habitual or gross violations or those caused by negligence or failure to install and operate property pretreatment units will be enforced under Sections D128, D137 and D138.

**Section D137. Harmful Contributions.**

The city manager may suspend sewer and water service when such suspension is necessary to stop an actual or threatened discharge which may present an imminent or substantial endangerment to the health or welfare of persons or the environment, cause interference to the sewage works or cause the city to violate any condition of its NPDES permit. Any person notified of a possible

suspension of water or wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to voluntarily comply with any discharge permit, the city may take such steps as deemed necessary including immediate suspension of sewer and water service, to prevent or minimize damage to the sewage works or endangerment of any individuals. The city manager shall reinstate the sewer and water and service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

#### **Section D138. Notification of Violation of Appendix.**

Whenever the city finds that any user has violated or is violating any provision of this Appendix D, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction of all violations shall be submitted by the user to the city for approval. A shorter notice commensurate with the danger to the health and welfare of persons or environment may be given. Failure to respond in 30 days, or shorter notice, or to develop a satisfactory plan shall constitute a violation of this Appendix, and the city shall take such action as deemed necessary, including suspension of water or sewer service, or both.

#### **Section D139. Show Cause Hearing.**

(a) Request for hearing. Any user subject to enforcement action under the provisions of this Appendix may request a hearing before the director within ten days of receipt of notification of such action. A hearing is to be held by the director concerning the violation, the reasons for the action, any proposed enforcement actions and directing the user to show cause why the proposed enforcement action should not be implemented.

(b) Conduct of hearing. The director may conduct the hearing and take the evidence or may designate any officer or employee to:

- (1) Issue in the name of the director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence; and
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.

(c) Testimony; transcription. At any hearing held pursuant to this Appendix, testimony taken may be under oath and recorded stenographically. The transcript will be made available to any member of the public or any part to the hearing upon payment of charges for copying.

(d) Issuance of orders and directives. After the director has reviewed the evidence, an order may be issued to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless acceptable treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and that such devices

or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) Surcharges and fees. The director may also establish appropriate surcharges or fees to reimburse the city for the additional cost of operation and maintenance of the wastewater treatment works due to any violations of this Appendix.

(f) Appeals. Any order or directive by the director may be appealed to a board of referees consisting of two registered professional engineers, one of who shall be selected by the city and one by the user. Neither of such referees shall be in the employ of the party making the selection. The appeal shall be made in writing to the director within ten days of any order or directive resulting from the hearing before the director. Selection of referees shall be made within ten days of the filing of the appeal.

(g) Determination by director; reply of appellant; decision. Within ten days after receiving notice of the selection of the referees, the director shall file with the referees a copy of his determination and the results of his investigation supporting such determination. Within ten days thereafter the appellant shall file its reply together with supporting documentation. The referees may thereafter require additional information and may, if they choose, hold a hearing at which both sides may present evidence and arguments. The referees shall render a written opinion within ten days after the last documents are filed, and such opinion shall be binding upon all parties. If the referees cannot agree, they shall select a third referee having the same qualifications, and a decision of the majority shall be binding. If the referees cannot agree to a third referee, the city council shall select the third referee. The review by the referees shall be de novo.

(h) Compensation of referees. The referees shall be entitled to reasonable compensation and expenses with the costs to be borne equally by the city and the user.

(i) Judicial review. Any party may seek judicial review of a referee decision in circuit court. The circuit court shall uphold the director's decision if it is based on competent, material and substantial evidence.

#### **Section D140. Legal Action.**

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this Appendix, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate relief.

#### **Section D141. Falsifying Information.**

No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Appendix nor shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this Appendix.

#### **Section D142. Affirmative Defense.**

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions of this Appendix and the specific prohibitions in subsections (2), (4), (7), (8), (10) and (12) of Section D122 where the user can demonstrate that:

- (1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
- (2) Either:
  - a. A local limit designed to prevent pass through or interference was developed for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with each such local limit immediately before and during the pass through or interference; or
  - b. A local limit was not applicable and immediately before and during the pass through or interference the user's discharge did not substantially change in volume or constituents from the user's previous discharges when the POTW was regularly in compliance with its NPDES permit and, in the case of interference; all applicable requirements for sludge use or disposal.

#### **Section D143. Publication of List of Industrial Users in Significant Non-compliance.**

As required by federal regulations, 40 CFR 403.8(f)(2)(vii), the city shall at least annually, during the month of September, publish in the Grand Rapids Press a list of industrial users which during the previous 12 months of the fiscal year (July-June) were in significant non-compliance of applicable pretreatment standards or other pretreatment requirements.

#### **Section D144. Conflicts.**

Should any existing agreements, orders or permits be in conflict with this Appendix, then they shall be revised so as to comply with this Appendix. Any conflict with this Appendix would be in violation of 40 CFR 35.929 which requires a users charge system under which each user bears a portion or share of wastewater treatment plant operation and maintenance cost.

## **APPENDIX E**

### **USE OF THE PORTION OF THE SEWER SYSTEM SERVED BY THE CITY OF GRAND RAPIDS**

#### **Section E101. Purpose.**

The purpose of this Appendix E is to establish standards, rules and regulations with respect to the use directly or indirectly of the Grand Rapids Sewage Disposal System; to provide for rates and charges for connection to and use of the System, to establish limits for the discharge of pollutants into the System and to prevent the pollution of the environment pursuant to a Water and Sanitary Sewer Service Agreement dated June 7, 1988, between Grand Rapids and the Township and certain other customer communities as amended and as may from time to time be amended or extended.

(1) This Appendix E sets forth uniform requirements for Dischargers directly or indirectly into the Grand Rapids Wastewater Collection and Treatment System, and enables the Grand Rapids System to protect the public health and environment in conformity with all applicable State and Federal laws relating thereto.

(2) The objectives of this Appendix E are:

- a. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the System or contaminate the resulting sludge;
- b. To prevent the introduction of pollutants into the POTW which do not receive adequate treatment in the POTW, and which will pass through the System into receiving waters or the atmosphere or otherwise be incompatible with the System;
- c. To improve the opportunity to recycle and reclaim wastewater and sludge from the System.

(3) This Appendix E provides for the issuance of permits for the regulation of Dischargers into the POTW.

#### **Section E102. Definitions.**

For the purposes of this Appendix, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise.

(1) Act 451 means the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended.

(2) Authorized Representative:

- a. In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function;

- b. In the case of a limited liability company a principal managing member or the member in charge of the principal business functions;
- c. In the case of a partnership or proprietorship, a general partner or proprietor; and
- d. An authorized representative of the individual designated above if (i) such a representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (ii) the authorization is in writing and (iii) the written authorization is submitted to the POTW.

(3) B.O.D. (Biochemical Oxygen Demand) is an empirical test in which, standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted water. The standardized laboratory procedures to be used can be found in Part 136 of the Code of Federal Regulations, specifically in the method for the “5 Day B.O.D. Test.”

(4) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User’s treatment facility.

(5) Categorical Pretreatment Standards means National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.

(6) City or Grand Rapids means the City of Grand Rapids.

(7) Clean Water Act means the *Federal Water Pollution Control Act*, 33 USC Sec. 1251 et seq., as amended and applicable regulations promulgated thereunder.

(8) Combined Sewer means any sewer designed or intended to receive both stormwater and sewage.

(9) Combined Wastestream Formula means the wastestream at industrial facilities where regulated process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process. Where required by Federal or State law, and only to the extent required by Federal or State law, the combined wastestream formula provided in 40 CFR 403.6(e) and MAC Rule 323.2311(7) will apply to the limits applicable to a combined wastestream.

(10) Commercial user means a person or entity whose premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters, and governmental buildings. However, some commercial users may also be designated as Significant Industrial Users (SIU) should they meet the criteria established in 40 CFR 403.3(t), MAC Rule 323.2302(cc) and Section 2.62(45) of this Appendix.

(11) Compliance Schedule means a schedule consisting of one (1) or more milestone dates required for corrections, additions or modifications of treatment systems or related pollution prevention or control activities as a result of enforcement actions, expansions or changes in

operations or changes in local or categorical treatment standards. Compliance schedules do not preclude additional enforcement actions due to violations of requirements of this Appendix.

(12) Confined Space, Permit Required means space defined by reference to Part 90 of Act 154 of the Public Acts of Michigan of 1974, as amended.

(13) Discharger means any person or entity owning, controlling or operating any real property which directly or indirectly utilizes the POTW. Discharger also means any employee, officer, director, partner, member, contractor or other person who participates in, or is legally or factually responsible for, any act or omission which is a violation of this Appendix or which results in a violation of this Appendix. This definition shall be interpreted broadly to include any person or entity who participates in an act or omission that results in a violation of this Appendix.

(14) Domestic User means a person whose premises are domiciles for single or multiple family use.

(15) Effluent means waste material (as smoke, liquid, industrial refuse, or sewage) discharged into the POTW.

(16) Enforcement Action means action taken to return a user into a state of compliance with the standards established in this Appendix. This may include, but is not limited to, fines, penalties and compliance schedules.

(17) Garbage means animal and plant waste resulting from the handling, preparation and cooking of foods.

(18) Grand Rapids City Manager means the City Manager of Grand Rapids and any persons designated to act on behalf of the City Manager in the administration or enforcement of certain provisions of this Appendix.

(19) Industrial Effluent means waste matter or material discharged into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.

(20) Industrial User means any person or entity that discharges into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.

(21) Industrial Waste means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

(22) Infiltration means the water entering a sewer system, including sewer service connections, from the ground, through such manner as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(23) Inflow means the water discharged into a sewer system, including service connections from such sources as, but not limited to roof leaders, cellar, yard, and area drains, foundation drains,

cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections, from storm drains and combined sewers, catch basins, stormwater, surface run-off, street wash waters; or drainage. Inflow does not include, and is distinguished from, infiltration.

(24) Interceptor Sewer Lines means those lines whose basic function is to collect wastewater from two (2) or more separate trunk sewer lines and to transport such wastewater to the sewage treatment plant.

(25) Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both, inhibits or disrupts the POTW collection, treatment processes or operations, or its sludge processes or operations, use, disposal, or causes a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with, the following statutory provisions and regulations or permits issued thereunder or any more stringent State or Local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(26) Lateral Sewer Line means an individual user's sewer pipe beginning at the local collector sewer or other connection point and extending to the premises actually served. The lateral sewer includes the stub to which a user connects.

(27) MAHL means the Maximum Allowable Headworks Loading expressed in pounds per day that the POTW can accept without experiencing: fire or explosion hazards, fume toxicity, pass through, sludge quality impairment, treatment inhibition or causes a violation of State Water Quality Standards.

(28) MDEQ means the Michigan Department of Environmental Quality.

(29) New Source means any building, structure, facility or installation of which the construction commenced after the publication of the proposed Pretreatment Standards under Section 307(c) (33 USC) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that (i) the construction is a site at which no other source is located; or (ii) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (iii) the production or wastewater generating processes are substantially independent of an existing source at the same site. See 40 CFR 403.3(k)(2-3) or MAC Rule 323.2302(r) for the remainder of the definition.

(30) NPDES means National Pollution Discharge Elimination System, a permit issued pursuant to Section 402 of the Act (33 USC 1342), as amended.

(31) Pass Through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase of the magnitude of duration of a violation).

(32) Person or Entity means an individual, firm, partnership, association, public or private corporation, limited liability company or public agency or instrumentality.

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

(34) Pollutant includes but is not limited to: 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 or other substance defined as a pollutant under the Clean Water Act.

(35) POTW (Publicly Owned Treatment Works) means a treatment works as, defined by Section 212 of the Clean Water Act, 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 Section 502(4) of the Clean Water Act which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

(36) Premises means each lot or parcel of land or building having any connection directly or indirectly to the POTW.

(37) Pretreatment means the reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be physical, chemical or biological processes, process changes or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

(38) Pretreatment Requirements means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(39) Property Owner means any person having legal or equitable title to real property or any person having or exercising care, custody or control over any real property.

(40) Public Sewer means local collector, trunk and interceptor sewer lines including lift stations and all appurtenances that are owned or controlled by the POTW.

(41) Severe Property Damage means substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(42) Sewage means any liquid or water carried waste received from domestic, commercial, and industrial customers including any infiltration or inflow as may be present.

(43) Sewage Treatment Plant means any arrangement of devices and structures used for treating sewage.

(44) Sewer means any pipe or conduit for the conveyance of sewage.

(45) Significant Change means any change in a Discharger's effluent which causes the constituents of the discharge to be different and/or increases in the concentration or flow by twenty (20) percent over those reported on the Discharger's permit application.

(46) Significant Industrial User means any Discharger to the POTW who: (i) has a discharge flow of twenty-five thousand (25,000) gallons or more of process wastewater per day (excluding sanitary, non-contact cooling and boiler blowdown wastewater) or contributes a process wastestream which makes up more than five (5) percent of the average dry weather hydraulic or organic capacity of the plant, as determined by the Grand Rapids City Manager under authority of 40 CFR 403.12(a) and MAC Rule 323.2302 on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6) and MAC Rule 323.2306(h)) or discharges or has the potential to discharge wastes having toxic pollutants as defined pursuant to Section 307 of the Clean Water Act or; (ii) is found by the Grand Rapids City Manager, MDEQ or USEPA to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system the quality of sludge, the system's effluent quality or air emissions generated by the system, or; (iii) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and MAC Rule 323.2311 and 40 CFR Chapter I, Subchapter N. Upon a finding that an industrial user meeting criteria (i) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Grand Rapids City Manager may at anytime, on his/her own initiative, or in response to a petition received from an Industrial User or the POTW, and in accordance with 403.8(f)(6) and MAC Rule 323.2306(h), determine that such industrial user is not a Significant Industrial User.

(47) Significant Noncompliance means any industrial user with a violation that meets one (1) or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty three (33) percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Grand Rapids City Manager determines has caused, alone or in combination with other discharges, interference or pass

through (including endangering the health of POTW personnel or the general public);

- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section E104 of this Appendix to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- f. Failure to provide, within thirty (30) days after the due date, required reports, ninety day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any violation or group of violations which the Grand Rapids City Manager determines will adversely effect the operation or implementation of the local pretreatment program. As required by Federal Regulations, the City shall at least annually publish a list of Industrial Users which during the previous twelve (12) months were in significant noncompliance with applicable standards or pretreatment requirements.

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

(49) Storm Drain or Storm Sewer means any underground pipe or any facility intended to convey only storm water runoff, street wash waters, groundwater and drainage. This also includes discharges allowed by state or federal discharge permits.

(50) Suspended Solids means all matter existing in nonliquid state which is removable by filtration in accordance with 40 CFR 136 referenced as "Residue, Nonfilterable," or an alternative method approved by the USEPA Administrator in accordance with 40 CFR 403.12 (b)(5)(vi) and MAC Rule 323.2310(e)(vi).

(51) System refers to the POTW.

(52) Township means the Charter Township of Gaines, Kent County, Michigan.

(53) Toxic Pollutant means any pollutant identified pursuant to Section 307 of the Clean Water Act, or pursuant to Part 31 of Act 451, or pursuant to any other applicable laws or regulations.

(54) Uncontaminated Industrial Effluents means water which has not come into contact with any substance used in or incidental to industrial processing operations such as non-contact cooling water, and to which no deleterious or toxic substance has been added.

(55) Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards (or other limits of this Appendix) 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 preventative maintenance, or careless or improper operation.

(56) User Class means either a domestic, commercial or industrial group of users.

(57) USEPA means the United States Environmental Protection Agency.

(58) Wastewater means water, or any liquid, whether or not containing pollutants, which is discharged or permitted to be discharged into the sanitary sewer system.

(59) Abbreviations. The following abbreviations shall have the designated meanings:

BTEX	Benzene, Toluene, Ethylbenzene and Xylene
CFR	Code of Federal Regulations
MTBE	Methyl tertiary butyl ether
MAC	Michigan Administrative Code
mg/l	Milligrams per liter
TSS	Total suspended solids

### **Section E103. Management of the POTW.**

The POTW shall be and remain under the management, supervision, and control of the Grand Rapids City Manager. The Grand Rapids City Manager may make such rules, orders or regulations as are deemed advisable and necessary to assure the efficient management and operation of the System, subject, however, to the rights, powers and duties with respect thereto which are reserved by law to the City Commission of Grand Rapids.

**Section E104. Grand Rapids City Manager's Emergency Authority.** When a necessary or advisable emergency protective measure or action is required, the Grand Rapids City Manager is authorized to cause such measures and actions to be taken as authorized by law. The cost of such protective measures or actions shall be at the expense of the property owner responsible for such measure or action. Failure to pay such cost will constitute a lien upon the property as provided for by law.

**Section E105. Inspection.** Under current Federal and State laws, rules and regulations, Grand Rapids is held responsible for the discharge of wastewater into the POTW, therefore, Grand Rapids has the right and obligation to inspect connections and discharges to the System in order to confirm compliance with State and Federal laws and provisions of this Appendix.

The Grand Rapids City Manager and other duly authorized employees of Grand Rapids bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Appendix. Any Person or Entity who uses, applies for use and/or is connected to the POTW under this Appendix shall be deemed to have consented to inspections pursuant to this Section, including entrance upon that Person's or Entity's property at

reasonable times to make inspections. In the event that a violation of this Appendix is identified, the Property Owner shall be responsible for all costs of inspection and remediation if necessary.

#### **Section E106. Standards, Rules, Regulations and Administrative Reference Guide.**

The standards, rules and regulations established in or pursuant to this Appendix are deemed to be the absolute minimum consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment, and to fulfill the obligations of the City with respect to State and Federal law, including all rules and regulations adopted in conformance thereto. All such additional standards, rules, and regulations not contained in this Appendix shall be approved by the Township. The discharge into the POTW of any substance which exceeds the pretreatment requirements contained herein, or in any manner fails to conform hereto, is hereby declared to be a public nuisance.

#### **Section E107. Use of the POTW.**

Any person conforming to the standards, rules and regulations established in or pursuant to this Appendix shall be permitted to discharge effluent into the POTW provided there exists adequate sewer service available to which he/she can connect.

#### **Section E108. General Discharge Conditions and Prohibitions.**

- (1) All premises connected to the POTW shall meet the following requirements:
  - a. Minimum size of the building drain/sewer, including required cleanouts, shall be four (4) inches or greater in diameter;
  - b. A grease interceptor, with a maintenance cleaning schedule appropriate for its intended use, shall be required to receive the drainage from fixtures and equipment having grease-laden waste, located in food preparation areas such as in restaurants, commercial kitchens, bars, clubs or similar facilities. The grease interceptor shall not be less than a three (3) compartment, one thousand (1000) gallon septic tank unless the Grand Rapids City Manager approves an alternative system. Food waste grinders shall not discharge to the building drainage system through the grease interceptor. Grease interceptors shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the Grand Rapids City Manager. At no time shall the level of grease and sludge in any compartment of the trap be greater than twenty-five (25) percent of the tank liquid level. Proof of maintenance and cleaning shall be sent to the Grand Rapids City Manager on an annual basis or as approved in the maintenance schedule.
  - c. Sand traps and similar interceptors for removal of heavy solids by commercial users, as determined by the Grand Rapids City Manager, shall be designed and installed, according to the Grand Rapids Sand Trap for Garages design specifications. They shall be located as to be readily accessible for cleaning and shall have a water seal of not less than six (6) inches. Sand traps and similar interceptors shall be cleaned and maintained in accordance

with a schedule as submitted to, and approved by, the Grand Rapids City Manager. Proof of maintenance and cleaning shall be sent to the Grand Rapids City Manager on an annual basis or as approved in the maintenance schedule.

- d. Oil/Water separators are required at repair garages, gasoline stations with grease racks, grease pits or work racks and at factories, or other facilities, where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal. Oil separators shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall not have less than an eighteen (18) inch water seal. An alternative design may be approved by the Grand Rapids Plumbing Inspector, as provided for by the Grand Rapids Plumbing Code. Oil/water separators shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the Grand Rapids City Manager. Proof of maintenance and cleaning shall be sent to the Grand Rapids City Manager on an annual basis or as approved in the maintenance schedule.

(2) No Discharger shall introduce into the POTW any pollutant(s) which cause pass through or interference. The following general and specific prohibitions of this Section apply to each Discharger introducing pollutants into the POTW whether or not the Discharger is subject to any Federal, State or local pretreatment standards or requirements:

- a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
- b. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW or results in interference.
- c. Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or a pH greater than 10.5. These pH limits will be evaluated annually as part of the rate study and the limits set forth in this Section will be revised as deemed necessary.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or exceed the limitations set forth in a Categorical Pretreatment Standard.
- e. Any noxious or malodorous liquids, gases or solids which either singly, or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- f. Any substance which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of the POTW's NPDES permit or any applicable State or Federal water quality standards or interferes with any treatment process, or causes treatment residues, sludges or scums, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State standards applicable to the sludge management method being used.
- g. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- h. Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but, in no case heat in such quantities that the temperature at the headworks of the POTW exceed forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) unless the MDEQ, upon the request of the POTW, approves the alternative temperature limits.
- i. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- j. Any unpolluted water including, but not limited to, noncontact cooling water, unless a discharge authorization is approved by the Grand Rapids City Manager.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration, except as set forth in 10 CFR Part 20. Introduction of radioactive wastes that interfere with the operation of the POTW including, but not limited to, the use and disposal of sludge, the recycling of any and all waste products, or if the discharge causes the POTW to violate any local, State or Federal laws.
- l. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- m. Any discharge of petroleum oil, nonbiodegradable cutting oil, animal fat, vegetable fat, oil, grease, products of mineral oil or any combination thereof at a concentration of greater than one hundred (100) milligrams per liter, unless it can be demonstrated that matrix interference is responsible for levels greater than this amount, but, in no case in amounts that will cause an obstruction, interference or pass through in the POTW.

- n. Any substances not identified in (m) above, that will become solid or viscous after entering the POTW.
- o. Any effluent having an average daily flow greater than two (2) percent of the POTW's average daily flow. The Grand Rapids City Manager, upon review, may approve greater discharges subject to conditions as authorized by this Appendix or special conditions he/she deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable Federal and State law.
- p. Any trucked or hauled pollutants, except at discharge points designated by the Grand Rapids City Manager.
- q. Any detectable level of mercury using USEPA Method 245.1 with a detection limit not to exceed 0.2 µg/l unless the user can demonstrate that matrix interference prevents the attainment of this level. In the event that mercury is detected the user shall develop and implement a mercury elimination plan including elements deemed necessary by the Grand Rapids City Manager to progress toward the goal of no detectable discharge of mercury. For users whose operation and discharge characteristics are substantially similar a group mercury elimination plan may be acceptable.
- r. There shall be no discharge to the POTW of groundwater that has been contaminated with gasoline and related petroleum products that would qualify for a State of Michigan general discharge permit for gasoline and related petroleum products in accordance with Rule 2191 promulgated pursuant to Part 31 of Act 451, except where no other discharge option exists. If discharge to the POTW is desired under these conditions, the Discharger must submit a wastewater discharge permit application as specified in Section E110 which may be approved by the Grand Rapids City Manager. Upon approval a permit will be issued with appropriate conditions as set forth in Section E112. The total BTEX concentration shall not exceed twenty (20) micrograms per liter and the MTBE concentration shall not exceed twenty (20) micrograms per liter.
- s. Disposal of septic tank waste into the POTW is prohibited, except that the Grand Rapids City Manager may authorize disposal of portable containers of domestic waste, including waste from recreational vehicles.
- t. Sludge from an industrial or commercial pretreatment system shall not be placed into the POTW. Such sludge shall be disposed of by a licensed hauler in a site approved by the MDEQ.
- u. Any concentration of surfactant that causes excessive foaming in the POTW.

(3) Bypass is prohibited, except in cases where the bypass was unavoidable to prevent a loss of life, personal injury, or severe property damage, and where there are no feasible alternatives

to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance. In cases where a bypass may occur it shall be subject to the following conditions:

- a. Anticipated bypass - If an industrial user knows in advance of the need for a bypass, the user shall submit prior notice to the POTW, if possible, at least ten (10) days before the date of the bypass. Upon notification, the Grand Rapids City Manager shall make a determination whether to allow the discharge.
- b. Unanticipated bypass - An industrial user shall immediately notify the Grand Rapids City Manager of the occurrence of any unanticipated bypass. The Grand Rapids City Manager shall make a determination whether to allow the discharge to continue. A written submission shall also be provided within five (5) days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause, the dates and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass.

(4) Any Discharger shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Rule 323.2303 of MAC, where the Discharger can demonstrate that:

- a. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference and;
- b. either:
  - 1. A local limit designed to prevent pass through or interference was developed for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with each such local limit immediately before and during the pass through or interference; or
  - 2. A local limit was not applicable and immediately before and during the pass through or interference the user's discharge did not substantially change in volume or constituents from the user's previous discharges when the POTW was regularly in compliance with its NPDES permit and, in the case of interference, all applicable requirements for sludge use or disposal.

## **Section E109. Limitations on Wastewater Strength.**

(1) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subpart N. A new source shall install and have in operation at “start up” all pollution control equipment required to meet applicable Categorical Pretreatment Standards before beginning discharge. When the applicable Categorical Pretreatment Standards are expressed in terms of mass of pollutant per unit of production, the Grand Rapids City Manager may convert these limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as set forth in 40 CFR 403.6(c)(27) and MAC Rule 323.2311(5). In situations in which nonregulated wastestreams are intermixed with the regulated wastestream, the Grand Rapids City Manager may use the combined wastestream formula to develop equivalent discharge limits. Whenever equivalent limits are used, they shall be deemed pretreatment standards in determining compliance with the standards. The Grand Rapids City Manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and MAC Rule 323.2310. An application for modification of the Categorical Standards may be considered for submittal to the Regional Administrator of USEPA by the Grand Rapids City Manager when the System achieves consistent removal of the pollutants as defined by 40 CFR 403.7 and MAC Rule 323.2310.

(2) No Industrial User shall increase the use of water or dilute a discharge as a substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

### **(3) Supplementary Limitations**

- a. Supplementary limits were established in accordance with USEPA guidance and MDEQ approval criteria. Specific limits were derived from the industrial allocable portion of the MAHLS listed below.

#### **MAXIMUM ALLOWABLE HEADWORKS LOADINGS**

<b>MATERIALS</b>	<b>LOADING (pounds/day)</b>
BOD	79,300
TSS	84,300
Total Phosphorous	6,990

- b. The following is a list of technically based local limits derived from the industrial allocable portion of the compatible pollutant MAHLs shown above as well as limits for toxic pollutants. For users subject to Categorical Pretreatment Standards, which include the following parameters, the following limits, if more restrictive, shall apply, both to the categorically

regulated process flow as well as any other flows not specifically regulated by Categorical Pretreatment Standards. For all other Dischargers these limits shall apply to the total flow from each connection to the POTW, except silver which is a process discharge limit as noted. All measurements to determine compliance with these limits shall be performed in accordance with USEPA approved methods found in 40 CFR 136. The monthly average shall be the average of all samples analyzed by USEPA approved methods during a calendar month.

#### LOCAL LIMITS

MATERIALS	CONCENTRATION (mg/l)
BOD	Specific Limit by permit
Suspended Solids	Specific Limit by permit
Phosphorous	Specific Limit by permit

Inorganic	Instantaneous Maximum (mg/l)	Monthly Average (mg/l)
Total Cadmium	0.94	NA
Total Chromium	4.0	NA
Hexavalent Chromium	0.72	NA
Total Copper	1.5	NA
Total Cyanide	1.0	NA
Total Lead	1.5	NA
Total Mercury	ND1	NA
Total Molybdenum	3.4	NA
Total Nickel	1.5	1.1
Total Selenium	2.3	NA
Total Silver	6202	NA
Total Zinc	2.6	2.0

#### Organic

Total Phenols	5.6	NA
Polychlorinated Biphenyls	ND3	NA
Tetrachloroethylene	0.25	NA
Trichloroethylene	0.16	NA
MTBE	0.02	NA

NA Not applicable

- (1) Non-detectable or as specified in Section E108(2)(g)
- (2) Process discharge limit for photoprocessors at end of silver recovery unit
- (3) Non-detectable per USEPA Method 608 with a detection limit not to exceed 0.1 µg/l unless higher levels are appropriate due to matrix

interference

- c. For compatible pollutants, the Grand Rapids City Manager shall establish specific concentration limits, when necessary, that are adequate to insure that the industrial allocable portion of the MAHL listed herein is not exceeded. Any requests for specific limits must be made at the time of permit application or renewal. Such a determination will be made solely by the Grand Rapids City Manager. The establishment of any such limits shall not create any vested right or property rights for the user. Accordingly, no right of appeal from such a determination will exist and the approval may be terminated, modified or subjected to special condition either at time of approval or thereafter, at the discretion of the Grand Rapids City Manager.
- d. Specific limits shall only be approved when all of the following conditions are met: (i) the Grand Rapids City Manager makes a determination that adequate treatment capacity allowing for the specific limit exists consistent with the MAHL; (ii) the MDEQ approves the technical basis for the establishment of the specific limit; (iii) a proposed permit containing the limitation has been publicly noticed by the Grand Rapids City Manager in accordance with approved industrial pretreatment program procedures developed to satisfy 40 CFR 403.5(c) and MAC Rule 323.2303(4); and (iv) the Grand Rapids City Manager determines that all comments received during the public comment period have been adequately addressed.

The Grand Rapids City Manager may implement a system for setting special alternative specific limits for batch discharges. Special alternative specific limits may be approved when all of the following conditions are met:

- 1. The user requests a special alternative specific limit through the special alternative limit process.
- 2. The Grand Rapids City Manager makes a determination that adequate treatment capacity exists to allow the special alternative specific limit consistent with the MAHL for those pollutants present.
- 3. USEPA Region V and/or the MDEQ, as appropriate, approves the technical basis for the establishment of the special alternative specific limit.

In no event shall a special discharge permit be granted or effective which authorizes a discharge in excess of the limitations imposed by any applicable final Federal or State pretreatment standard or discharge limit. In addition the Grand Rapids City Manager shall not consider any request for an increase above any limits that were calculated based on health or safety criteria.

(4) Accidental Discharges.

- a. Prevention plan.

1. Industrial and Commercial Users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. If the materials of concern are on the State Critical Materials List, a Pollution Incident Prevention Plan (PIPP) pursuant to Part 31 of Act 451 must be submitted to the Grand Rapids City Manager. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial or Commercial User's expense. Detailed spill prevention plans certified by a Michigan licensed professional engineer, including the facilities and the operating procedures, shall be submitted to the POTW for review prior to construction.
  2. Industrial and Commercial Users who store hazardous substances shall not discharge to the POTW after the effective date of this Ordinance until a State of Michigan required PIPP has been submitted to the Grand Rapids City Manager. Receipt of such plans shall not relieve the Industrial or Commercial User from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.
- b. The Grand Rapids City Manager shall evaluate each Significant Industrial User at least once every two (2) years, and other Industrial Users as necessary, to determine whether such user needs a plan to control slug discharges. If the Grand Rapids City Manager decides that a slug control plan is needed, the plan shall contain at a minimum the following elements:
1. Description of discharge practices, including non-routine batch discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Sections E108 and E109, with procedures for follow-up written notification within five (5) days;
  4. When deemed necessary, procedures to prevent adverse impact from accidental spills, 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 containment structures or equipment, measures for containing toxic organic pollutants and/or measures and equipment for emergency response.
- c. Any upset or accidental discharge shall be reported to the Grand Rapids City Manager immediately upon occurrence. A detailed report shall be filed within five (5) days. The report shall include location of the upset or

discharge, date and time thereof, type of waste, concentration, volume and corrective actions. Failure to file a report shall be a separate violation of this Appendix.

- d. Signs shall be permanently posted in conspicuous places on Discharger's premises, advising employees whom to call in the event of a slug upset or accidental discharge. Employers shall instruct all employees who may cause, or discover such upset or discharge, with respect to emergency notification procedure.

#### **Section E110. Permit Application.**

(1) All new non-domestic users connecting to, or discharging to, the POTW, and all existing non-domestic users connected to, or discharging to, the POTW, shall complete a Wastewater Discharge Survey to establish whether a non-domestic user should be classified as a "Significant Industrial User" as defined in Section E102 and require a discharge permit. If, upon review, the Grand Rapids City Manager determines a permit may be required, the non-domestic user shall file a permit application which may include, but not be limited to, the following information:

- a. Disclosure of name, address and location of the Discharger;
- b. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Manual, Bureau of the Budget, 1972, as amended;
- c. Disclosure of wastewater constituents and characteristics including, but not limited to, toxic pollutants as determined by bona fide chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the USEPA and contained in 40 CFR, Part 136, as amended;
- d. Disclosure of time and duration of discharges;
- e. Disclosure of average daily and instantaneous peak wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Grand Rapids City Manager;
- f. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sanitary and storm drain systems, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are, or may be, discharged to the POTW;
- h. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Appendix in the discharge, together with a statement regarding whether or not compliance is being achieved with this Appendix on

a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with this Appendix;

- i. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Appendix by an existing source, the Discharger shall enter into a consent agreement consistent with the law, and approved by the Grand Rapids City Manager, of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The compliance date for such a schedule shall not be later than the compliance date for any applicable standard. A new source (40 CFR 403.3(k) and MAC Rule 323.2302(r)), or an expansion of an existing source, must have in place all necessary equipment to abate pollution. For a new source this will be prior to the commencement of the discharge. For an expansion of an existing source this shall be before any additional wastewater is introduced to the System.
- j. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Discharger to comply with the requirements of this Appendix including, but not limited to, dates related to hiring a Michigan licensed professional engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Appendix.
- k. Under no circumstance shall the Grand Rapids City Manager permit a time increment for any single step directed toward compliance which exceeds six (6) months.
- l. Not later than five (5) days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the Grand Rapids City Manager, including a statement as to whether or not it complied with the increment of progress represented by that milestone 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 Discharger to return the construction to the approved schedule. In no event shall more than one (1) month elapse between such progress reports to the Grand Rapids City Manager.
- m. Disclosure of each product produced by type, amount, process or processes and rate of production;
- n. Disclosure of the type and amount of raw materials utilized;

- o. All permit applications shall be signed by an authorized representative of the Discharger, and a Michigan licensed professional engineer, where pretreatment facilities are required;
- p. When required by the Grand Rapids City Manager, the Discharger shall provide an inspection and sampling manhole(s) or structure(s), non-permitted confined space where feasible, with an opening of no less than twenty-four (24) inches diameter and an internal diameter of no less than thirty-six (36) inches containing flow measuring, recording and sampling equipment as required by the Grand Rapids City Manager to assure compliance with this Appendix.

(2) Non-domestic users who have previously submitted a survey, as prescribed in this Section, are also required to complete a wastewater discharge survey periodically, at a frequency to be determined by the Grand Rapids City Manager.

#### **Section E111. Significant Changes.**

The non domestic user who is not required to obtain a permit is still required to re-apply prior to a significant change in discharge from that shown in the original permit application or survey.

#### **Section E112. Permit Issuance (Significant Industrial Users).**

The Grand Rapids City Manager will evaluate the completed application and data furnished by the Discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the Grand Rapids City Manager shall make a determination as to whether the applicant is a Significant Industrial User. For every Significant Industrial User, the Grand Rapids City Manager shall issue or deny a Significant Industrial User Discharge Permit subject to terms and conditions provided herein.

#### **Section E113. Permit Modifications.**

The Grand Rapids City Manager shall have the right to amend any Significant Industrial User Discharge Permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations and prevent a violation of any NPDES limit, water quality standards or interference with residuals management as specified in Section E108. Upon the promulgation of a Categorical Pretreatment Standard, the Significant Industrial User Discharge Permit of each Discharger subject to such standards will be revised to comply with such standards. Where a Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Significant Industrial User Discharge Permit as required by Section E110, the Discharger shall apply for a Significant Industrial User Discharge Permit from the Grand Rapids City Manager within thirty (30) days after the promulgation of the applicable National Categorical Pretreatment Standard and provide the information required. The Discharger shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule for compliance, which does not exceed any compliance dates set by 40 CFR 403.6(b) and MAC Rule 323.2311(3).

#### **Section E114. Permit Conditions.**

Significant Industrial User Discharge Permits shall specify the following:

- (1) Statement of duration (not more than five (5) years) including issuance and expiration dates;
- (2) Effluent limitations based on the more stringent of Categorical Pretreatment Standards, local limits as established by this Appendix and State law;
- (3) General and specific discharge prohibitions as established by Sections E108 and E109 of this Appendix;
- (4) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;
- (6) Requirements for notification of spills, bypass or potential problems to the POTW including slug loadings, upsets or violations;
- (7) Requirements to develop and implement spill and slug control plans;
- (8) Requirements for notification and approval of changes prior to discharge. The POTW shall be notified of any proposed 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) and MAC Rule 323.2310(15) and operational shift changes of greater than four (4) hours;
- (9) Special conditions as the Grand Rapids City Manager may reasonably require under particular circumstances of a given discharge to ensure compliance with this Appendix and State and Federal pretreatment standards and requirements;
- (10) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (11) Statement of non-transferability;
- (12) Conditions for modification or revocation of permit;
- (13) Schedule of fees and charges;
- (14) Limits on the average and maximum wastewater constituents and characteristics;
- (15) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- (16) Requirements for installation and maintenance of inspection and sampling facilities;

(17) Compliance schedules; and

(18) Requirements for submission of special technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Standard or Pretreatment Requirement.

#### **Section E115. Permits Duration.**

All Significant Industrial User Discharge Permits shall be issued for up to five (5) years, subject to amendment or revocation as provided in this Appendix.

#### **Section E116. Limitations of Permit Transfer.**

Significant Industrial User Discharge Permits are issued to a specific Discharger, for a specific operation and are not assignable to another Discharger.

#### **Section E117. Reporting.**

(1) Baseline Monitoring Report. Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination request or ninety (90) days prior to the commencement of discharge in the case of a new source, the Industrial User shall submit a baseline monitoring report, in accordance with 40 CFR 403.12(b) and MAC Rule 323.2310(2), for any discharge subject to Categorical Pretreatment Standards and Requirements signed by an Authorized Representative.

(2) Ninety Day Report on Compliance with Categorical Standards. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any Discharger subject to Categorical Pretreatment Standards and Requirements shall submit a report in accordance with 40 CFR 403.12 (d) and MAC Rule 323.2310(3) signed by an Authorized Representative.

(3) Significant Noncategorical User Compliance Report. For Dischargers who are not subject to Categorical Pretreatment Standards, but discharge or have the potential to discharge substances which could adversely affect the POTW's operation or for violating any pretreatment standard or requirement, a report is to be submitted thirty (30) days following the commencement of discharge and every six (6) months thereafter to the Grand Rapids City Manager. The report shall specify the nature and concentration of all prohibited or regulated substances contained in its discharge as set forth in 40 CFR 403.12(b) and MAC Rule 323.2310(7), and the average and maximum daily flow in gallons. The report shall state whether the requirements are being met on a consistent basis and, if additional pretreatment is necessary to bring the discharge into compliance with the requirements. The statement shall be signed by an Authorized Representative, as set forth in 40 CFR 403.12(1) and MAC Rule 323.2310(11), of the Discharger and certified to by a Michigan licensed engineer.

(4) Hazardous Waste Notification.

- a. Any Industrial or Commercial User, except as specified in (e) below, who discharges any substance to the POTW which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the POTW, the USEPA Regional Waste Management Division Director and the State hazardous waste authorities as set forth in 40 CFR 403.12(p) and MAC Rule 323.2310(5) in writing of such discharge.
- b. All hazardous waste notifications shall include:
  - 1. The name of the hazardous waste as set forth in 40 CFR Part 261;
  - 2. The USEPA hazardous waste number;
  - 3. The type of discharge (continuous, batch or other); and
  - 4. A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- c. In addition to the information required to be submitted in Section E117(4)(b), the reports from Industrial and Commercial Users discharging more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW shall contain the following information:
  - 1. An identification of the hazardous constituents contained in the waste;
  - 2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
  - 3. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- d. Hazardous waste notifications shall be submitted no later than thirty (30) days after the effective date of this Ordinance or prior to the discharge of listed or characteristic hazardous waste for discharges commencing after the effective date of this Ordinance. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharge must be submitted under Section E111 of this Appendix. This Section does not apply to pollutants already reported as part of a Significant Industrial User Discharge Permit self-monitoring requirement.
- e. Industrial and Commercial Users are exempt from the hazardous waste notification requirement when they discharge fifteen (15) kilograms or less of non acute hazardous wastes per calendar month. Discharge of any quantity of acutely hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

- f. In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste, the Industrial User must notify the POTW, the USEPA Regional Waste Management Division Grand Rapids City Manager; and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.

#### **Section E118. Reporting Requirements.**

##### **(1) Reporting Requirements.**

- a. Significant Industrial Users subject to Categorical Pretreatment Standards shall submit to the Grand Rapids City Manager a report indicating the nature and concentration of prohibited or regulated substances in the effluent. The reports shall be submitted for the six (6) month periods of January through June and July through December. Reports are due within thirty (30) days of the end of the reporting period. If the sampling performed by a Significant Industrial User indicates a violation, the user shall notify the Grand Rapids City Manager immediately of becoming aware of the violation. At a minimum, the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Grand Rapids City Manager within thirty (30) days after becoming aware of the violation. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which during the reporting period exceeded the average daily flow reported in Section E110 hereof. Flows shall be reported on the basis of actual measurement provided, however, where cost or feasibility considerations justify, the Grand Rapids City Manager may accept reports of average and maximum flows estimated by verifiable techniques. The Grand Rapids City Manager, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.
- b. Significant Industrial Users not subject to Categorical Pretreatment Standards will submit a report as described in 40 CFR 403.12(e) containing a description of the nature, concentration and flow of the pollutants, required to be reported by the Grand Rapids City Manager to the POTW at least once every six (6) months, unless required more frequently by the Grand Rapids City Manager (on a date specified by the Grand Rapids City Manager).
- c. Non-significant Industrial Users with discharges that are not subject to Categorical Pretreatment Standards, and are not otherwise deemed to be significant by the Grand Rapids City Manager, shall be required to submit reports as deemed appropriate by the Grand Rapids City Manager.

(2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow, nature, concentration, production and/or mass, where required by the Grand Rapids City Manager.

#### **Section E119. Inspection, Sampling and Analysis.**

(1) The Grand Rapids City Manager may inspect the monitoring facilities of any Discharger to determine compliance with the requirements of this Appendix. The Discharger shall allow the Grand Rapids City Manager to enter upon the premises of the Discharger at all hours, for the purposes of inspection, sampling or records examination. The Grand Rapids City Manager shall have the right to set up on the Discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations and have access to examine and copy any records. All costs associated with this monitoring requirement shall be born by the Discharger.

(2) The reports required by Sections E117 and E118 of this Appendix 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 or as specified in the applicable Categorical Pretreatment Standard.

(3) The frequency of monitoring shall be specified by the Grand Rapids City Manager to assess compliance by Industrial and Commercial Users with applicable pretreatment standards and requirements in accordance with 40 CFR 403.12(g)(3) and MAC Rule 323.2310(6)(d). Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedure set forth in the USEPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto or with any other sampling and analytical procedures approved by the Administrator of the USEPA. Where the POTW performs all the required sampling and analyses and collects all the information required for the reports required in Sections E117 and E118 of this Appendix, the Significant Industrial User will not be required to submit the report.

(4) If sampling performed by an Industrial or Commercial User indicates a violation, the user shall notify the Grand Rapids City Manager immediately of becoming aware of the violation. At a minimum, the user is required to resample and analyze within thirty (30) days of becoming aware of the violation. The Grand Rapids City Manager may, with the issuance of a modified permit, require more frequent sampling and analysis.

(5) If an Industrial User, subject to the reporting requirement in Sections E117 and E118, 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.

(6) The reports required by Sections E117 and E118 of this Appendix shall include the following certification statement:

I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information

submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, it is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.

This statement shall be signed by a responsible person. A responsible person means a person in charge of a principal business function of the user or any other person who performs similar policy decision-making functions for the user or means the principal manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures of more than twenty-five million dollars (\$25,000,000), in second quarter 1980 dollars, if authority to sign the documents has been assigned or delegated to the manager in accordance with user procedures; by a member or managing member if the user submitting the reports is a limited liability company; by a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively; or by a duly authorized representative if all of the following provisions apply:

- (a) The authorization is made in writing by the responsible person described in this Section.
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or superintendent or a position of equivalent responsibility or that has overall responsibility for environmental matters for the Industrial User.
- (c) The written authorization is submitted to the Grand Rapids City Manager. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the Industrial User, a new authorization satisfying the requirements hereof shall be submitted to the control authority before, or together with, any reports to be signed by an authorized representative.

#### **Section E120. Monitoring Facilities.**

(1) When deemed necessary by the Grand Rapids City Manager, each Discharger shall provide and operate at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the POTW. Each monitoring facility shall be situated on the Discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Grand Rapids City Manager may concur with the facility being constructed in the right-of-way providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Upon appropriate notice by the Grand Rapids City Manager for monitoring facilities, a compliance schedule may be issued as a permit condition.

(2) There shall be ample room in or near such sampling facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment

shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

(3) All required monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications (non-permitted confined space structure where feasible).

#### **Section E121. Confidential Information.**

(1) Information and data furnished to the Grand Rapids City Manager with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction. Wastewater constituents and characteristics will not be recognized as confidential information. When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public unless required by law, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, the State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Discharger furnishing the report.

(1) Information accepted by the Grand Rapids City Manager as confidential, shall not be transmitted to any governmental agency or to the general public until and unless a written notification is given to the Discharger.

(2) Where a Discharger has mass based limits as allowed by Categorical Pretreatment Standards on a production basis, the production data necessary to determine compliance must also be available to the public. Where application of the combined wastestream formula is necessary to apply Categorical Pretreatment Standards to a Discharger, the flow measurements and other data used in the calculation must be available to the public.

#### **Section E122. Enforcement.**

(1) Any Discharger who is found to have violated an order of the Grand Rapids City Manager or who has failed to comply with any provision of this Appendix E (or permits issued hereunder), and the regulations, or rules of the City or the Township promulgated pursuant to this Appendix, shall be guilty of a violation of this Appendix E. Whenever the Grand Rapids City Manager finds that any user has violated or is violating this Appendix E, a Significant Industrial User Discharge Permit or order issued hereunder, or any other pretreatment requirement, the Grand Rapids City Manager may serve upon said user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Grand Rapids City Manager. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City or Township to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **Section E123. Recovery of Costs Incurred by the City.**

(1) Any Discharger violating any of the provisions of this Appendix E, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the POTW shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. This shall include, but not be limited to, penalties levied upon the City by the USEPA or MDEQ for violation of its NPDES Permit caused by any violation by a Discharger, including all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

### **Section E124. Falsifying Information.**

(1) Any person or entity who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Appendix E, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Appendix E, shall upon conviction be punished as provided in this Appendix E.

### **Section E125. Emergency Suspension of Service and Discharge Permits.**

The Grand Rapids City Manager may for good cause shown, suspend the sewage disposal system service and/or the Significant Industrial User Discharge Permit of a Discharger when it appears that an actual or impending discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or the environment, interferes with the operation of the POTW, violates any pretreatment limits or conditions imposed by this Appendix or any Significant Industrial User Discharge Permit issued pursuant to this Appendix. Any Discharger notified of the suspension of sewage disposal system service and/or the Discharger's Significant Industrial User Discharge Permit, shall, within a reasonable period of time, as determined by the Grand Rapids City Manager, cease all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order within the specified time, the Grand Rapids City Manager may take whatever steps deemed necessary to eliminate the Discharge, including cessation of Grand Rapids water service, if applicable, and/or shall commence judicial proceedings for injunctive relief immediately thereafter to compel the Discharger's compliance with such order. The Grand Rapids City Manager may reinstate the Significant Industrial User Discharge Permit and/or sewage disposal system service and terminate judicial proceeding upon presentation of proof by the Discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

### **Section E126. Grand Rapids City Manager's Authority to Issue Administrative Orders.**

Whenever the Grand Rapids City Manager determines that any Discharger has violated this Appendix, or any other applicable laws or regulations which Grand Rapids is authorized to enforce, the Grand Rapids City Manager may issue administrative orders of the type listed below, as deemed appropriate under the circumstances. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single Discharger.

(1) Cease and Desist Order. A cease and desist order directs the non-complying user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. Any

person or entity that uses, applies for use and/or is connected directly or indirectly to the POTW shall be deemed to have consented to inspection pursuant to this Section including entrance upon the person's property by the Grand Rapids City Manager to take such steps as necessary to eliminate the discharge should the Discharger fail to comply with such order. Such order shall be final and in effect until a hearing, if requested by the user, is conducted and a final decision is made by the Grand Rapids City Manager. A written request for such hearing shall be made within ten (10) calendar days after receiving the order.

(2) Consent Order. An agreement between the Grand Rapids City Manager and the user which may contain compliance schedules, requirements for reimbursement of the City and Township for damages and costs incurred or remedial actions, fines and administrative penalties and signatures of the Grand Rapids City Manager and the authorized representative. A consent order shall address every identified and potential deficiency in the user's compliance status at the time of the order.

(3) Show Cause Order. Where the violation is not corrected by timely compliance, the Grand Rapids City Manager may order any Discharger who causes or allows prohibited conduct, to show cause before the Grand Rapids City Manager why a proposed permit revocation action should not be taken. A written notice shall be served on the Discharger by personal service, or by certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Grand Rapids City Manager regarding the violations, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the Discharger to show cause before the Grand Rapids City Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of the Discharger. The proceedings at the hearing shall be considered by the Grand Rapids City Manager who shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. Appeal of such order may be taken by the Discharger in accordance with applicable State law.

(4) Compliance Order. A compliance order directs the Discharger to achieve compliance by a date specified in the order. Compliance orders require Industrial Users to develop management practices, spill prevention programs and related POTW industrial pretreatment program requirements.

(5) Stop Work Order. Where there is work in progress that constitutes causes or is causing a violation of any provision of this Appendix, the Grand Rapids City Manager may issue a Stop Work Order to prevent further violations or damage

#### **Section E127. Publishing Noncompliance List.**

A list of all Dischargers in significant noncompliance for the NPDES Industrial Pretreatment Program annual reporting period shall be published by Grand Rapids in *The Grand Rapids Press* by the date specified in Grand Rapids' NPDES permit.

#### **Section E128. City Manager's Authority to Require Financial Assurances.**

(1) Pursuant to the Grand Rapids City Manager's authority to issue administrative orders, the Grand Rapids City Manager may require a noncomplying Industrial or Commercial User to post a performance bond sufficient to cover expenses which might reasonably be incurred as a result of

future violations. Industrial or Commercial Users who have in the prior two (2) years been responsible for causing an upset at the POTW may be required to obtain liability insurance sufficient to cover the reasonable costs of restoring the POTW in the event of another such incident. These requirements may be made conditions of the Significant Industrial User's Discharge Permit.

#### **Section E129. Judicial Proceedings.**

(1) Following the entry of any order by the Grand Rapids City Manager with respect to the conduct of a Discharger contrary to the provision of this Appendix, the attorney for the City or Township may, following the authorization of such actions by the Grand Rapids City Manager, commence a civil infraction, civil or criminal action for appropriate legal and/or equitable relief in the court of competent jurisdiction. Such relief may include, but is not limited to, the following: injunctive relief against an Industrial User for failure to comply with pretreatment standards and requirements, suit for damages and costs to the City or the Township, and criminal prosecution seeking fines and imprisonment as permitted by Section \_\_\_\_ of this Appendix and State law.

#### **Section E130. Right of Interpretation or Ruling.**

(1) Any Discharger shall have the right to request in writing an interpretation or ruling by the Grand Rapids City Manager on any matter covered by this Appendix and shall be entitled to a prompt written reply.

#### **Section E131. Operating Upsets.**

(1) Any Discharger experiencing an upset in operations which places the Discharger in a temporary state of noncompliance with this Appendix, or a Significant Industrial User Discharge Permit issued pursuant hereto, shall inform the Grand Rapids City Manager immediately upon becoming aware of the upset. The Grand Rapids City Manager shall make a determination whether this discharge can continue. Upon the Grand Rapids City Manager allowing the discharge to continue, a written follow-up report thereof shall be filed by the Discharger with the Grand Rapids City Manager within five (5) days. The report shall include:

- a. A description of the upset, the cause thereof and the upset's impact on a Discharger's compliance status;
- b. The duration of noncompliance, including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur; and
- c. All steps taken, or to be taken, to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.

(2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the Grand Rapids City Manager against a Discharger for any noncompliance with this Appendix or any Significant Industrial User Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. It will not, however, be a defense to an action for damages to the POTW or to persons, property or natural resources caused by the upset. An upset will be considered "documented and

bona fide” only if the Discharger complies with Subsection (1) above and with 40 CFR 403.16(c) and MAC Rule 323.2315. In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(3) The user shall have controlled production of 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.

(4) A user who wishes to establish the affirmative defense of an operating upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and the user can identify the cause of the upset;
- b. The facility was, at the time, being operated in a prudent and appropriate manner and in compliance with applicable operation and maintenance procedures;
- c. The user notified the Grand Rapids City Manager immediately upon becoming aware of the upset; and
- d. A written submission, containing the following information, was provided within five (5) days of commencement of the upset:
  1. A description of the discharge and cause of noncompliance;
  2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance was expected to continue; and
  3. Steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

### **Section E132. Criminal and Civil Liability.**

(1) Any person in violation of this Appendix, or of any permit issued pursuant hereto, or standards, rules and regulations, any order of the Grand Rapids City Manager issued pursuant to those rules and regulations or this Appendix, shall be (a) subject to the municipal civil infractions provisions of this Ordinance, which either the Township and/or the Grand Rapids City Manager on behalf of the Township is authorized to enforce citations pursuant thereto, and (b) for such violations not covered by the civil infractions provisions of this Ordinance shall, if convicted, be subject a criminal penalty of up to five hundred dollars (\$500) per day or imprisonment for ninety (90) days or both such penalty and imprisonment. Each act of violation and every day upon which any violation is permitted or suffered to exist, shall constitute a separate violation and shall be subject to a separate penalty. The Township or the Grand Rapids City Manager may issue a notice of violation calling for corrective action prior to issuing a citation pursuant to this Ordinance. In the case of a

conviction pursuant to this Section of a Discharger who is not a natural person, any officer or director of a corporation, any officer or partner of a partnership, or any member of a limited liability company, or any officer or owner of a proprietorship is hereby deemed to be a proper person to serve any term of imprisonment imposed by the court as a result of the conviction.

(2) In addition to, and expressly not in lieu of, the foregoing, any Discharger who violates this Appendix, or any permit issued pursuant hereto, or the standards, rules and regulations adopted pursuant to this Appendix, or any order of the Grand Rapids City Manager issued pursuant to this Appendix, shall be subject to civil penalties, and to the payment of any damages and costs which may be awarded, by any court of competent jurisdiction.

(3) In addition to any applicable State and Federal penalties, any person who:

- a. at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Appendix, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Grand Rapids City Manager under this Appendix; or
- b. intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Appendix, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Appendix; or
- c. intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Appendix; or
- d. commits any other act that is punishable under State law by imprisonment for more than ninety (90) days: shall, upon conviction, be guilty of a misdemeanor punishable by a fine of five hundred dollars (\$500) per violation, per day, or imprisonment for up to ninety (90) days, or both at the discretion of the court.

### **Section E133. Record Retention Requirement.**

(1) Any person or entity subject to this Appendix shall retain and preserve, for no less than three (3) years, any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records related to compliance with this Appendix. This includes, but is not limited to, records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or other liquids discharged into the POTW.

(2) Any and all records which pertain to matters which are the subject of a Notice of Violation, Administrative Order, Show Cause Hearing, or any other enforcement or litigation activities brought by the City pursuant to this Appendix, shall be retained and preserved for five (5) years, or until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, whichever is later.

#### **Section E134. Removal Credits.**

(1) Where applicable, the Grand Rapids City Manager may elect to initiate a program of removal credits as part of this Appendix to reflect the POTW's ability to remove pollutants in accordance with 40 CFR Part 403.7 and MAC Rule 323.2313(a).

#### **Section E135. Net/Gross Calculations.**

(1) The Grand Rapids City Manager may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the Discharger's intake water in accordance with 40 CFR Part 403.15 and MAC Rule 323.2313(c).

#### **Section E136. Surcharges and Permit Fees.**

(1) All Industrial or Commercial Users whether they are located within a retail service area or a bulk service area shall be charged a surcharge if the concentration of their discharge exceeds a five day biochemical oxygen demand of three hundred (300) mg/l, and/or suspended solids of three hundred fifty (350) mg/l, or any phosphorus of forty (40) mg/l.

## **CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Gaines, County of Kent, State of Michigan, at a regular meeting held on \_\_\_\_\_, 2008, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

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Crystal Osterink  
Township Clerk

## **CERTIFICATE OF PUBLICATION**

I, Crystal Osterink, Township Clerk of the Charter Township of Gaines, County of Kent, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 08-\_\_\_\_\_ or a summary thereof was published in *The South Advance* on \_\_\_\_\_, 2008.

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Crystal Osterink  
Township Clerk

