

Part 160

160.000

SANITARY SEWER SYSTEM

Ord. No. 43

Adopted: November 7, 1996

An Ordinance to require use of the sanitary sewer system of the City of Mason within those portions of the Township served thereby, to adopt requirements and regulations of the City of Mason as provided in its sanitary sewer ordinances; to provide for the operation and maintenance of the publicly owned treatment works (POTW) to regulate discharge of water and waste into said system; to prohibit private disposal systems and exceptions thereto; to provide rates and charges to be levied upon users and to establish liens for non-payment of such fees; to provide for industrial pretreatment monitoring and enforcement thereof; to establish remedies and penalties for violation of this ordinance; and to provide an effective date hereof.

THE TOWNSHIP OF VEVAY, INGHAM COUNTY, MICHIGAN, ORDAINS:

ARTICLE I

160.100

GENERAL PROVISIONS

160.101 **Purpose and policy.**

Sec. 1.1. This Ordinance is adopted pursuant to the terms of the Utility Agreement for Sanitary Sewer between Vevay Township, Alaiedon Township, and the City of Mason, whereby the Townships are required to adopt the Sanitary Sewer Ordinance of the City for sanitary sewer users within the Townships utilizing the City's wastewater collection and treatment system. It is further the purpose of this Ordinance to provide uniform requirements for the Township and City and is necessary to enable the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations adopted under 940 CFR Part 403, Section 6(B) of Act 245 of the Michigan Public Acts of 1929, as amended, and Sections 1 and 11 of PA 98 of the Public Acts of 1913, as amended.

The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of this system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters from the system; and

- D. To provide for the equitable distribution of the costs of the municipal wastewater system.

This Ordinance provides for the regulation of direct and indirect contributors to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to persons outside the City and within Vevay Township who are, by contract with the City, users of the City of Mason POTW. Except as otherwise provided herein, the Director of the City of Mason POTW shall, acting under the supervision of the City Administrator, administer, implement, and enforce the provisions of this Ordinance.

160.102 Definitions.

Sec. 1.2. Unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated:

- (1) *Act* or "*the Act*." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- (2) *Approval authority*. The Director of the Michigan Department of Environmental Quality, or, in the event that the State of Michigan does not have an approved state pretreatment program, the Administrator of EPA Region 5.
- (3) *Authorized representative of Industrial User*. An authorized representative of an industrial user may be:
 - (A) The principal executive officer of at least the level of vice president, if the industrial user is a corporation; or
 - (B) The general partner, proprietor, or member if the industrial user is a partnership, proprietorship, or limited liability company.
 - (C) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- (3.1) *Available public sanitary sewer system*. A public sanitary sewer system located in a right-of-way, easement, highway or public way which crosses, adjoins, abuts or is contiguous to the realty involved and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates; or, in the case of other's real estate or land, if located in the street, road, highway, right-of-way, easement, or public or private way crossing, adjoining, abutting, or contiguous to any realty land within a special assessment district created for the purpose of construction of said sanitary sewer system on which is located the structure in which sanitary sewage originates; or, in the case of multiple residential dwellings or mobile home parks consisting of ten units or more, an available public sanitary

sewer system shall mean a public sanitary sewer system which passes not more than 400 feet at the nearest point from a structure in which sanitary sewage originates.

- (4) *Biochemical oxygen demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (mg/l).
- (5) *Building drain*. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of the building and conveys it to the building sewer.
- (6) *Building sewer*. A sewer conveying wastewater from the premises of a user to the POTW.
- (7) *Categorical Standards*. National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) *City*. The City of Mason or the City Council of the City of Mason.
- (9) *Combined sewer*. Shall mean a sewer receiving sanitary and storm sewage.
- (10) *Compatible pollutant*. Shall mean a substance amenable to treatment in the City POTW, such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES permit of the City POTW designed to treat such pollutants and which does, in fact, remove such pollutants to a substantial degree. Examples of "additional pollutants" may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable nature.
- (11) *Incompatible pollutant*. Shall mean any pollutant which is not a compatible pollutant.
- (12) *Cooling water*. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (13) *Control authority*. The term "control authority" shall refer to the "approval authority" defined above, or to the Director if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11.
- (14) *Direct discharge*. The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
- (15) *Director*. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Ordinance, or his or her duly authorized representative.
- (16) *Environmental Protection Agency, or EPA*. The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (17) *Garbage*. Shall mean solid waste from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce. "Properly shredded garbage" shall mean garbage that has been cut to such

a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half of an inch in any dimension.

- (18) *Grab sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (19) *Health Department.* The official Department of Health of Ingham County, Michigan.
- (20) *Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (21) *Indirect discharge.* The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) and (c) of the Act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).
- (22) *Industrial User.* A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 USC 1342).
- (23) *Industrial waste.* Liquid waste, solids or semi-solids from industrial processes, trades, or businesses as distinct from sanitary sewage.
- (24) *Interference.* The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit or reduces the efficiency of the POTW. The term also includes interference in the use of sewage sludge or its disposal by the POTW under the criteria, guidelines, or regulations contained in the City's approved sludge management plan.
- (25) *M.W.R.C.* The Michigan Water Resources Commission.
- (26) *National Categorical Pretreatment Standard or pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act which applies to a specific category of industrial users.
- (27) *National Prohibited Discharge Standard or prohibited discharge standard.* Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR, Section 403.5.
- (28) *Natural outlet.* Any water course, pond, ditch, lake or other body of water, either surface or ground.
- (29) *New source.*
 - (A) Any building, structure, facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Sec-

tion 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) The production or wastewater generating processes or 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 should be considered.
- (B) 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 installation meeting the criteria of this section but otherwise alters, replaces, or adds to existing processes or production equipment.
- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (i) Begun, or caused to begin as part of a continuous on-site construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or of facilities or equipment which are intended to be used in its operation within reasonable time. Options to Purchase or contracts which can be terminated, modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (30) *Normal domestic strength wastewater.* A sewage or other wastewater which shall be a compatible pollutant as defined above and with BOD of 300 mg/l or less, suspended solids of 350 mg/l or less, and total phosphorus of 20 mg/l or less (as P).

- (31) *NPDES Permit.* A permit issued pursuant to the National Pollution Discharge Elimination System prescribed in Section 402 of the Act.
- (32) *Operation and maintenance.* All work, materials, equipment, utilities and other efforts required to operate and maintain the wastewater transportation and treatment systems consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and including the cost of replacement.
- (33) *Operations upsets.* An exceptional incident in which there is unintentional and temporary non-compliance with categorical pre-treatment standards because of factors beyond the reasonable control of the 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.
- (34) *pH.* The logarithm (base 10) of the reciprocal of the weight of hydrogen ions expressed in grams per liter of solution.
- (35) *Pollution.* The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (36) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, salt or dirt, and industrial, municipal, and agricultural waste discharged into the water.
- (37) *Pretreatment or treatment.* The reduction of 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 the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, in plant process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).
- (38) *Pretreatment requirements.* Any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- (39) *Private sewage disposal system.* Any septic tank, cesspool or other facilities intended or used for the disposal of sanitary sewage.
- (40) *Public sewer.* A sewer in which all owners of the abutting property have equal rights and which is controlled by the director of the City's POTW.
- (41) *Publicly owned treatment works (POTW).* The treatment works as defined by Section 212 of the Act which is owned in this instance by the City of Mason. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the

purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

- (42) *POTW treatment plant.* That portion of the POTW designed to provide treatment to wastewater.
- (43) *Replacement.* Means the replacement in whole or part of any equipment or facilities in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.
- (44) *Residential Users.* All users that are domiciles or housing units, either single family or multi-family.
- (45) *Sanitary sewage.* The liquid or water-carried waste discharge from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions.
- (46) *Sanitary sewer.* A sewer which carries sanitary sewage and industrial waste or either of them and to which storm surface and ground waters are not intentionally admitted.
- (47) *Sewage.* Any combination of sanitary sewage, storm water, industrial waste, and uncontaminated industrial waste, or any of them.
- (48) *Sewer.* Any pipe, tile, tube or conduit for carrying sewage.
- (49) *Shall* is mandatory; *may* is permissive.
- (50) *Significant Industrial User.*
 - (A) Except as provided in Paragraph (B) of this Subsection, the term "significant industrial user" means:
 - (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR, 403.6 and 40 CFR Chapter (I), Subchapter (N); and
 - (ii) Any and all other industrial user that discharges an average of 25,000 gallons per day or more of processed wastewater to the POTW (excluding sanitary non-contact cooling and boiler blow down wastewater; contributes a processed waste stream 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 Director 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.
 - (B) Upon a finding that an industrial user meeting the criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time, on his or her own initiative

or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

- (51) *Standard Industrial Classification (SIC)*. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (52) *Storm sewer or storm drain*. A sewer which carries storm water and uncontaminated industrial wastes, or either of them.
- (53) *Storm water*. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (54) *Suspended solids*. 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.
- (55) *Toxic pollutant*. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.
- (56) *Useful life*. The estimated period during which the POTW will be operated.
- (57) *User*. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- (58) *User charge*. Shall mean a charge levied on users of the City's POTW for the cost of operation and maintenance of such works and includes the cost of replacement.
- (59) *Wastewater*. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (60) *Water course*. An open channel, either natural or artificial, in which a flow of water occurs, either continuously or intermittently.
- (61) *Waters of the State*. All streams, lakes, ponds, marshes, water courses, 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.
- (62) *Wastewater Contribution Permit*. A permit as set forth in Section 4.2 [160.402] of this Ordinance.

160.103 Abbreviations.

Sec. 3. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand

CWA	Clean Water Act
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/l	Milligrams per liter
MWRC	Michigan Water Resources Commission
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act, 42 US 6901, et seq.
TSS	Total Suspended Solids
USC	United States Code

ARTICLE II

160.200

REGULATIONS

160.201 Treatment of polluted water required before discharge.

Sec. 2.1. It shall unlawful for any person to directly discharge into the waters of the state within the City or Township or in any area under the jurisdiction of the City or Township any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the provision of this section and the statutes and regulations of the state.

160.202 Duty to connect to treatment works.

Sec. 2.2. The owner of all dwellings, buildings, structures or properties used for human occupancy, employment, recreation, or other purposes, situated within the City or within the Township of Vevay abutting any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the City, shall, at the owner's expense, install suitable toilet facilities and other sanitary conveniences therein and connect such facilities to the available sanitary sewer system.

160.203 Private sewage disposal—When permitted.

Sec. 2.3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage. Where a public sanitary sewer or combined sewer is not available under the provisions of Section 2.2 [160.202], the building sewer shall be connected with a private disposal system constructed and

maintained in compliance with rules and regulations of the Health Department and orders of the Township Board, and subject to the following additional regulations:

- (A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the provisions of this ordinance and any septic tank, privy, privy vault, cesspool or similar private sewage disposal facility shall be abandoned and discontinued for sanitary sewage disposal use.
- (B) All private sanitary sewage disposal systems permitted under this ordinance shall be maintained in a sanitary manner at all times at the sole expense of the owner.
- (C) All abandoned private sanitary sewage disposal systems shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents thereof shall be completely removed and disposed of by a duly licensed septic tank cleaner. The tank, or the pit in the instance of a privy, shall be treated with a chemical disinfectant acceptable to the county health department and the tank or pit shall be completely back filled with sand and made safe from the hazard of collapse or entrapment.
- (D) Upon application of the owner of such property, the Township Board with the concurrence of the Mason City Council may grant a delay of not more than one year, before making connection to the City's treatment works. Such delay shall be granted only if private facilities are satisfactory and create no nuisance or health hazard.
- (E) Where any structure wherein sanitary sewage originates is not connected to the City's POTW after the date provided in the notice to connect, in addition to the criminal penalties provided by this Ordinance, the City or Township may bring an action for mandatory injunction or injunctive order in any court of competent jurisdiction in the County of Ingham to compel the owner of the property on which such structure is located to connect to the system.

160.204 General discharge prohibitions.

Sec. 2.4. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or cause a pass-through to the receiving stream. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute any of the following substances to the City POTW:

- (A) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which

exceeds 40 degrees centigrade (104 degrees Fahrenheit), or lower than -1 degree centigrade (30 degrees Fahrenheit), unless the POTW treatment plant is designed to accommodate such temperature.

- (B) Any wastewater or waste which may contain more than one hundred (100) mg/l of fat, oil, or grease.
- (C) 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 a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21, or be injurious in any other way to the POTW or the operation of the POTW. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, promates, carbides, hydrides, and sulfides and any other substance which the City, the State, or EPA has notified the user as a fire hazard or a hazard to the system.
- (D) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (E) Any wastewater having a pH lower than six or higher than nine, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW, unless the POTW is specifically designed to accommodate such wastewater.
- (F) Any wastewater containing toxic pollutants in sufficient quantity, either singularly 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 POTW, or to exceed the limitations set forth in a categorical pretreatment standard. The toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.

- (G) Any wastewater containing pollutants which either singularly or by interaction with other wastes 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.
- (H) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (I) Any wastewater containing any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the state or federal regulations.
- (J) Any wastewater where batch discharge containing industrial processing wastes in excess of standards established by state or federal regulation or containing such substances as may impair the sewage treatment process or cause a deviation from the NPDES permit requirements, pretreatment standards, and all state and federal regulations.
- (K) Any wastewater containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the POTW.
- (L) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (M) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (N) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load lasting longer than 15 minutes have a flow rate, concentration, or qualities of pollutants that exceed more than five times the average 24-hour concentration, quantities, or flow during normal operation.
- (O) Any substance which may cause the POTW effluent or other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse; or interferes with the reclamation process.
- (P) Any trucked or hauled pollutants, except at discharge points designated by the Director.

When the Director determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall: (1) advise the user of the impact of the contribution on the POTW; and (2) develop effluent limitations for such user to correct the interference with the POTW; and (3) enforce such effluent limitations in the manner provided in 2.9 [160.209].

160.205 Grease, oil and sand interceptors.

Sec. 2.5. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid waste

containing grease, oil, and sand in excessive amounts, except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be of substantial construction, of impervious materials, capable of withstanding abrupt and extreme changes of temperature and shall be equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, and continuously efficient operation at all times.

160.206 Additional discharge limitations—Approval required.

Sec. 2.6. No person shall discharge or cause to be discharged into the public sewers any waters, waste, substances or materials having the following characteristics without the prior review and approval of the Director:

- (A) A five-day BOD greater than 300 mg/l;
- (B) Containing more than 350 mg/l of suspended solids;
- (C) Having a chlorine demand of more than 50 mg/l;
- (D) Having a daily average flow greater than two percent of the average daily sewage flow of the City;
- (E) Having any quantity or substance having a characteristic described in Section 2.4 [160.204] above.

160.207 Specific pollutant limitations.

Sec. 2.7. No person shall discharge wastewater containing in excess of:

	<i>Daily maximum Allowable Conc. (mg/l)</i>	<i>Average Allowable Concentration* (mg/l)</i>
(A) Arsenic	.088	.044
(B) Cadmium	.026	.013
(C) Chromium	1.89	.945
(D) Copper	.789	.363
(E) Total cyanide	.042	.021
(F) Iron	10.0	—
(G) Lead	.34	.170
(H) Mercury	ND**	ND**
(I) Nickel	1.1	.504
(J) PCB	.0005	—
(K) Total phosphorus	20.0	—
(L) Silver	.006	.003
(M) Zinc	2.4	1.57

*Average allowable concentration shall mean the average of the four most recent consecutive sampling events.

**ND = No detectable trace (less than method detection limit)

160.208 State and local requirements.

Sec. 2.8. State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this Ordinance. Local requirements and limitations shall apply in any case where they are more stringent than state or federal requirements.

160.209 Pretreatment required.

Sec. 2.9. If any such wastewaters or waters as heretofore described in Sections 2.4 [160.204] through 2.8 [160.208] are discharged or are proposed to be discharged to the city sewers, which contain the substances or possess the characteristics enumerated above, or which in the judgment of the Director may have a deleterious effect upon the sewage works, equipment or receiving waters, or which otherwise creates hazards of life or constitute a public nuisance, the City may, where necessary in the opinion of the Director:

- (A) Reject the waste;
- (B) Require the owner to control the quantities and rates of discharge of such waters or waste to meet all applicable state and federal regulations including the NPDES permit;
- (C) Require the owner to provide, at the owner's sole expense, such preliminary treatment as may be necessary to:
 - (i) Reduce the BOD to 300 parts per million, the suspended solids to 350 mg/l, and the chlorine demands to 50 mg/l; and/or
 - (ii) Reduce objectionable characteristics or constituents to within the maximum limits provided in sections 2.4 [160.204] through 2.8 [160.208] above.
 - (iii) Require the owner to pay the added costs of handling and treating the wastes not covered by existing sewer charges.

160.210 Federal Categorical Pretreatment Standards.

Sec. 2.10. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, if the Federal standard is more stringent than limitations imposed under this Ordinance for sources in that subcategory, Federal standards shall immediately supersede the limitations imposed under this Ordinance. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

160.211 Modification of Federal Categorical Pretreatment Standards.

Sec. 2.11. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal pretreatment standards, the City may, at the request of a user, apply to the approval authority for modification of specific limits in the Federal pretreatment standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations. The City may then modify pollutant discharge limits and the Federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained. Any user requesting application for modification shall reimburse the City for all costs of testing and data compilation required by CFR 403.7.

160.212 Construction and maintenance of pre-treatment facilities.

Sec. 2.12.

- (A) Where pre-treatment facilities are required by the City, plans, specifications and any other pertinent information relating to proposed preliminary treatment including a semi-annual report of progress regarding compliance with pretreatment standards shall be submitted for approval by the city administrator and no construction of such facility shall be commenced until such approvals are obtained in writing.
- (B) Where pretreatment facilities are provided for any waters or waste, they shall be maintained in satisfactory and effective operation at all times by the owner at the owner's sole expense.
- (C) The owner shall regularly submit a waste treatment report to the City as often as required by the permit. Such report shall include all measurements, tests and analysis of the characteristics of waters and waste as referred to in this section and any other pertinent information as may be required by the City.
- (D) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article of the Ordinance shall be determined in accordance with standard methods for examination of water and wastewater and federal guidelines establishing the procedures for the analysis of pollutants, and shall be determined at the control manhole provided for in Section 4.4 [160.404] or upon suitable samples taken at such control manhole. In the event that no special manhole is available, sampling shall be at the nearest down stream manhole in the public sewer to the point at which the building sewer is connected.

- (E) Every industrial or commercial entity operating a pretreatment or control facility which discharges liquid wastes into the public sewer (sanitary, combined, or storm) shall have the waste treatment or control facilities under the specific supervision and control of a person who has been certified by the State of Michigan, Department of Environmental Quality, as being properly qualified to operate the facilities under the requirements as set forth in Act No. 245 of the Public Acts of 1929, as amended, being Section 323.2 of the Compiled Laws of 1948 and under the Water Resources Commission Rules entitled "Part 10 Treatment Plant Operators."

160.213 Alternate calculation of limits.

Sec. 2.13. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Director 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.

- (A) When calculating equivalent mass-per-day limitations under this section, the Director shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based, not upon the designed production capacity, but, rather, upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- (B) When calculating equivalent concentration limitations of this Section, the Director shall calculate such limitations by dividing the mass by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate such as the average daily flow rate during the representative year.
- (C) Equivalent limitations calculated in accordance with this section shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and this Ordinance. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (D) If categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average limitations, where applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.
- (E) Any industrial user operating under a control mechanism incorporating equivalent mass of concentration limits calculated from a production based standard shall notify the Director 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 Director of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were used on the original estimate of the long term average production rate.

160.214 Compliance deadline, existing source, new sources.

Sec. 2.14. 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 sub-part of 40 CFR Chapter I, subchapter N. 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 1.2(27) [160.102(27)]. 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.

160.215 Dilution prohibited.

Sec. 2.15. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

160.216 Accidental discharges, operating upsets and slug loads.

Sec. 2.16. Each categorical and non-categorical user shall provide necessary protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review when required, and shall be approved by the City before construction of the facility. No user who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of

such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

In the case of an accidental discharge or operations upset, which places the user in a temporary state of non-compliance with this Ordinance or which could cause problems to the POTW, including any slug loadings as defined by Section 2.4(N) [160.204(N)] of this Ordinance, it is the responsibility of the user to immediately (within 24 hours) telephone and notify the POTW of the incident. The location shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice. With five days following oral notification of an accidental discharge or operations upset, the user shall submit to the Director a detailed written report containing the following:

- (A) Description of the upset, cause and impact on the discharger's compliance status;
- (B) Duration of noncompliance, including exact dates and times. If noncompliance is to continue, a statement addressing when compliance can reasonable be expected to occur;
- (C) All steps taken or to be taken, to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be opposed by this Section or other applicable law.

Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised emergency notification procedures.

ARTICLE III

160.300

CONSTRUCTION OF BUILDING SEWERS

160.301 [License required.]

Sec. 3.1. No person, firm, or corporation shall lay, alter, repair, or do any kind of work connected with any building sewer, connection or sewer work or make any connections whatever with any sewer, or house or building which is to be connected to the sanitary sewer system, unless regularly licensed by the City as a Sewer Builder. Any person doing such work without license shall be deemed guilty of a misdemeanor and shall be subject to a fine as hereinafter provided.

160.302 [Licensing.]

Sec. 3.2. Any person desiring to do business as a sewer builder in connection with the sanitary sewer system shall file in the Mason City Hall a petition giving the name of the person, firm or corporation and place of business, asking to be licensed by the City as a Sewer Builder, and stating that the applicant is qualified by experience to engage in the work and willing to be governed in all respects by the rules and regulations which are or may be adopted by the City. Each applicant for a license shall pay an annual fee of \$25.00 dollars and execute and deposit to the City, with his application, a bond with sufficient surety or sureties to be approved by the City, in the sum of \$2,000.00, conditioned that he will indemnify and save harmless the City from all accidents and damages caused by any negligence in protecting his work or by employees, and that he will also promptly and in a proper time replace and restore sidewalk, pavement or other street surfaces over any opening he may have make to as good a state as existed previous to opening the same, and to keep and maintain said surface in good order to the satisfaction of the City for the period of one year next thereafter, and that he will pay all fines imposed upon him for a violation of any of the rules and regulations prescribed by this ordinance; and also a bond running to the people of the State of Michigan in the sum of \$10,000.00, with sufficient surety or sureties, to be approved by the City, conditioned that he will indemnify and save harmless imperfect, inadequate, careless or improper work done by him or them as such sewer building and for a period of one year from the completion of such work and anyone injured or damaged as aforesaid may bring action on such bond for the recovery of said damages. On receiving his license he shall have recorded in the City Clerk's office his actual place of business, the name under which the business is transacted and shall immediately notify the Clerk of any change in either thereafter. No license shall be granted for more than one year and all licenses shall be granted to expire on the first day of January.

Before a license is granted to any person, firm or corporation to do business as a sewer builder he or they shall file with the petition a certificate of carriage of workers compensation insurance; and public liability and property damage insurance in the minimum amount of \$100,000.00/\$300,000.00 with a company authorized to do business in the State of Michigan.

The City Council may, on its own initiative for good cause, suspend or revoke any license issued under the provisions of this Ordinance and the findings of the City Council of the City of Mason in such matters shall be conclusive and final and the reasons for such revocation or suspension shall be entered on the records of the Council; provided further, that the city sewer inspector may, for good cause, suspend any license granted under this Ordinance for a period of 24 hours and cause such license to be delivered to him, and he shall forthwith report in writing such action to the City Administrator, and upon approval of the City Administrator in writing, such license shall stand revoked and suspended until the next

regular meeting of the City Council. At such meeting of the City Council, the holder of such license shall appear and be heard, and, if the Council after hearing the facts shall deem it advisable, it may affirm the revocation or change the revocation to a suspension for an appropriate period.

160.303 [Application for permit to connect to sewer system.]

Sec. 3.3. Application for permit to connect to the sewer system must be made in writing by the owner of the property to be sewerred or drained, or his authorized agent. Such application shall give the exact location of the property number of lot, number of feet of frontage, number of buildings to be connected, the name of the owner, and the name of the licensed sewer builder employed to do the work, and shall be made on forms furnished for this purpose by the City; provided, however, that the permit shall be granted with the express condition that the owner, for whose benefit the connection is made, shall in behalf of himself, his heirs or assigns, hold the City harmless from any loss or damage that may in any way result or be caused by the making of any such connection. Provided further, that such permit shall not be granted until the applicant shall have paid a permit fee in the amount required in Article VI [160.600].

160.304 [Record of work.]

Sec. 3.4. Within five days after the work, the sewer builder shall file with the City a record showing the number of feet of pipe laid, its location with respect to the property and building or buildings connected, together with such information as may be required by the City Administrator or his authorized representative to make a complete record of the work.

160.305 [Y-branches and stubs.]

Sec. 3.5. Y-branches and stubs have been placed at frequent intervals along the main or lateral sewer. A record of such Y's or stubs is kept in the office of City Engineer and will be furnished to the sewer builder for his information, but the City does not guarantee the accuracy or actual existence of the location. All connections with the sewers of the sanitary sewer system must be made at such Y-branches or stubs except as approved by the City. The breaking of any pipe of any main or lateral sewer to connect a house connection, shall be deemed a misdemeanor and subject the sewer builder to a fine as hereinafter provided, and, in addition thereto, he shall pay all expenses of taking up such sewer and rebuilding it to the satisfaction of the City Administrator or his authorized representative. On his failure to do so, the sewer builder shall forfeit his license and the charges shall be collected from his sureties.

In the event that the Y or stub cannot be found with a reasonable effort, the City may permit the connection to be made by tapping the main or lateral sewer

with a hole of sufficient size to receive the pipe used in the house connection and connecting the building sewer to the City sewer with a sewer saddle or Y connection which has been approved by the City.

160.306 [Inspection.]

Sec. 3.6. The City must be given notice when any work is ready for inspection and all work must be left uncovered and convenient for examination until inspected and approved. Such inspection shall be made within 24 hours after such notification. If the City building inspector determines that any work constructed does not conform with this ordinance, the sewer builder shall remove and conform with this ordinance, the sewer builder shall remove and replace any such rejected work and shall make all work meet the requirements of this ordinance to the full satisfaction of the City building inspector.

160.307 [Down spouts, water from air conditioning, refrigeration and cooling units, sump pumps and building footing drains.]

Sec. 3.7. No down spouts from roofs, water from air conditioning units, refrigeration units and cooling units, sump pumps or building footing drains shall be connected to the sanitary sewer system.

160.308 [Surface water from paved areas.]

Sec. 3.8. No surface water from a paved area, yard, court or courtyard shall be connected to the sanitary sewer system.

160.309 [Open gutters, street drains, catchbasins and other surface water sources.]

Sec. 3.9. No open gutter, street drain, catchbasin or other surface water source shall be connected with any sewer or house drain. Any licensed sewer builder, making any such connection, shall be deemed guilty of a misdemeanor and shall be subject to the penalty hereinafter provided.

160.310 [Improvements to public streets and alleys.]

Sec. 3.10. Person, firms or corporations making any kind of improvement to the public streets and alleys, upon which sewers and house connections have been laid, shall so plan and execute their work that damage will not occur to any public sewer or house connection connected therewith.

160.311 [Water, gas or other conduit or obstruction.]

Sec. 3.11. If a water, gas or other conduit or obstruction shall come in the way of a drain or sewer, the question of passing over or under the same shall be determined by the City. If a house connection shall come in the way of an existing

water main, gas main or other obstruction, the question of passing over or under the same shall be determined by the City. In no case shall a sewer builder be allowed to decide the question. All expenses connected with passing both over and under such pipes conduits or obstructions shall be borne by the owner of the property for whose benefit the connection is being made.

160.312 [Openings on streets and alleys for sewer connections.]

Sec. 3.12. Openings on any street or alley for sewer connections shall be made by a licensed sewer builder and asphalt repairs shall be made by City forces or contractors employed by the City. All costs shall be borne by said licensed sewer builder.

160.313 [Openings and obstructions to be guarded at all times.]

Sec. 3.13. All openings and obstructions in any street, land or alley must be guarded at all times with sufficient state approved barriers and such other precautions as shall be necessary to guard the public against accident, and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

160.314 [Water pipes.]

Sec. 3.14. No house drain, surface drain or main sewer shall be laid in the same trench with water pipes and in no case closer together than ten feet without special permission from the City.

160.315 [Pre-existing sewers.]

Sec. 3.15. Before any old private sewer or any house sewer built before the effective date of this Ordinance shall be connected with the sewer system, the owner of the private sewer or house sewer shall prove to the full satisfaction of the City that it is entirely clean and that it conforms, in every respect, with the rules and regulations prescribed by the Ordinance. Cellar or basement drains may be connected with any sewer or house connection only when they are trapped in such a manner that the water seal cannot be broken.

160.316 [House connections.]

Sec. 3.16. The house connection from a point three feet outside of the house to the sewer shall be at least six inches in diameter and constructed of materials approved by the City, or authorized by the State Construction Code, unless it is laid less than three feet in depth, then it shall be constructed of cast-iron pipe. All pipe shall be of the best quality conforming with the latest specifications for this produce approved by the American Society for Testing Materials. Joints shall be permanently water-tight.

160.317 [Laying pipe.]

Sec. 3.17. The cover of the Y-branch or stub on the sewer shall be carefully removed to avoid damage to the socket or bell. The first length of pipe attached to the Y-branch or stub shall be laid so as to give a good fall into the sewer. The entire length of pipe on any house connection shall be laid in a straight line and on a uniform grade from a point three feet outside the wall of the building to be served, to the Y-branch or stub. Such grade shall be a fall of not less than one foot in one hundred feet from the house to the sewer, unless by special permission of the City, in which case provision must be made for regular and efficient flushing. Curved pipe shall be used for every deflection from a straight line or more than three inches in two feet. Unless otherwise specified in writing by the City, the manner of laying the pipe and making the joints shall be as follows:

- (A) The sanitary sewer service from the street to the building shall be composed of such approved materials as shall be specified by the City Director of Public Works in specifications published from time to time and filed with the City Clerk entitled "City Standards for Sanitary Sewer Construction."
- (B) The sanitary service installed for a new building, or when replacing an old or damaged sanitary service shall be made to a wye or tee. If there is no existing wye or tee, a new wye or tee may be installed or it shall be connected to a saddle, properly connected, in the presence of a City inspector.
- (C) Separate sanitary sewer and water services shall be required for each dwelling unit in duplex housing.

160.318 [Backfilling.]

Sec. 3.18. All backfilling over part of any house drain, within the boundaries of any street, alley, or public grounds, must be either thoroughly puddled or tamped in layers not exceeding six inches in thickness, and the question as to which shall be done, shall be determined by the City. The replacing of any gravel and/or sand shall be done within 48 hours after the laying the house drain or sewer and must be done so as to make the surface at least as good as it was before it was disturbed, and to the full satisfaction of the City, and the sewer builder will be held responsible for any subsequent settling in the ground and/or pavement. All water pipes must be protected to the satisfaction of the sewer inspector and all gas pipes shall be protected to the satisfaction of the company owning same, and any subsequent damage to either water or gas pipes, by reason of the construction of the house drain, or subsequent settling of the earth, shall be paid for the sewer builder.

160.319 [Connection with public sewer required.]

Sec. 3.19. House drains and sewers laid within the City and Township, in and for houses on streets where no public sewers are yet laid shall be done according

to the regulations of this ordinance in every particular. The owner and/or agent of such property must, within 12 months after a public sewer is built past the property, secure a permit to connect the same with a public sewer.

ARTICLE IV

160.400 INDUSTRIAL USE OF SYSTEM

160.401 Wastewater discharges.

Sec. 4.1. It shall be unlawful to discharge without a City permit to any natural outlet within the City, or in any area under the jurisdiction of the City, and/or to the City POTW and wastewater except as authorized by the director in accordance with the provisions of this ordinance.

160.402 Wastewater discharge permits.

Sec. 4.2. All existing Significant Industrial Users and Industrial/Commercial Users as required by the City proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.

(A) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee of \$50.00. Existing Significant Industrial Users shall apply for a wastewater discharge permit with 30 days after the effective date of this Ordinance, and proposed new sources shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance as determined by reliable bona fide chemical and biological analysis; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of discharges;
- (5) Average daily and instantaneous peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and appurtenances by the size, location and elevation;

- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged to the POTW;
- (8) The nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal pretreatment standards or requirements, and a statement regarding whether or not the pretreatment standards or requirements are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards or requirements.
- (9) If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O & M activities. 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 reasonably prompt increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer or other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance).
 - (b) 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.
 - (c) Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds 9 months.
- (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

- (13) Any other information as may be deemed by the City to be necessary to evaluate the permit application;
- (14) All permit applications shall be signed by principal Executive Officer of the user.

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

- (B) *Permit modifications.* With nine months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard with the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by (A)(3) above, the user shall apply for a wastewater contribution permit with 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent or Director within 180 days after the promulgation of an applicable Federal categorical pretreatment standard the information required by paragraph 4.2(A)(8) and (9) [160.402(A)(8) and (9)].
- (C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this Code and all other applicable regulations, user charges and fees and compliance schedules established by the City. Permits may contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
 - (6) Compliance schedules and periodic compliance reports;
 - (7) Requirements for submission of technical reports or discharge reports (see 4.3 [160.403]);
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

- (9) Requirements for notification of the City of any new introduction of wastewater constituents being introduced into the wastewater treatment system;
 - (10) Requirements for notification of slug discharges, accidental discharges and operations upsets as per sections 2.16 [160.216] and 4.7 [160.407];
 - (11) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.
- (D) *Net/Gross Calculation Of Limits.* The Director may adjust the categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water in accordance with this subsection.
- (1) *Application.* Any industrial user wishing to obtain credit for intake pollutants must make application to the Director. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraphs (2) and (3) of this section are met.
 - (2) *Criteria.* The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - (3) *Credit.* Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids, (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- (E) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Subsection (C)(2) are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (F) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new source, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of all existing permits.

- (G) *Permit fees and charges.* Each user required to obtain a Wastewater Discharge Permit shall reimburse the City upon demand the reasonable and necessary cost of monitoring, inspection, surveillance, and review of accidental discharges. Such expenses shall be charged to the user at 1.4 times the lowest hourly rate of the person qualified to perform the service and shall include necessary equipment expense and actual cost of outside testing and consulting services.

160.403 Reporting requirements for permittee.

Sec. 4.03. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any categorical user subject to pretreatment standards and requirements shall submit to the Director a report showing the measured average daily and maximum daily flow, in gallons per day from regulated process streams and such other streams as necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e) and identifying the pretreatment standards applicable to each regulated process. In addition the report shall include the results of sampling and analysis identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass) shall be reported. The sample shall be representative of daily operations and shall be taken in the frequency and manner provided by 40 CFR Section 403(12)(b)(5). The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements.

(A) *Periodic compliance reports.*

- (1) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new user, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently by the City, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by such pretreatment standard. In addition, this report shall include a record of all measured or estimated average and maximum daily flows for the reporting period. Flows shall be reported on the basis of actual measurement, provided, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by variable techniques. At the discretion of the Director in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director, for good cause shown, may agree to alter the months during which the above reports are to be submitted.

- (2) If the Director has imposed mass limitations on users, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standard in the effluent of the user. For industrial users subject to equivalent mass or concentration limits, the report required by subparagraph (1) of this paragraph shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge period of production (or other measure of operation), the report shall include the user's actual average production rate for the reporting period.

Reports of users shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable pretreatment standard. The report 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 frequency of monitoring shall be prescribed by the Director to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(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 procedures set forth in the EPA screening or amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

- (3) If sampling performed by an industrial user indicates a violation, the user shall notify the Director with 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director with 30 days after becoming aware of the violation.
- (B) *Reporting requirements, non-categorical discharges.* Industrial users with discharges which are not subject to categorical pretreatment standards shall submit at least once every six months (on dates specified by the Director) such reports as the Director deems necessary to verify compliance with all of the general discharge limitations and prohibitions of this Ordinance as required by 40 CFR 403.12(h).

- (C) *Base line monitoring report.* 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 Director a report which contains estimates of the measured average daily and maximum daily flow of process streams and waste streams and flow and amount of regulated pollutants in the form and containing the information required by 40 CFR, Section 403.12(b)(1-5), and shall include in this report information on the method of pretreatment standards.
- (D) *Signatory Requirements.* All reports required by this section shall contain the certification statement as set forth in 40 CFR Section 403.6(a)(2)(ii) and shall be signed as follows:
- (1) By a responsible corporate officer, if the industrial user submitting the reports required by paragraphs (A), (B) and (C) of this section is a corporation. For the purpose of this paragraph a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the 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), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) By a general partner or proprietor if the industrial user submitting the reports required by paragraphs (A), (B) and (C) of this section is a partnership or sole proprietorship respectively.
 - (3) By a member if the industrial user submitting the reports is a limited liability company.
 - (4) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:
 - (i) The authorization is made in writing by the individual described in paragraph (1) or (2);
 - (ii) 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, operator of a well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the City.
 - (5) If an authorization under paragraph (3) of this section 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 company, a new authorization satisfying the requirements of paragraph (1)—(3) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

(E) *Hazardous waste report.*

- (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 if known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, as estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this Ordinance. Industrial Users effective date of this Ordinance. Industrial Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this Paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). This notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).
- (2) Discharges are exempt from the requirements of this Subsection during a calendar month in which they discharge no more than fifteen 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 fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 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 waste or listing any additional substance as a hazardous waste, the Industrial User must

notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

- (4) In the case of any notification made under this Subsection, 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.

160.404 Monitoring facilities.

Sec. 4.04. The City shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, 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 the 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 the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notifications by the City.

160.405 Inspection and sampling.

Sec. 4.5. The City shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, approval authority and EPA shall have the right to set up on the inspection compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper 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, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

160.406 Pretreatment.

Sec. 4.6. Users shall provide necessary wastewater pretreatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to 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 Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User's initiation of the changes.

The City shall annually publish in the Ingham County newspaper a list of the users which were in significant non-compliance with any pretreatment requirements or standards at least once during the 12 previous months in accordance with 40 CFR 403.8(f)(2)(vii). For purposes of this section, the term "significant non-compliance" shall have the meaning ascribed to it by 40 CFR 403.8(f)(2)(vii).

160.407 Bypass of pretreatment facilities.

Sec. 4.7.

A. Definitions.

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
- (2) "Severe property damage" means 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. Bypass not violating applicable pretreatment standards or requirements.

- (1) 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 assure efficient operation. These bypasses are not subject to the provision of paragraphs C. and D. of this section.

C. Notice.

- (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.

- (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City with 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; the duration of the bypass, 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 Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. *Prohibition of bypass.*

- (1) Bypass is prohibited, and the City may take enforcement action against an industrial user for a bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The industrial user submitted notices as required under paragraph C. of this section.
- (2) 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 paragraph D.(1) of this Section.

160.408 Confidential information.

Sec. 4.8. 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.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant

Discharge Elimination System (NPDES) Permit, 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 person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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.

ARTICLE V

160.500

ENFORCEMENT

160.501 Harmful contributions.

Sec. 5.1. The City may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater contribution permit and/or the wastewater treatment 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.

160.502 Revocation of permit.

Sec. 5.2. Any user who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having their permit revoked in accordance with the procedures of Article V [160.500] of this Ordinance;

- (A) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (D) Violation of conditions of the permit.

160.503 Notification of violation.

Sec. 5.03. Whenever the City finds that any user has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, 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 thereof shall be submitted to the City by the user.

160.504 Show cause hearing.

Sec. 5.04. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. service may be made on any agent or officer of a corporation.

- (A) The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or and officer or employee of the city to:
 - (1) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) Take the evidence;
 - (3) Transmit a report of the evidence and hearing including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- (B) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically; the transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (C) After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and

appropriate may be issued. Any person aggrieved by a final order of the City Council may appeal to the Ingham County Circuit Court within 20 days of entry of the order.

- (D) In the event that the user does not substantially prevail on the substance of the matter in dispute before the City Council, the user shall be assessed an appeal fee of \$100.00 plus City Attorney's fees, expert witness fees, and stenographic fees for transcribing the City Council proceedings.

160.505 Legal action.

Sec. 5.5. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, federal or state pretreatment requirements, or any order of the City, such discharge is hereby declared to be a public nuisance and a nuisance per se. The City attorney may commence an action for appropriate legal, injunctive, and/or other equitable relief in the Circuit Court of this county, or an action for civil or criminal penalties in the Ingham County District Court.

160.506 Penalties; costs.

Sec. 5.6.

- (A) *Civil penalties.* Any user who is found responsible for having violated an order of the City Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, files, regulations and permits issued hereunder, shall be liable for a civil fine of not less than \$100.00 nor more than \$500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover its actual costs incurred for any cleaning, repair or replacement work caused by a violation and reasonable attorney fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.
- (B) *Criminal penalties.* In addition to any other penalty or legal remedy available to the City, any person who violates any provision of this Ordinance, or any rule or regulation adopted or issued in pursuance hereof, or fails to comply with any proper order issued by the City hereunder with the time limits specified therein, shall, upon conviction of said violation, be punished by a fine of not more than \$500.00 and costs of prosecution, or by imprisonment for not more than 90 days, or both such fine and imprisonment.

- (C) *Affirmative defense—Operations upset.* An operations upset shall constitute an affirmative defense to any action brought by the City for non-compliance with the Categorical Pretreatment Standards of this Ordinance if the following demonstration and requirements are met:
- (1) The industrial user shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the industrial user can identify the cause(s) of the upset.
 - (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedure.
 - (c) The industrial user has submitted to the Director the oral and written notifications required by Section 2.16 [160.216].
 - (2) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
 - (3) In case of upset 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 shall apply in the situation where, among others, the primary source of power of the facility is receded, lost, or fails.

ARTICLE VI

160.600

RATES AND CHARGES

160.601 Rates established, to whom applicable, basis for computation.

Sec. 6.1. Rates and charges for the use of the City POTW are hereby established. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the sewer system of the City or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Charges for use of the City sanitary sewage collection system shall be designated herein as sewer service charges and shall include:

- (A) User charges which shall distribute operation, maintenance and replacement costs for the City wastewater collection and treatment system to each user on a proportional basis.
- (B) Capital charges which shall distribute capital costs for the City wastewater collection and treatment system to each user on an equitable basis.

160.602 User charges.

Sec. 6.2. The user charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured by meters therein used, or in the absence thereof, by such equitable method as shall be determined by the City Administrator with the approval of the City for the payment of charges for water used, except in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic strength wastewater, additional charges shall be assessed over the regular rates hereinafter set forth. Rates for users obtaining all or part of their water supply from sources other than the City's water system shall be determined by gauging or metering the actual sewage acceptable to the City. Charges for users shall be computed on the basis of 1,000 gallon units per customer.

160.603 Rates to be billed.

Sec. 6.3. Sewer service charges for use of the City sewage collection and treatment system shall include: (1) a charge for quantity of sewage discharged to the City treatment plant, plus (2) a charge for BOD, suspended solids and phosphorous in excess of that for normal domestic wastes, plus (3) a capital charge for payments of interest and principal on bond issues together with cost for other improvements on the City wastewater collection and treatment system, plus (4) a capital improvement charge for maintenance, repair and improvements to the system.

Billings for the sewer service charge shall be quarterly (each three months) and shall be charged at such rates as shall be established from time to time by Resolution of the City Council adopted after public hearing in connection with adoption of the Annual City Budget and, from time to time, by Resolution of the Township Board, which rates shall, until being adjusted, be as follows:

a. *User charges.*

- \$7.51 for the first two thousand gallons or any part thereof during the three-month period.
- \$2.658 per thousand gallons for the next one thousand gallons or any part thereof during the three-month period for normal domestic wastewater.

Surcharges:

- \$0.21 per pound BOD for wastewater BOD in excess of that for normal domestic wastewater.
- \$0.21 per pound suspended solids for wastewater with suspended solids in excess of that for normal domestic wastewater.

- \$1.27 per pound phosphorous (as P) for wastewater with phosphorous in excess of that for normal domestic wastewater.
- b. *Capital charges.*
- \$0.127 per thousand gallons or any part thereof during the three-month period.
- c. *Capital improvement charges.* In all cases where a sewer system user has not paid a water and sewer system capital improvement charge as part of rates billed to such customer pursuant to subsection 1 of Section 12 of Ordinance Number 45-1-82 of the City of Mason, such user shall pay an additional capital improvement charge of \$0.127 per 1,000 gallons of sewage effluent and such capital improvement charge shall be separately billed to such customers and collected and accounted for in the same manner as provided in Section 12 of Ordinance Number 45-A-82 of the City of Mason.
- d. *Returned check charge.* Ten dollars shall be charged to the user for any check that is returned from the bank marked "non-sufficient funds."

160.604 Base sewer connection fee.

Sec. 6.4. Where a connection fee is made to a building or structure, a base sewer connection charge of \$800.00 per residential equivalent shall be made. Said fee may be changed or amended from time to time by Resolution of the Township Board. The minimum equivalent factor for any premises shall be 1.0.

- (A) *Table of unit factors.* Residential equivalent units assigned for each premises connected to the system shall be determined according to the following uses and factors.

Single family dwelling	1.0
Two family/multiple family dwelling	1.0 per dwelling unit
Auto body & repair/auto dealer	0.1 per employee
Auto car wash	
a. manual	2.5 per stall
b. semi-automatic (without conveyor)	5.0 per line
c. automatic (with conveyor)	10.0 per line
d. automatic (conserve & recycle water)	5.0 per line
Banks	0.1 per employee
Barber shop	.25 per chair
Bars	
a. no food	.06 per seat
b. food	.10 per seat
Boarding house	.20 per person
Bowling alley	

a. no bars or food	1.0 + .10 per lane
b. food	1.0 + .10 per lane + .06 per seat
c. food & bar	1.0 + .10 per lane + .10 per seat
Beauty shop	.25 per seat
Churches	
a. w/o kitchen and/or hall	.005 per seat
b. kitchen and/or hall	.01 per seat
Clinics	1.0 + .5 per examining room
Convalescent home	.25 per bed
Convents/monasteries	.25 per person
Correction facilities	0.1 per 10 employees + [maximum no. of prisoners × 80 gal/cap/d/225 gal/re/d]
Country clubs	.10 per member
a. restaurant & bar	.10 per member + .10 per seat
Department stores	0.1 per employee
Drug store	0.1 per 10 employees
a. with fountain	1.0 per 10 employees + .10 per seat
Dry cleaners	
a. pick up only	1.0
b. pressing facilities	1.25 per press
Factories (To be designated at time of application based on 1.0 r.e. = 225 g.p.d.)	
Fraternal organization	
a. members only	1.0
b. members w/rental	2.0
c. with bar	1.0 + .10 per seat
Funeral homes	2.0
Government offices	1.0 per 10 employees
Grocery store/supermarket/party store	
a. packaged only	0.1 per employee
b. meat & produce department	1.0 per 2,000 sf
Hardware	0.1 per employee
Health clubs	
a. with pool	3.5 per 1,000 sf
Hospitals	1.0 per bed
Hotels/motels	.25 per bed
a. with restaurant & bar	.25 per bed + .10 per seat

b. with swimming pool, restaurant & bar	an additional 3.5 per 1,000 sf of pool surface
Industry (To be determined at the time of application based upon 1.0 re = 225 g.p.d.)	
Insurance office	0.1 per 250 sq. ft.
Laundry (self serve)	.5 per washer
Lumber yards	0.1 per employee
Mobile home parks	
a. per site	1.0
b. office	1.0 per unit
c. community rooms	1.0 per unit
1. with kitchen	1.5
2. if rented	2.0
Motor freight terminals	0.1 per employee
Multiple family residence	1.0 per unit
Office building	0.1 per 250 sq. ft.
Printing shops	0.1 per employee
Public institutions other than hospitals	0.1 per employee
Real estate office	0.1 per 250 sq. ft.
Research & testing lab (to be determined at the time of application based upon 1.0 re = 225 g.p.d.)	
Restaurant	
a. w/o bar	1.0 + .06 per seat
b. bar	1.0 per/08 per seat
c. fast food	.16 per seat
Retail or wholesale sales	0.1 per employee
Rooming house (no meals)	1.0 + .10 per person
Schools	
a. with cafeteria	.45 per classroom
b. w/cafeteria & showers and/or pool	.65 per classroom
Service stations	
a. gas only	1.0
b. with repair	1.25
c. with car wash (refer to auto wash schedule)	
Snack bars and drive-ins	1.0 + .10 per seat or stall
Stores other than those listed	0.1 per employee
Swimming pool (other than residential)	3.5 per 1,000 sf of surface
Take-out (beer & liquor)	0.1 per employee
Theaters	
a. drive-in	.05 per car

b. walk-in	.01 per seat
Veterinarian hospital	1.5 per doctor
Warehouses	0.1 per employee

- B. The table of unit factors may be modified, added to or amended from time to time by resolution of the Mason City Council and/or by Resolution of the Township Board.

(Amended: Ord. No. 43.01, 2-7-2000)

160.605 Computation of quantity discharge charge.

Sec. 6.5. The quantity of discharge charge for residential and other non-industrial users of City water shall be based upon a three month consecutive period selected by the City Administrator or Director to be representative of water use during the months of November through March of a typical fall-winter season. When, because of seasonal use of a home for which there is no record of no useful record of water consumption during the selected fall-winter season, the City shall make charges in accordance with a base-period usage which shall be typical for like homes within the City.

160.606 Determination of wastewater discharge quantities.

Sec. 6.6. For homes, business and industries using metered City public water, meter water usage (corrected where applicable for water consumption or loss to storm drains) shall be the basis for determination of wastewater discharge quantities. Industries with private water supplies or industries for which metered use of public water is not directly related to wastewater discharge shall furnish and install meters and charges shall be based upon metered discharge from that industry. Industry meters for wastewater so installed shall be approved by the City and shall be available to City employees for routine readings.

160.607 Billings, liens, enforcement; township rates.

Sec. 6.7. A billing for use of the POTW shall be made directly by the City of Mason in the same manner and at the same rates as established by the City for users within its boundaries, including late charges. Pursuant to MCL 123.162, all such charges shall constitute a lien on the premises served and, if not paid within six months after same is due, the official in charge of collection shall, prior to the first day of May of each year, certified to the Township Assessor and Treasurer, the fact of such delinquency. Upon receipt of such certification, the Township Assessor and Treasurer shall enter the delinquent charge as a lien upon the property in the general property tax roll, which lien shall be enforced in the same manner as provided by law for collection of delinquent property taxes. Nothing herein shall be construed as prohibiting the Township of Vevay from establishing additional rates as may be necessary to finance said system and/or services rendered by Vevay in connection therewith. Such additional charges shall be

included within the City's billings or billed separately by Vevay. All such Township rates and charges shall be adopted and/or amended from time to time by Resolution as the Township shall deem appropriate.

A delayed payment charge of ten percent shall be added to any bill which is not paid within 20 days from the first day of the month following the end of the billing period.

160.608 Fiscal year for system.

Sec. 6.8. The system shall be operated on the basis of a fiscal year commencing on the first day of July and ending on the thirtieth day of June.

160.609 Additional capital sewer charge.

Sec. 6.9. In cases where the property to be connected to the sewer main has not participated directly (other than by payment of the Township's general property tax) in the cost of the sewer main or has been assessed the cost by special assessment, an additional sewer capital charge shall be paid prior to the making of any service connection. Said connection charge shall equal the amount which would have been specially assessed as to said property, if said property had been included within the original special assessment district. Said charge shall be certified to the City by the Township Treasurer and shall be remitted to the Township upon collection thereof.

ARTICLE VII

160.700

MISCELLANEOUS PROVISIONS

160.701 Rules, regulations and bylaws for system operation.

Sec. 7.1. The City Council may make such rules and regulations governing the operation of the POTW and the collection of charges as may deem necessary. The City Administrator or Director may make such further bylaws not inconsistent with actions of the City Council as he may deem necessary for the management and protection of the system. Such rules, regulations and bylaws shall have the same force and effect as ordinances.

160.702 Conflict.

Sec. 7.2. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, plumbing, safety or health ordinance or code of this City, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

160.703 Severability.

Sec. 7.3. The foregoing regulations of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the provisions of this Ordinance shall not be affected.

160.704 Records retention.

Sec. 7.4. Any industrial user subject to the reporting requirements of this Ordinance shall retain, for a minimum of three (3) years, any records of monitoring activities and results and shall make such records available for inspection and copying by the Director, the State and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when required by the Director, the State, or EPA.

160.705 Falsifying information.

Sec. 7.5. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or by both, and may be subject to the provisions of 18 USC § 1001 relating to fraud and false statements and provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification. For the purpose of this Section, the term "person" shall mean, in addition to the definition contained in Section 502(5) of the Act, any responsible corporate officer.

160.706 Repeal of prior ordinances.

Sec. 7.6. All other Ordinances and parts of such Ordinances inconsistent with or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

160.707 Amendment effect.

Sec. 7.7. The Township may amend this Ordinance to provide more stringent limitations or requirements on discharges to the POTW at any time it deems necessary to comply with the objectives set forth at Section 1.1 [160.101]. All users then connected to the system at the time of amendment shall comply with any limitations or requirements more stringent than those in effect at the time of the user's connection.

160.708

SANITARY SEWER SYSTEM (Ord. No. 43)

160.708 Effective date.

Sec. 7.8. This Ordinance shall take effect 20 days after its passage, approval and publication.

Part 161

161.000

CEMETERIES

Ord. No. 62

Adopted: November 14, 2004

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the township of Vevay, Ingham County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF VEVAY, COUNTY OF INGHAM, MICHIGAN ORDAINS:

161.001 Title.

Sec. 1. This Ordinance shall be known and cited as the Vevay Township Cemetery Ordinance for the Hawley, Eden & Rolfe Cemeteries.

161.002 Definitions of cemetery lots and burial spaces.

Sec. 2.

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. An adult burial space shall consist of a land area four feet wide and ten feet in length.

161.003 Sale of lots or burial spaces.

Sec. 3.

- A. Hereafter, cemetery lots or burial spaces shall be sold only to residents of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk and/or Township Supervisor however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- B. All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such

assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

161.004 Purchase price and transfer fees.

Sec. 4.

- A. The cost for each burial space shall be determined from time to time by resolution of the Township Board.
- B. The cost of any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be determined from time to time by the Township Board.
- C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- D. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

161.005 Grave opening charges.

Sec. 5.

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- B. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

161.006 Markers or memorials.

Sec. 6.

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

161.007 Interment regulations.

Sec. 7.

- A. Only one person may be buried in a burial space except for a parent and infant or two children buried at the same time.
- B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- E. Interment is for human remains only. Interment of animal remains is strictly prohibited.
- F. When weather conditions prevent an immediate interment of a dead body and storage is necessary, the individual in charge of a cemetery shall obtain written authorization for delayed interment signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of interment and place of temporary storage. This storage is not considered interment and a disinterment and reinterment permit is not required.

161.008 Ground maintenance.

Sec. 8.

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.
- B. No shrubs or trees of any type shall be planted without the approval of the Cemetery Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.
- C. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

161.009 Forfeiture of vacant cemetery lots or burial spaces.

Sec. 9. Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

161.010 Repurchase of lots or burial spaces.

Sec. 10. The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

161.011 Records.

Sec. 11. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

161.012 Vault.

Sec. 12. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

161.013 Cemetery hours.

Sec. 13.

- A. The cemetery shall be open to the general public from dawn to dusk each day.

- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

161.014 Penalties.

Sec. 14. Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

161.015 Severability.

Sec. 15. The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

161.016 Effective date.

Sec. 16. This Ordinance shall take become effective immediately upon its adoption and publication as required by law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.



Parts 162—189

(Reserved)

