

Chapter 32 - UTILITIES

FOOTNOTE(S):

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**State Law reference**— Authority to provide for water and sewer systems, MCL 41.411; local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.

ARTICLE I. - IN GENERAL

Secs. 32-1—32-18. - Reserved.

ARTICLE II. - WATER

Secs. 32-19—32-39. - Reserved.

ARTICLE III. - SEWAGE DISPOSAL

DIVISION 1. - GENERALLY

Sec. 32-40. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* or *the Act* means the federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

*Applicable county health department* means the county health department.

*Authorized representative of industrial user.* An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated in subsection (1) or (2) of this section if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or for environmental matters of the company.

Authorization for the individual must submit this representative in writing to the township designated in subsections (1) and (2) of this definition.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

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

*Building sewer* means the extension from the building drain to the public sanitary sewer or other place of disposal.

*Bypass* means the intentional diversion of wastestreams from any portion of a user's pretreatment facility.

*Categorical standards* means the National Categorical Pretreatment Standards or pretreatment standard.

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

*Chlorine demand* means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of the contact time, expressed in milligrams per liter.

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

*Commercial waste* means a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.

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

*Composite sample* means a series of samples taken over a specific time period whose volume is proportional to the flow in the wastestream, which are combined into one sample.

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

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Environmental protection agency or EPA* means the U.S. Environmental Protection Agency, administrator or other duly authorized official.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

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

*Holding tank waste* means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Incompatible pollutants* means any pollutant that is not a compatible pollutant.

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants into the sewer system (including holding tank waste discharged into the system).

*Industrial wastes* means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

*Inflow* means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

*Interference* means the inhibition or disruption of the sewer system treatment processes or operations, which contributes to a violation of any requirement of the township's NPDES permit or reduces the efficiency of the sewer system. The term "interference" also includes prevention of sewage sludge use or disposal by the sewer system.

*Laboratory determination* means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Wastewater," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this article.

*Lateral line* means that portion of the sewer system located under the street or within the street right-of-way from the property line to the trunk line and which collects sewage from a particular property for transfer to the trunk line.

*Major contributing industry* means any industrial user of the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average workday;
- (2) Has a flow greater than five percent of the flow carried by the municipality receiving the wastes;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in the standards under section 307(a) of the federal water pollution control act of 1972; or
- (4) Is found by the permit issuance authority, in connection with the issuance NPDES permit to the publicly owned treatment works receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

*National Categorical Pretreatment Standard or pretreatment standard* means any federal regulation containing pollutant discharge limits promulgated by the EPA, which applies to a specific category of industrial users.

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

*National Prohibitive Discharge Standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.

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

*New source* means any building, structure facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under section 307(c) of the clean water act will be applicable to the source if the standards are thereafter promulgated in accordance with section 307(c), and if any of the following provisions apply:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located.
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (3) The production of wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which a new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent.

Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Construction on a site at which an existing source is located results in a modification, rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (2) and (3) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

*Normal domestic sewage (NDS)* means wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; nor than 240 mg/l of suspended solids; nor more than five mg/l of phosphorus; nor more than 100 mg/l of fats, oils and grease; nor more than 20 mg/l of total Kjeldahl nitrogen.

*Obstruction* means any object of whatever nature that substantially impedes the flow of sewage from the point of origination to the trunk line. The term "obstruction" shall include, but not be limited to, objects, sewage, tree roots, rocks and debris of any type.

*Operation and maintenance* means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with ensuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other

applicable state and federal regulations, and includes the cost of replacement.

*Owner of record of the freehold of the premises or lesser estate therein* means a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns, receiving sanitary sewer service.

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

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

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

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

*Pretreatment requirements* means any substantive or procedural requirement for treating of a waste prior to inclusion in the sewer system, including National Categorical Pretreatment Standards.

*Private sewer lines* means all service lines and equipment for the disposal of sewage installed or located on any property, from the property line to and including any structure or facility that exists on the property.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half-inch in any dimension.

*Property owner* means the owner of the property that abuts the street.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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

*Revenues.* Whenever the terms "revenues" and "net revenues" are used in this article, they shall be understood to have the meanings as defined in section 3, Act 94, Public Acts of Michigan, 1933, as amended.

*Sanitary sewage* means a liquid or water-carried waste discharged from the sanitary conveniences of dwellings, including, but not limited to, residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

*Sanitary sewer* means a sewer that carries sewage and to which stormwater, surface water and groundwater is not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.

*Sewer service charge* means the sum of the applicable user charge, surcharges and debt service charges.

*Sewer system* means the complete facilities of the township's sanitary sewer system, including any future treatment facilities of any type, and transmission lines and pump stations, and all additions thereto, and including all extensions and improvements thereto which may hereafter be acquired. The sewer system shall also consist of all plants, works, instrumentalities, lines and properties, including rights-of-way now or hereafter existing, used or useful in obtaining the transmission and/or treatment of a sanitary sewer system, whether such system is owned outright or under lease or otherwise by the user. The sanitary sewer system may be comprised of separate facilities located in separate districts and shall include all lines connecting it to the sewage treatment facilities of the township.

*Severe property damage* means substantial physical damage to property, damage to the user's pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Significant industrial user* means any industrial user of the township's wastewater disposal system who:

- (1) Is subject to National Categorical Pretreatment Standards;
- (2) Has a discharge flow of 25,000 gallons or more per average work day;
- (3) Has a flow greater than five percent of the flow in the township's wastewater treatment system;
- (4) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, state statutes and rules; or
- (5) Is found by the township, state department of environmental quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

*Significant noncompliance* means one or more of the following:

- (1) Chronic violation of wastewater discharge limit, defined here as when 66 percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed, by any magnitude, the corresponding daily maximum limit or the corresponding average limit;
- (2) Technical review criteria violation of wastewater discharge limit, defined here as when 33 percent or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the

applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC factor (TRC factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a daily maximum limit or an average limit that the superintendent determines has, alone or in combination with other discharges, caused interference or pass through, including endangering the health of wastewater treatment plant personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the wastewater treatment plant exercising its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a township-issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and
- (8) Any other violation, or group of violations, which the superintendent determines as adversely affecting operation or implementation of the township's pretreatment program.

*Slug load* means any substance released in a discharge at a rate and/or concentration that causes interference to a sewer system.

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972.

*Storm sewer* or *storm drain* means a sewer that carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent* means the person designated by the township to supervise the operation of the sewer system, who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Surcharge.* As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the township shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

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

*Township board* means the governing body of the township.

*Toxic pollutant* means any pollutant, or combination of pollutants, which is or can potentially be harmful to public health or environment, including those listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of CWA 307(a) or other Acts.

*Trunk line* means the main sanitary sewer line located under any street or within any street right-of-way, which collects and transmits the sewage of the various properties served by the sewer system.

*Uncontaminated industrial waste* means wastewater that has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User* means any person who contributes, causes or permits the contribution of wastewater into the sewer system.

*User charge* means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to section 204(b) of PL 92-500, and includes the cost of replacement.

*User class* means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial, institutional and governmental.

- (1) *Residential user* means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multifamily dwellings (transit lodging is not included, it is considered commercial).
- (2) *Industrial user* means any user who discharges industrial wastes as defined in this article.
- (3) *Commercial user* means an establishment listed in the office of the management and budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- (4) *Institutional user* means any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (5) *Governmental user* means any federal, state or local government user of the wastewater treatment works.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the sewer system.



*Wastewater treatment plant* means that portion of the sewer system designed to provide treatment to wastewater.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

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

(Ord. of 10-26-2001, ch. 1, § 1)

Sec. 32-41. - Provisions deemed incorporated in all contracts.

- (a) *Contract for service.* All provisions and sections of this article about the township sewer system and sale and use of sanitary sewer service and/or amendments or additions which may be subsequently adopted shall be considered a part of the contract with every person that is supplied with sanitary sewer system through the system of the township, and every person by taking sanitary sewer service shall be considered to express his consent to be bound thereby, and whenever any provision or section of this article about the system is violated, the sanitary sewer system may be cut off from the building or place of violation at the discretion of the superintendent and shall not be turned on again except on correction of the violation and payment of the expenses of shutting off and turning on.
- (b) *Save harmless clause.* The user of the system shall indemnify, save harmless and defend the township against all claims, demands, cost or expense for loss, damage or injury to persons or property in any manner, directly or indirectly, growing out of the transmission and use of the sanitary sewer system by the user from water service pipes installed by the users on the users premises.

(Ord. of 10-26-2001, ch. 1, § 2)

Sec. 32-42. - Administration/management.

- (a) *Establishment of a public utility.* It is hereby determined to be desirable and necessary for the public health, safety and welfare of the township that the township's sewer system be operated on a public utility rate basis.
- (b) *Supervision and control.* The operation and management of the system shall be under the immediate supervision and control of the township board.
- (c) *Rights.* The township has the exclusive right to establish, maintain and collect rates and charges for sanitary sewer service from the system. The township board may make such rules, orders or regulations as it deems advisable and necessary to ensure the efficient management and operation of the system. The township may employ or contract such persons in such capacities, as it deems advisable to carry out the efficient management and operation of the system.
- (d) *Operating year.* The system operation shall be based on an operating fiscal year commencing on July 1 and ending on June 30 the next following.
- (e) *Compliance with state and federal standards and regulations.* Standards and regulations established in this article or pursuant hereto are deemed to be the minimum standards consistent with the preservation of public health, safety and welfare and are necessary to fulfill the obligations of the township concerning state and federal law and the rules and regulations adopted pursuant thereto.
- (f) *Additional regulations.* The township board may, by resolution, make additional rules and regulations concerning the system.
- (g)

*Requirement for meter.* Any customer connected to the system that discharges or may be expected to discharge more than 234,000 gallons of wastewater per quarter, shall have installed at the customer's expense, an approved meter to register accurately all water flowing to the sanitary sewer system.

*(Ord. of 10-26-2001, ch. 1, § 3; Ord. No. 14-31, § 1(3.7), 7-8-2014)*

Sec. 32-43. - Township liability exemption.

(a) The township, shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the system's users. It shall be the responsibility of the user that all connected equipment remains in good working order. No claim or cause of action may be asserted against the township by reason of the breaking away of any pipe, or for any other interruption of the sanitary sewer service.

(b) The township shall not be liable for any expenses incurred by a permittee in locating services.

*(Ord. of 10-26-2001, ch. 1, § 4)*

Sec. 32-44. - Sewer backups.

The township may reimburse a property owner for a claim for a sewage disposal system event to the extent that the claim meets the requirements of MCL 691.1416—691.1419, as amended, subject to township board of trustees approval. This policy is intended to be permissive, and shall not create any right to reimbursement.

*(Ord. No. 13-18, § 1, 8-13-2013)*

Sec. 32-45. - Access.

(a) *Inspection.* The superintendent and other duly authorized representatives of the township bearing proper credentials and identification shall be permitted to enter upon all properties served by the system at reasonable times for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this article. Any person who requests sanitary sewer service and/or receives sanitary sewer services from the system under this article shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's property at reasonable times to make inspections.

(b) *Meter reader access.* Any duly authorized agent or employee of the township shall have access to the user's premises at all reasonable hours for the purpose of reading meters, inspections, doing repairs or installing or removing any or all township-owned apparatus used for providing service to any user of the system.

*(Ord. of 10-26-2001, ch. 1, § 5)*

Sec. 32-46. - System prohibitions.

No person in the township shall:

- (1) Willfully, negligently or maliciously break, damage, destroy, uncover, deface or tamper with or alter any structure, property, appurtenance, equipment or any other item which is part of the system.
- (2) Remove any part of the system, including equipment or tools.
- (3) Prevent or circumvent a water meter from measuring water supplied to a customer of the system.
- (4) Fraudulently obtain sanitary sewer services from the system.

*(Ord. of 10-26-2001, ch. 1, § 6)*

Sec. 32-47. - Enforcement.

- (a) *Powers of the superintendent.* The superintendent is hereby empowered to, either directly or through others:
- (1) Supervise the implementation of this article.
  - (2) Institute actions against all users violating this article and, with the township attorney, institute necessary legal proceedings to prosecute violations of this article and compel the prevention and abatement of violations of this article or nuisances arising therefrom.
  - (3) Review the plans for pretreatment equipment submitted by users.
  - (4) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered pretreatment equipment to determine compliance with the provisions of this article.
  - (5) Investigate complaints of violations of this article and make inspections and observations of discharges. Record the investigations, complaints, inspections, and observations.
  - (6) Issue orders requiring compliance with this article.
  - (7) Determine and assess administrative civil penalties for violations of this article.
  - (8) Determine surcharges to be levied pursuant to this article.
  - (9) Perform other actions necessary or advisable for the management and operation of the sewer system and the enforcement of this article and other applicable laws and regulations.
- (b) *Notice of violation.* The superintendent may issue a notice of violation with or without an order against any user believed to be in violation of this article and determine the civil administrative penalty, if any, to be imposed.
- (1) *Service.* The notice of violation shall be served upon the user either by personal delivery or by first class mail addressed to the user at their billing address, except that an immediate cease and desist order may be written or oral, and may also be served by telephone.
  - (2) *Content of notice of violation.* The notice of violation shall specify the following:
    - a. Date and time of issuance.
    - b. Dates, times, and places of violation and the nature of the violation.
    - c. Possible penalties under the article.
    - d. The right of the alleged violator to present to the superintendent written explanations, information, or other materials in answer to the notice, including any defenses.
- (c) *Orders.* Whenever the superintendent has determined that any user has violated this article or other applicable laws or regulations which the township is authorized to enforce, the superintendent may issue an order, with or without a notice of violation, and whether or not a notice of violation was previously issued, to take actions deemed appropriate by the superintendent under the circumstances.
- (d) *Types of orders.* The following orders may be issued by the superintendent:
- (1) *Immediate cease and desist.* An order to immediately cease and desist from discharging any wastewater or pollutant which presents or may present imminent or substantial endangerment to the health or welfare of persons or the environment, or could cause interference with the operation of the sewer system. The order shall be final and in effect until a hearing, if requested, is concluded and a final decision is made by the superintendent pursuant to this article. If a hearing is requested, it shall be held as soon as reasonably possible, but not to exceed five calendar days after the date the request for a hearing is received by the superintendent. The hearing will be held only if requested by the user.

- (2) *Order to show cause.* The superintendent may issue an order to show cause why an order to cease discharge by a certain time and date or perform other actions should not be issued. Nonpayment of use permit fees and noncompliance with any term of a use permit shall constitute sufficient cause for an order to cease discharge within a certain time. The order may contain conditions or requirements as deemed appropriate by the superintendent, including, but not limited to, a requirement to do the following:
- a. Submit samples.
  - b. Install sampling or monitoring equipment.
  - c. Submit reports.
  - d. Permit access for inspection, sampling, tests, monitoring, and investigations.
  - e. Install and operate pretreatment equipment.
  - f. Reduce or eliminate a discharge or pollutants in a discharge.
  - g. Payment of use permit fees.
- (3) *Content of orders.* Any order issued by the superintendent shall contain the facts and reasons and grounds for its issuance, and the remedial action ordered as well as the time within which the action shall be taken. No order is insufficient for inconsequential errors and omissions in the facts or reasons and grounds for the order. If any user believes the content of the order to contain insufficient information, it may ask the superintendent for additional information. Multiple orders may be issued simultaneously or in combination as a single order by the superintendent with respect to a single user.
- (e) *Disconnection.* The superintendent may disconnect a user from the collection system if the user violates any provision of a final order or an issued immediate cease and desist order (whether final or not).
- (f) *Informal conference.* An informal conference with the superintendent of the wastewater division ("SW"), or the designee of the SW, may be requested in writing, in a format and with information substantially conforming to requirements designated by the township, by any user believing itself aggrieved by any notice of violation, order, surcharge, penalty, or action on a permit by the superintendent within five calendar days after the notice of violation, order, notice of a surcharge, penalty, or action on a permit has been served upon the user. The request for an informal conference shall be submitted to the SW. The purposes of the informal conference are to discuss the matter by which the user believes itself aggrieved and to attempt to reach a settlement of the matter agreeable to the user and the township. The SW is not required to reach any conclusion or provide a decision as a result of an informal conference. If a request is received, the SW shall hold the informal conference within ten calendar days of receipt of the request. A user is not required to request or participate in an informal conference as a pre-condition to requesting and participating in a hearing under subsection (g) of this section, nor is a user required to request or participate in a hearing under subsection (g) of this section as a pre-condition to requesting and participating in an informal conference. If a hearing is held under subsection (g) of this section, the hearing is not an appeal from an informal conference.
- (g) *Right to hearing.*
- (1) A hearing before a hearing officer may be requested in writing, in a format and with information substantially conforming to requirements established by the township, by any user believing itself aggrieved by any notice of violation, order, surcharge, penalty, or action on a permit by the superintendent within 30 calendar days after the notice of violation, order, notice of a surcharge,

penalty, or action on a permit has been served upon the user. If an informal conference has not been requested by the user, the request shall be made within 15 calendar days of service. The request for a hearing shall be submitted to the superintendent.

- (2) A hearing fee, as currently established or as hereafter adopted by resolution of the township board from time to time, must accompany any request for a hearing filed under this section.
- (3) If a hearing is not demanded within the time period provided herein, the action taken by the superintendent shall be deemed final. In the event a hearing is demanded, the action shall be suspended until the hearing is completed; provided, however, that immediate cease and desist orders issued pursuant to this chapter shall not be suspended.
  - a. *Hearing officer.* The superintendent shall be the hearing officer. The hearing officer may retain one or more persons ("experts") who are not employees of the township to advise the hearing officer in matters related to the hearing. The expert may or may not participate in the presentation of evidence and arguments. If the expert prepares a written report or opinion, the parties to the hearing shall be given an opportunity to review it and submit written comments on it.
  - b. *Time.* The hearing shall be promptly scheduled to commence at the earliest practicable date, but not later than 30 days after receipt of the request, unless extended by mutual written agreement.
  - c. *Content of request for hearing.* Any written request for a hearing shall be signed by the user requesting the hearing or by a duly authorized officer, agent, or attorney, shall be directed to the superintendent, and shall contain the following:
    1. The name and address of the user requesting the hearing.
    2. A copy of the notice of violation, order, or the notice of any surcharge, penalty, or action on a permit.
    3. A statement of the defenses and issues to be raised at the hearing.
- (h) *Procedure for conduct of hearing.* Hearings on any notice of violation, order, notice of surcharge, penalty, or action on a permit issued by the superintendent shall be conducted under the procedure set forth in this section.
  - (1) *Rules of evidence.* Hearings shall be informal and need not be conducted according to the strict technical rules relating to evidence and witnesses.
  - (2) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation.
  - (3) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence.
  - (4) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
  - (5) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence may be excluded by the hearing officer.
  - (6) *Rights of parties.* At the hearing, each party shall have the following rights:
    - a. To call and examine witnesses on any matter relevant to the issues of the hearing.
    - b. To introduce documentary and physical evidence.
    - c. To cross examine opposing witnesses on any matter relevant to the issues of the hearing.
    - d. To impeach any witness, regardless of which party first called the witness to testify.
    - e. To rebut adverse evidence.

- f. To representation of his choice.
- (7) *What may be noticed.* In reaching a decision, official notice may be taken either before or after submission of the case for decision of any fact, law, or regulation which may be judicially noticed by the courts of this state.
- (8) *Inspection of the premises.* The hearing officer may inspect any building or premises involved in the hearing.
- (9) *Record.* A record of the proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment by the requesting party of the costs of transcription.
- (i) *Decision of hearing officer.* The hearing officer shall review the evidence and, within 15 days after the close of the hearing, issue a written decision.
- (1) *Form of decision.* The decision shall contain findings of fact, a decision on each of the points raised by the user, and an explanation of the reasons for the decision. A copy of the decision shall be delivered personally or sent by first class mail to the user.
- (2) *Effective date of decision.* The effective date of the decision shall be as stated in the written decision.
- (j) *Judicial review.* Appeals from the decision of the superintendent shall be made to a court of competent jurisdiction as provided by law.
- (k) *Continuing offense.* Each and every day, or portion thereof, of any violation of this article or a use permit or a final order issued under this article by any user shall constitute a separate and new violation by the user and shall be punishable for administrative, civil, and criminal penalties.
- (l) *Surcharges.* In addition to prosecution and the imposition of penalties for violations, a user violating this article, a use permit, or a final order shall be subject to one or more surcharges under this article.
- (m) *Administrative civil penalties.* Any user violating this article, a use permit, or a final order is subject to an administrative civil penalty to be determined and assessed by the superintendent not to exceed \$500.00 per day, per violation. The superintendent, in calculating the amount of the penalty, shall consider the frequency of violations by the user, the impact of the violation on the sewer system and human health and the environment, the magnitude of the violation, and other factors believed appropriate by the superintendent.
- (n) *Violation constitutes a public nuisance.* Violations of this article, a use permit, or a final order are hereby declared to constitute a public nuisance.
- (o) *Civil judicial relief.* The superintendent is hereby empowered, with the township attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this article, a use permit, or a final order. The superintendent may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief as a court may order. The superintendent may also seek collection of surcharges and penalties which the user has not paid. The superintendent, with the township attorney, may seek other relief, including non-judicial relief.
- (p) *Judicial civil penalties.* In any action brought by the township against a user for violation of this article, a use permit, or a final order, a court of competent jurisdiction may impose a civil penalty of up to \$500.00 per day per violation. The \$500.00 shall be adjusted upwards as of the effective date of state legislation which authorizes a township to impose penalties higher than \$500.00. The adjustment shall be to the maximum amount then authorized by the laws of the state.

- (q) *Criminal penalties.* Any user who violates any provision of this article, a use permit or a final order issued under this article, or who fails to pay a civil administrative penalty, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00 and the costs of prosecution or by imprisonment for not more than 90 days, or by both. Each act or violation and every day upon which any violation shall occur shall constitute a separate offense.
- (r) *Cumulative remedies.* The imposition of a single penalty, fine, order, damage, or surcharge upon a user for a violation of this article, a use permit, or a final order shall not preclude the imposition by the township or a court of competent jurisdiction of a combination of any or all of the sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, judicial, or township administrative proceeding, conference, or hearing regarding the user.
- (s) *Responsible corporate directors, officers, and employees.* An individual who is an employee, officer, or director of a user which is an entity other than an individual shall be individually subject to the civil administrative, civil judicial, and criminal penalties and sanctions under this article if the individual personally participated in the acts or omissions which constituted the violation or if the individual has responsibility for wastewater matters of the user or responsibility for the overall operation of the user or for the user's facility at which the violation occurred.

(Ord. of 10-26-2001, ch. 1, § 7)

Sec. 32-48. - Establishment of rates.

(a) *Purpose for charges.*

- (1) *Establishment of charges.* Charges for the installation and use of the system are hereby established to recover the costs of administration, construction, reconstruction, and maintenance of said system as are necessary to preserve the same in good working order, operation and replacement of the system and to provide for the payment of any debt service obligations of the township as the same becomes due. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all premises which use the system.
- (2) *Establishment of rates.* The rates for sanitary sewer service charges, connection fees and other charges are to be established by resolution of the township board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the system. Rates need not be uniform for any separate sanitary sewer districts.
- (3) *Publication.* Following approval by the township board of the rates to be charged for the sanitary sewer service under this article, the rate schedule shall be published. Said notice is to be published in a newspaper of general circulation in the township within 30 days following approval by the township board.

(b) *Types of charges.*

- (1) *Unmetered customers.* All residential, commercial, industrial, and other users connected to the system that do not have a metered water supply shall be charged a quarterly charge based on their residential equivalent units as determined by the township.

Usage	Unit Factor
Auto dealers	0.40 per 1,000 square feet

Auto repair shops	1 + 0.5 per 1,000 square feet
Banks	0.25 per employee station
Barbershops	1 + 0.1 per chair after 2
Bars	4 per 1,000 square feet
Beauty shops	1 + 0.15 per booth
Boarding houses	1 + 0.2 per bedroom
Boarding schools	0.27 per person
Body shops	1 per each 15 employees
Bowling alleys (no bar or lunch)	0.16 per alley
Bowling alleys (bar and/or lunch)	0.60 per alley
Car wash	
Manual, do-it-yourself	2.0 per stall
Semi-automatic without conveyor	12.5 per stall
Automatic with conveyor	<u>10</u> per production line
Automatic with conveyor conserving and recycling water	5 per production line
Child care centers	1 + 0.5 per person
Churches	1 minimum, 0.25 per 1,000 square feet
Cleaners (pick up only)	1
Cleaners (pressing facilities)	1.25 per press
Clinics (minimum assignment 1.00 unit per profession)	0.50 per doctor
Convents	1 + 0.25 per bedroom
Convalescent homes	1 + 0.5 per bedroom



Country clubs	1.5 per 1,000 square feet
Dairy stores	0.16 per employee
Department stores (with food)	0.60 per 1,000 square feet
Department stores (without food)	0.40 per 1,000 square feet
Drug stores (with fountain service)	0.10 per seat
Drug stores (without fountain)	0.40 per 1,000 square feet
Factories (exclusive of industrial wastes)	0.5 per 1,000 square feet
Fire stations	0.20 per person/24 hours
Fire stations (volunteer)	1
Fraternal organizations (members only)	1 per hall
Fraternal organizations (members and rentals)	2.0 per hall
Fruit stand (cleaning-seasonal)	1.1 per 1,000 square feet
Funeral home	1.5 per 100 square feet, plus residence
Garden center (nursery)	1 + 0.5 per person
Government offices	0.40 per 1,000 square feet
Grocery stores and supermarkets	1.1 per 1,000 square feet
Hospitals	1.09 per bed
Hotels (private baths)	0.25 per bed
Industrial buildings	0.5 per 1,000 square feet
Laundry	1.0 per washer
Lumber yard	1 per each 15 employees or fraction
Mobile homes	1 per pad
Motor freight terminals	1 per each 15 employees or fraction

Motels	0.25 per unit
Multiple family residence	1 per dwelling unit
Office building	0.40 per 1,000 square feet
Pets, plants and fish stores	1.1 per 1,000 square feet
Pool hall	0.1 per table
Post office	1 per 1,000 square feet
Printing shop	1 per each 15 employees or fraction
Public institutions (other than hospitals)	1 per each 15 employees or fraction
Research and testing laboratories	1 per each 15 employees or fraction
Restaurants:	
Quick serve franchise type, without dishes, dealing mainly in hamburgers and sandwiches with or without eating in building. (Includes, but not limited to McDonald's, Burger Chef, Burger King, Red Barn, Hardee's and Arby's.)	<u>10</u> per restaurant
Other restaurants. (includes, but not limited to, drive-ins, snack bars, carry-outs, such as fried chicken and pizza; could have limited eating in building without dishes.)	1.8 per 1,000 square feet.
Restaurants, sitdown with wait staff that serves dinners and/or drinks	0.10 per seat, w/liquor 4 per 1,000 square feet
Schools	0.10 per student
Service stations	0.20 per pump
Single-family dwelling units	1 per dwelling unit
Snack bars, drive-ins, etc.	0.08 per seat and/or stall
Sports centers	1 per each 15 employees or fraction

Stores (other than specifically listed)	0.15 per employee
Swimming pools	2.85 per 1,000 square feet
Take-out (beer and liquor)	1 per each 15 employees or fraction
Tennis club	0.08 per member
Theaters (inside)	0.0001 times weekly hours of operation times number of seats
Trailer parks (self-contained unit)	1 per trailer
Trailers (individual)	1 per trailer
Travel trailer park (individual bath units)	0.27 per cubical
Travel trailer park (individual bath units- seasonal only)	0.27 per cubical
Used auto sales	1 per each 15 employees or fraction
Veterinarian hospitals	2.0 per veterinarian
Warehouses	0.10 per 1,000 square feet

- (2) *Metered customers.* All the water use of commercial, industrial and other users connected to the system that have metered water supply shall be measured by meter and the users shall be charged a quarterly charge based on (i) a commodity charge as determined by the township; and (ii) the actual costs for the meter itself and for reading, installing, replacing, and/or maintaining the meter.
- (3) *Other charges.* All other charges shall be as set forth in the article governing the operation of the sewer system.

(Ord. of 10-26-2001, ch. 1, § 8; Ord. No. 14-31, § 2(8.2.2), 7-8-2014)

Sec. 32-49. - Payment for use of the system.

(a) *Responsibility for payment.*

- (1) The owner of the premises served by the system shall be liable to the township for any charges and fees authorized to be charged by this article.
- (2) When a single water service pipe serves two or more user units, the owner of the premises shall be responsible for payment.
- (3) The owner of the premises as well as any user of the system at the premises shall be responsible to reimburse the township for any and all administrative costs and fees incurred by the township.

(b) *Billing, collections and customers payments.*

- (1) *Meter reading.* Meters shall be read quarterly and as deemed necessary.
- (2) *Bills.* The township shall tender, or cause to be tendered, bills for sanitary sewer service and all other charges in connection therewith. Bills for sanitary sewer service shall be sent to users by first class mail.
- (3) *Quarterly bills.* Quarterly sanitary sewer bills for users of the system shall be based upon the charges established by resolution of the township board for the system.
- (4) *Due date of charges.* All bills shall be payable by the due date specified on the bills, and shall be paid as provided in the bill in person or by mail.
- (5) *Collections.* The township treasurer or authorized representative shall collect all moneys due for sanitary sewer service and all other charges in connection with the system.
- (6) *Late charges.* If any charge for the services of the system, which has been billed to a customer of the system, shall not be paid on or before the due date specified on the bill, a delayed payment charge of ten percent of the amount of the bill shall be added thereto and collected therewith.
- (7) *Non-receipt of bill.* Failure of the user to receive any bill shall not relieve him of the liability for the charges incurred, and the user shall notify the township clerk if a bill has not been received the 15th day after the end of a billing period.
- (8) *Charges to become a lien upon premises.* The township shall have, as security for the collection of sanitary sewer rates, assessments or charges due or to become due for the use and installation, repair, or maintenance to any house, building, or premises, a lien upon the building or premises, lot or lots, upon which the system's service was supplied. This lien shall become effective immediately upon the providing of the system's service to the premises or property supplied.
  - a. The lien created by this article shall have priority over all other liens except taxes or special assessments. The lien created by this article shall not apply if a written lease has been legally executed containing a provision that the lessor shall not be liable for payment of use charges, providing the lease was executed prior to the supply of sanitary sewer service for which the charges are made and providing that the lessor has filed an affidavit with the township clerk verifying the execution of a lease containing such provision. The lessor shall give the township 20 days advance written notice of any cancellation, change, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.
  - b. Charges for sanitary sewer service that are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121) shall be made a lien on all premises served thereby. The charges for sanitary sewer service furnished to any premises are hereby recognized to constitute such lien and whenever any such charge against any piece of property or premises shall be delinquent for six months or more that fact shall be certified on March 1 of each year to the tax assessing officer of the township, whereupon such charge shall be by him entered upon the next tax roll as a charge against such piece of property or premises and the charges shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises.

(Ord. of 10-26-2001, ch. 1, § 9)

Sec. 32-50. - Funds collected.

- (a) *General.* All funds collected by the township for the use of the system shall be received by the township treasurer and deposited in the sanitary sewer fund, which is hereby established for this purpose. Moneys on deposit in the sanitary sewer fund, where authorized by resolution of the

township board, shall be expended for any lawful purpose related to the operation, maintenance, construction, acquisition or debt service due on account of construction, acquisition or equipping of the system.

- (b) *Special assessments.* Except where special assessments are pledged to the retirement of bonds or other obligations issued by the township, all special assessments collected for any part of the system shall be deposited in the sanitary sewer and fund.

*(Ord. of 10-26-2001, ch. 1, § 10)*

Sec. 32-51. - Sewage flow determination.

To determine the sewage flow from any establishment, the superintendent may use one of the following methods:

- (1) The amount of water supplied to the premises by the township or a private well or water company as shown upon the water meter if the premises are metered, and in all cases using water meters obtained from the township and paid for by the customer. The township must approve water meters provided by a private water company or by a customer for a private well and paid for by the customer. All such water meters must be accessible to the township for meter reading and replacement purposes. Meters shall be installed in readily accessible locations and in a manner satisfactory to the township. A meter shall not be installed in a place where the meter reader cannot readily reach it. All meters shall be installed horizontally in dry, clean, sanitary location and in such places that small leaks and the spilling of water will do no damage. All meters shall be in a suitable location to prevent the pipes and meters from freezing in cold weather. If a suitable and readily accessible location is provided in a dry basement sufficiently well heated to prevent freezing of the meter during the winter, the meter may be placed in the basement. Where the premise contains no basements or cellar, the meter shall be installed in a location that shall be approved by the township. Where it is necessary to install the meter in a pit outside a building, such pit shall be built as directed by the township. With township approval and when a sump pump or drain is provided, meters may be installed below grade-line in a brick or first floor meter pit. All meter pits shall be of brick or concrete, built in accordance with specifications furnished by the township, with cover openings directly over meters. Unless otherwise authorized by the township, all meters shall be of the disc type. All meters shall be under the control of the township and shall be equipped with an instrument capable of being remotely connected and read away from the meter itself. Such instrument shall be installed on the exterior of the building as directed by the township. All new inside meters will require remote registers, or remote telephonic reporting as the township may specify. When requesting connection to the township's water system, the user shall furnish information about the amount of contemplated water supply demand and the township shall determine the size and type of meter to be installed. If any meter or metering system fails to register properly or if a meter is inaccessible for reading, the township shall estimate consumption based on former consumption. Should a meter become defective or fail to register correctly, the quantity of water used shall be determined by the amount used during the corresponding period of the preceding year, or, at the option of the township, by averaging the amount for the period immediately preceding and subsequent to the period wherein the meter registered quantities of water usage. The accuracy of the meter on any premises will be tested by the township upon written request of the customer and/or user who shall pay in advance a fee to cover the cost of the test. If on such test, the meter shall be found to register over three percent more water than passes through it, another meter will be substituted

therefor, and the fee will be refunded, and the water bill will be adjusted from the immediately preceding and current billing periods, if appropriate in the judgment of the township. The expense of maintaining meters will be borne by the township. The township shall seal meters and no person except an authorized employee of the township shall break such seals. No unauthorized person shall change the location of, alter or interfere in any way with any meter;

- (2) If such premises are supplied with river water, the amount of water supplied from such sources as estimated by the superintendent from the water, gas or electric supply;
- (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sanitary sewer system, the estimate of the amount of sewage discharged into the sewer system made by the superintendent from the water, gas or electric supply;
- (4) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense; or
- (5) A figure determined by the superintendent by any combination of the foregoing or by any other equitable method.

*(Ord. of 10-26-2001, ch. 1, § 11)*

#### Sec. 32-52. - Connections.

Division 2 of this article, which regulates the sewer system, shall govern connections to the sewer system.

*(Ord. of 10-26-2001, ch. 1, § 12)*

#### Sec. 32-53. - Coordination with other municipality.

The township may delegate administrative duties and functions, including, but not limited to, inspections, meter readings and billing, and maintenance to any other municipality if so provided by resolution of the township board.

*(Ord. of 10-26-2001, ch. 1, § 13)*

#### Secs. 32-54—32-79. - Reserved.

#### DIVISION 2. - SANITARY SEWER

#### Sec. 32-80. - Abbreviations.

The following abbreviations shall have the designated meanings:

- (1) BOD: Biochemical oxygen demand.
- (2) CFR: Code of Federal Regulations.
- (3) COD: Chemical oxygen demand.
- (4) EPA: Environmental protection agency.
- (5) l: Liter.
- (6) mg: Milligrams.
- (7) mg/l: Milligrams per liter.
- (8) µg/l: Micrograms per liter.
- (9) NDS: Normal domestic sewage.

- (10) NPDES: National Pollutant Discharge Elimination System.
- (11) P: Phosphorus.
- (12) SIC: Standard industrial classification.
- (13) SICM: Standard Industrial Classification Manual.
- (14) SS: Suspended solids.
- (15) SWDA: Solid waste disposal act, 42 USC 6901 et seq.
- (16) O&M: Operation and maintenance.
- (17) CWA: Clean water act.
- (18) MDEQ and DEQ: Michigan Department of Environmental Quality.

*(Ord. of 10-26-2001, ch. 2, § 1)*

Sec. 32-81. - Unsanitary deposits, discharge to natural outlets prohibited.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of said township, any human or animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the township, or in any area under the jurisdiction of said township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable county health department.
- (c) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.
- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the township and abutting on 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 township, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 90 days after date of official notice to do so.

*(Ord. of 10-26-2001, ch. 2, § 2)*

Sec. 32-82. - Process wastewater.

- (a) *Wastewater contribution information.*
  - (1) Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the information listed below with the superintendent. Any industry that does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below.
  - (2) The superintendent may require each person who applies for or receives sanitary sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the following information on a disclosure form prescribed by the township:
    - a. Name, address and location (if different from the address).
    - b. SIC number according to the Standard Industrial Classification Manual, bureau of the budget, 1972, as amended.
    - c.

Wastewater constituents and characteristics, including, but not limited to, those mentioned in section 32-81 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:

1. Standard Methods for the Examination of Water and Wastewater, American Public Health Association, current edition.
  2. Manual of Methods for Chemical Analysis of Water and Wastes, United States Environmental Protection Agency, current edition.
  3. Annual Book of Standards, Part 131, Water, Atmospheric Analysis, American Society of Testing Materials, current edition.
- d. Time and duration of contribution.
- e. Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- f. Industries identified as significant industrial users or those required by the township must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- g. Description of activities, facilities and plant processes on the premises, including all materials that are or could be discharged.
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any township, state, or federal pretreatment requirements, and a statement regarding whether or not the pretreatment requirements are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required by the industrial user to meet applicable pretreatment requirements.
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment requirements, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment requirements.
  2. No increment referred to in subsection (a)(2)i.1 of this section shall exceed nine months.
  3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.
- j. Each product produced by type, amount, process or processes and rate of production.
- k. Type and amount of raw materials processed, average and maximum per day.
- l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- m.



Any other information as may be deemed by the township to be necessary to evaluate the impact of the discharge on the sewer system.

- n. The disclosure form shall be signed by a principal executive officer of the user and a qualified engineer.
  - o. The township will evaluate the complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the township shall notify the user of the acceptance thereof.
- (b) *Discharge modifications.* Within three months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected existing industrial users must submit to the township the information required by section 32-84(h) and (i).
- (c) *Discharge conditions.* Wastewater discharges shall be expressly subject to all provisions of this division and all other applicable regulations, user charges, and fees established by the township. The township may:
- (1) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the sewer system.
  - (2) Limit the average and maximum wastewater constituents and characteristics.
  - (3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization.
  - (4) Require the installation and maintenance of inspection and sampling facilities.
  - (5) Establish specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - (6) Establish compliance schedules.
  - (7) Require submission of technical reports or discharge reports.
  - (8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the township, and affording township access thereto, and copying thereof.
  - (9) Require prompt notification of the township in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (10) Require immediate notification of all discharges that could cause problems to the sewer system, including slug discharges.
  - (11) Require other conditions as deemed appropriate by the township to ensure compliance with this division.
  - (12) Require waste treatment facilities, process facilities, wastestreams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
  - (13) Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.
  - (14) Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based pretreatment requirements.
  - (15) Control, through permit, order, or similar means, the contribution to the sewer system by each user to ensure compliance with applicable National Categorical Pretreatment Standards or pretreatment requirements. The control mechanism may limit duration to a maximum of five

years, require nontransferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations.

- (16) Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a user's intake water.

(d) *Baseline reports.*

- (1) Within 180 days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected industrial users must submit to the superintendent the information specified by R323.2310(2)(a) through (g).
- (2) At least 90 days prior to commencement of discharge, new sources and sources that become affected industrial users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the township the information specified by 40 CFR, 403.12(b)(1)—(5). New sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable pretreatment standard and shall give estimates of the required information regarding flow and pollutant discharge.
- (3) Industrial users shall report any changes to information in the reports required by subsection (d) (1) and (d)(2) of this section to the superintendent within 60 days.

(e) *Compliance date report.*

- (1) 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 sewer system, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. For users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- (2) 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. This statement will be signed by an authorized representative of the industrial user, and certified to by a qualified representative.

(f) *Periodic compliance reports.*

- (1) Any user or new source discharging into the sewer system shall submit to the superintendent during the months of June and December, unless required more frequently in pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards or this division. In addition, this report shall include a record of all daily flows that during the reporting period exceeded the average daily flow reported in subsection (c)(3) of this section. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

- (2) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (f)(1) of this section shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
  - (3) If a user is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the township, using standard laboratory procedures, the results of this additional monitoring shall also be included in the periodic compliance report.
  - (4) If sampling performed by a user indicated a violation, the user shall notify the township within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and submit the results of re-analysis to the township within 30 days after becoming aware of the violation, except when the township will be performing scheduled surveillance sampling/analysis within this 30-day period.
- (g) *Notification of hazardous waste discharges.* All users shall notify the superintendent, the EPA regional waste management division director, and the state hazardous waste authority in writing of any discharge into the sewer system of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). 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 user must provide notification of the discharge of such substance within 90 days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the user shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (h) *Monitoring facilities.* The township may 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 township 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 landscaping or parked vehicles will not obstruct it. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the township.
- (i) *Inspection and sampling.* The township shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and the user is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The township, MDEQ and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling 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 township, MDEQ, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(j) *Pretreatment.*

- (1) Industrial users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the township. Any facilities required to pretreat wastewater to a level acceptable to the township 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 township for review, and shall be approved by the township 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 township under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be acceptable to, the township prior to the user's initiation of the changes.
- (2) The township will annually publish in the major local newspaper a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the users during the same 12 months.
- (3) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDEQ upon request.

(k) *Confidential information.*

- (1) 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 township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (2) When requested by the person furnishing a report, the portion 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 division, the National Pollutant Discharge Elimination System (NPDES) permit, 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.
- (3) The township shall not transmit to any governmental agency or to the general public information accepted by the township as confidential until and unless a ten-day notification is given to the user.

(l) *Signatory requirements.*

- (1) All reports required by this section shall be signed by the authorized representative of the industrial user and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (2) If the authorized representative of the industrial user changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of section 32-40(3), must be submitted to the township prior to or together with any reports to be signed by that representative.

*(Ord. of 10-26-2001, ch. 2, § 3)*

Sec. 32-83. - Private sewage disposal.

- (a) Where a public sewer is not available under the provisions of section 32-81(d), the building sewer shall be connected to an approved private sewage disposal system.
- (b) Before commencement of a private sewage disposal system, the owner shall first apply to the county health department for a soil evaluation test. The fee shall be determined by the county health department, and shall be paid to the county health department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a permit for installation for the proposed sewage system. The property owner shall include plans, specifications and other information as deemed necessary by the county health department. At the time the application is filed, the fee determined by the county health department for the permit and inspection shall be paid.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the county health department. The county health department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the county health department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven days of the receipt of notice by the county health department. All persons receiving a permit for a private sewer disposal system shall provide the township with copies of all final approved inspection reports issued by the county health department.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the county health department. No septic tank or cesspool shall be permitted to discharge to any public sanitary sewer or natural outlet.
- (e) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system as provided in section 32-81(d), a direct connection shall be made to the public sanitary sewer in compliance with this division, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.
- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the township.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

*(Ord. of 10-26-2001, ch. 2, § 4)*

Sec. 32-84. - Building sewer and connections.

- (a) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the superintendent. No building sewer shall be covered until after it has been inspected and approved by the superintendent.
- (b) The property owner or his agent shall make application for a sanitary sewer permit on a form furnished by the township. The permit application shall be supplemented by any plans, specifications, or other information required by this division or considered pertinent in the judgment of the township. A connection fee, in an amount established by resolution of the township board, shall be paid to the township treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.
- (c) All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sanitary sewer connection shall be borne by the property owner.
- (d) All liabilities incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify and save harmless the township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
  - (1) It shall be the duty of each property owner to maintain, clean and repair the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of obstructions and in good working order and to maintain and keep clear of obstructions the lateral lines servicing his property.
  - (2) It shall be the duty of the township to maintain, clean and repair as necessary and at its expense the sanitary sewer trunk lines and to repair or replace any broken or crushed lateral lines. The township shall not be responsible for cleaning or maintenance of lateral lines.
  - (3) In the case of a bona fide dispute as to whether needed maintenance, cleaning or repair of a portion of sanitary sewer line is the responsibility of the property owner or the township under the provisions of this division, it shall be the duty of the property owner to establish that the obstruction, disrepair or defect has occurred in that portion of the line for which the township is responsible. If the property owner fails to establish the township responsibility, it shall be the property owner's responsibility to perform the necessary maintenance as provided in this division. If the township responsibility is established, the township shall perform the necessary maintenance and shall reimburse the property owner for reasonable expenses incurred in locating the defect in the line or in otherwise establishing the township responsibility. The property owner shall be responsible under this division for the total maintenance and repair of the private sanitary sewer lines on his property and for the maintenance and cleaning, although not including major repair, of the entire sewer line out to the trunk line. The township, on the other hand, is responsible for major repair of the trunk line and lateral lines only and has no responsibility of any sort for the private lines. The township also has no responsibility to clean the lateral lines.
  - (4) Any property owner who shall violate the provisions of this division shall be liable to the township for civil damage incurred in correcting the defect, and, in addition, shall be guilty of a misdemeanor. If any property owner fails to maintain a private sewer line as required by this division, in addition to the other penalties prescribed, the county health officer may declare the

sewer line a public nuisance and the defect may be corrected by the township. Any costs so incurred shall be assessed against the property and become a lien on the property if not timely paid.

- (e) A separate and independent building sewer shall be provided for every building of different ownership. If the buildings have same ownership and one building stands at the rear of another or an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, then the building sewer from the front building may be extended to the rear building.
- (f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this division.
- (g) The building sewer shall be constructed of Schedule 40 PVC, as approved by the superintendent. The township reserves the right to specify and require the encasement of any sanitary sewer pipe with concrete, or the installation of the sanitary sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the superintendent.
- (h) The size and slope of the building sewer shall be subject to approval by the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-quarter-inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six inches or more, shall be not less than one-eighth-inch per foot unless otherwise permitted.
- (i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with cleanouts accessible for cleaning.
- (j) In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the superintendent, and discharges to the building sewer.
- (k) All joints and connections shall be made gastight and watertight. The superintendent shall approve all joints.
- (l) No sanitary sewer connection will be permitted unless there is capacity available in all downstream sanitary sewers, lift stations, force mains and the wastewater treatment plant, including capacity for treatment of BOD and suspended solids.
- (m) All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
- (n) All sanitary sewers shall be constructed in accordance with the latest edition of the Ten State Standards.

*(Ord. of 10-26-2001, ch. 2, § 5)*

Sec. 32-85. - Use of the public sanitary sewers.

- (a) General discharge prohibitions. 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 sewer system. These general prohibitions apply to all such users of a sewer system whether or not the user is subject to the National Categorical Pretreatment Standards or any other national, state or

local pretreatment standards or requirements. The township may refuse to accept any wastes that will cause the sewer system to violate its NPDES discharge limits. A user shall not contribute the following substances to any sewer system:

- (1) Any liquids, solids or gases, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit, which by reason of their nature and quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewer system or to the operation of the sewer system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sanitary 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, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewer system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly 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 sewer system, or exceed the limitation set forth in a categorical pretreatment standard. This prohibition of toxic pollutants will conform to section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sanitary sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer system in a quantity that may cause acute worker health and safety problems.
- (6) Any substance which may cause the sewer system's effluent or any other product of the sewer system, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (7) Any substance which will cause the sewer system to violate its discharge permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the sewer system resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration that will cause interference to the sewer system.
- (11)



Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

- (12) Any wastewater which causes a hazard to, human life or creates a public nuisance.
  - (13) Any unpolluted water, including, but not limited to stormwater, groundwater, roof water, or noncontact cooling water.
  - (14) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
  - (15) Any waste from individual sewage disposal systems, except at the wastewater treatment plant as provided in section 32-88, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the township. For the purpose of this subsection, the term "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.
  - (16) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
  - (17) Any trucked or hauled wastewater, except as specifically allowed by the superintendent.
- (b) Specific pollutant limitations.
- (1) Toxic pollutants. Under no circumstances shall any person discharge wastewater containing in excess of:
    - a. 0.067 mg/l arsenic.
    - b. 0.005 mg/l cadmium.
    - c. 0.19 mg/l chromium (total).
    - d. 0.32 mg/l copper.
    - e. 0.003 mg/l cyanides.
    - f. 0.38 mg/l lead.
    - g. 0.2 µg/l mercury.
    - h. 0.12 mg/l nickel.
    - i. 0.008 mg/l silver.
    - j. 2.48 mg/l zinc.
    - k. 1.0 mg/l total phenols.
  - (2) Conventional pollutants. Except as authorized by the superintendent, no person shall discharge wastewater containing in excess of:
    - a. 250 mg/l BOD<sub>5</sub>.
    - b. 250 mg/l total suspended solids.
    - c. 40 mg/l total Kjeldahl nitrogen.
    - d. 10 mg/l total phosphorus.
    - e. 100 mg/l by weight of fat, oil or grease.
    - f. 15 mg/l chlorine demand, at 30 minutes.

- (3) Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by order of the superintendent. Should any other substances, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the superintendent. Should the superintendent determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the superintendent may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.
- (4) If any waters are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated above, and which, in the judgment of the township, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the township may:
  - a. Reject the wastes.
  - b. Require pretreatment to the level defined as normal domestic sewage.
  - c. Require control over the quantities and rates of discharge.
  - d. Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sanitary sewer charges.
  - e. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the township concerning the proposed flows.

If the township permits the pretreatment or equalization or waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the township and shall be subject to the requirements of all applicable codes, ordinances and laws.

- (c) National Categorical Pretreatment Standards.
  - (1) Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the pretreatment standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division and shall be considered part of this division. The superintendent shall notify all affected users of the applicable reporting requirements.
  - (2) Existing users subject to new National Categorical Pretreatment Standards shall achieve compliance within three years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New sources subject to National Categorical Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed 90 days after beginning to discharge.
- (d) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.
- (e) Township's right of revision. The township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 32-80

(f) Inflow.

- (1) No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sanitary sewer connection. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the township.
- (2) Downspouts and roof leaders shall be disconnected from sanitary sewers within six months of the date of the ordinance from which this article is derived. The discharge point from the downspouts or roof leaders shall be at a distance of no less than 60 inches from the exterior wall of the building, unless otherwise approved by the superintendent. If this is not done, the township shall perform this work and bill the user.
- (3) The grade line at the building wall, in all cases, shall be such that the slope is away from the wall at the rate of at least one-quarter-inch per foot for a minimum of 12 feet, or to the property line. In cases where settlement of the ground has occurred at the building wall, it shall be the responsibility of the property owner to add fill to correct the condition so as to conform to the above slope requirement.
- (4) Stormwater, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Only the state water resources commission shall approve discharge of cooling water or unpolluted process water to a natural outlet.

(g) Grease, oil and sand interceptors shall be provided when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. Grease and oil interceptors shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

(h) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(i) The township may prohibit the admission into the public sanitary sewers of any waters or wastes having an average daily flow greater than two percent of the average daily sewage flow of the township, or having a rate of flow (gallons per day) greater than ten percent of the average daily township flow for a period of one hour or more, shall be subject to review and approval of the superintendent.

Where necessary in the opinion of the township, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the five-day BOD, suspended solids, phosphorus, and total Kjeldahl nitrogen to concentrations given in section 32-85; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in subsection (b) of this section, or control the quantities and rates of discharge of such waters or wastes.

(j) Where the strength of sewage from an industrial, commercial or institutional establishment exceeds:

- (1) Two hundred parts per million of biochemical oxygen demand;
- (2) Two hundred forty parts per million by weight of suspended solids;
- (3) Five parts per million by weight of phosphorus; or

(4) Forty parts per million by weight of total Kjeldahl nitrogen;

and where such wastes are permitted to be discharged to the sanitary sewer system by the superintendent, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of taking and making the first of these samples shall be borne by the township. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the township wastewater treatment plant. The township shall determine added charges. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

- (k) When required by the township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the township. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (l) All measurements, tests and analyses of the characteristics of water to which reference is made in subsections (a) and (h) of this section shall be determined in accordance with the latest edition at the time of Standard Methods for Examination of Water and Sewage, and shall be determined at the control manhole provided for in section 32-82(f), or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:
- (1) One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sanitary sewers. Such person would be involved with maintaining the pretreatment facility operations and ensuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the sanitary sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations that could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.
  - (2) This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths must be made, including process, cooling, sanitary, etc. Such a determination shall separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the township.
  - (3) The industrial representative shall determine whether or not large process alterations will occur during the next few years; one year, two years, and five years. Management should be consulted to determine if such alterations are scheduled and forthcoming.

- (4) A sketch of the plant buildings must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the sanitary sewer should be included on the plant layout sketch.
- (5) There must be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the wastewater treatment plant. Supervision and operation of the pretreatment equipment for spent concentrations as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this division is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.
- (6) Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sanitary sewers. Such curbing should be sufficient to hold 150 percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.
- (7) An adequate sampling vault or manhole must be provided in an accessible place for the wastewater treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the township determines necessary to protect the treatment plant and receiving stream. Should the township desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory, complete with 110 volt AC. Samples collected could be divided between the industry and township for analysis if so desired by the industry. Township personnel should locate the sampling vault so as to give access without entering the industrial property.
- (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 township that the release of such information would divulge information, processing or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portion of the 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 division. The National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit, and/or the pretreatment programs, wastewater constituents and characteristics will not be recognized as confidential information. The township shall not transmit to any governmental agency or to the general public information accepted by the township as confidential until and unless a ten-day notification is given to the user.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ approved drainage outlet. Agents of the township, county health department, state department of environmental quality or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and copying applicable pretreatment records.

- (m) To determine the sewage flow from any establishment, the superintendent may use one of the following methods:
- (1) The amount of water supplied to the premises by the township or a private water company as shown upon the water meter if the premises are metered;
  - (2) If such premises are supplied with river water, the amount of water supplied from such sources as estimated by the superintendent from the water, gas or electric supply;
  - (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the superintendent from the water, gas or electric supply;
  - (4) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the superintendent pursuant to section 32-84; or
  - (5) A figure determined by the superintendent by any combination of the foregoing or by any other equitable method.
- (n) Excessive discharges. Except where expressly authorized to do so by an applicable National Categorical Pretreatment Standard, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the township or state.
- (o) Combined wastestreams.
- (1) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:  
*Combined treatment facility* means the equipment and processes used to reduce the mass or concentration of pollutants in a combined wastestream before discharge to a sanitary sewer system. When a regulated wastestream is mixed before treatment with other wastewaters, the superintendent may calculate alternative limits for the combined wastestream using one or both of the following equations, as applicable:

$$C_T = \left( \frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left( \frac{F_T - F_D}{F_T} \right)$$

$$M_T = \left( \sum_{i=1}^N M_i \right) \left( \frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

Where:

$C_i$ = the categorical pretreatment standard concentration limit for a pollutant in regulated wastestream  $i$ ;

$C_T$ = alternative concentration limit for the combined wastestream;

$M_i$ = the categorical pretreatment standard mass limit for a pollutant in regulated wastestream  $i$ ;

$M_T$ = alternative mass limit for the pollutant in the combined wastestream;

N= total number of regulated wastestreams;

$F_i$ = the average daily flow over at least 30 days of the regulated wastestream  $i$  to the extent that it is regulated for the pollutant;

$F_T$  = the average daily flow over at least 30 days through the combined treatment facility.

$F_D$  = the average daily flow over at least 30 days from the following:

1. Boiler blowdown, noncontact cooling water, stormwater, and demineralizer backwash streams, except the superintendent may exclude a stream if the user has requested the change in classification and provided in the data (engineering data, production data, monitoring results, or other information) demonstrating that the wastestream contains a significant amount of pollutant and the combination of the wastestream before treatment with regulated streams will result in a substantial reduction of that pollutant;
2. Domestic wastewater; or
3. Regulated wastestreams that the director exempts from categorical pretreatment standards for one or more of the following reasons:
  - (i) The pollutants of concern are not detectable in the effluent from the user;
  - (ii) The pollutants of concern are presently only in trace amounts and are neither causing nor likely to cause toxic effects;
  - (iii) The pollutants of concern are present in quantities too small to be effectively reduced by established treatment technologies; or
  - (iv) The wastestream contains only pollutants compatible with the sanitary sewer system.

*Combined wastewater* means any combination of regulated streams and wastestreams not subject to a categorical pretreatment standard.

*Regulated wastestream* means wastewater from a particular process that is subject to a categorical pretreatment standard.

*Wastestream* means wastewater from a particular process.

- (2) When deriving alternative limits, the superintendent may calculate both a daily maximum limit and a monthly average limit, where applicable in the categorical pretreatment standard.
- (3) The user shall comply with the alternative limits until the superintendent modifies the limits.
- (4) The user shall immediately report to the superintendent any significant changes in the values used to calculate the alternative limits. Necessary changes to the alternative limits will be made within 30 days after such changes are reported.
- (5) The superintendent may impose alternative discharge limits determined by best professional judgment when it is determined that the calculation of the alternative discharge limits according to this section are not practicable.
- (6) When necessary to ensure that neither dilution nor mixing is used instead of treatment to achieve compliance with the applicable limits, the superintendent may require segregated treatment of wastestreams or other measures.



Accidental discharge. Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. The township will evaluate, at least once every two years, whether a user without said protection will be subjected to these requirements. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the township for review, and shall be approved by the township before construction of the facility. All required users shall complete such a plan within 180 days after the adoption of this article. If required by the township, a user who commences contribution to the sewer system after the effective date of the ordinance from which this article is derived shall not be permitted to introduce pollutants into the system until the township has approved accidental discharge procedures. 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 division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the superintendent of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (1) *Written notice.* Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 the sewer system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.
- (2) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(q) Upset provision.

- (1) An upset shall constitute an affirmative defense by users in unintentional and temporary noncompliance with applicable National Categorical Pretreatment Standards or pretreatment requirements; provided it can be proved that:
  - a. An upset occurred and the user can identify the causes 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 procedures.
  - c. The user submitted the following information to the township within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
    1. A description of the discharge and cause of noncompliance;
    2. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

d.

The upset did not create a fire or explosion hazard in the sewer system, cause corrosive structural damage to the sewer system, or result in the presence of toxic vapors, gases, or fumes within the publicly owned treatment works in a quantity that may cause worker health or safety problems.

- (2) If the above information is provided orally, a written submission must be provided to the superintendent within five days of the oral notification.
  - (3) In any enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (r) Bypass provision.
- (1) Bypass producing a discharge which violates applicable National Categorical Pretreatment Standards or pretreatment requirements is prohibited, and the township may take enforcement action against a user for such bypass, unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; 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 (except where adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to operate during normal periods of equipment downtime or preventive maintenance); and the user submitted required notices.
  - (2) If the user knows in advance of the need for bypass, a prior notice shall be submitted to the township at least ten days before the date of the bypass. The township may approve or disapprove this anticipated bypass, after considering its adverse effects.
  - (3) The user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment requirements to the township within 24 hours from the time the user becomes aware of the bypass. Unless waived by the township, a written submission shall then be provided within five days of the time the 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.
- (s) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the township and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the township, subject to payment therefor by the person, firm or corporation; provided such waste will not damage the sanitary sewer or storm sewer or wastewater treatment plant or the receiving waters.

*(Ord. of 10-26-2001, ch. 2, § 6)*

Sec. 32-86. - Disposal at wastewater treatment plant.

- (a) Waste from individual sewage systems may be accepted with permission of the superintendent at the wastewater treatment plant. No waters or wastes described in section 32-85(a) shall be disposed of at the wastewater treatment plant.
- (b) The superintendent shall determine rates for disposal at the wastewater treatment plant at the time of acceptance.

*(Ord. of 10-26-2001, ch. 2, § 7)*

Sec. 32-87. - Fees for industrial pretreatment.

- (a) *Purpose.* It is the purpose of this division to provide for the recovery of costs from users of the wastewater treatment works for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the township's schedule of charges and fees.
- (b) *Description of charges and fees.*
- (1) For reimbursement of costs of setting up and operating the pretreatment program;
  - (2) For monitoring, inspections and surveillance procedures;
  - (3) For reviewing accidental discharge procedures and construction;
  - (4) For filing appeals;
  - (5) For permit applications or transfers;
  - (6) For consistent removal by the wastewater treatment plant of pollutants otherwise subject to federal pretreatment standards;
  - (7) And others as the township may deem necessary to carry out the requirements contained herein;
  - (8) Additional surcharges may be made by the township to compensate the township for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the sewer system;
  - (9) There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each industrial user.

The charges and fees for the services provided by the system shall be levied upon any user which may have any sanitary sewer connections with the sewer system and which discharges industrial waste to the sewer system or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

*(Ord. of 10-26-2001, ch. 2, § 8)*

Sec. 32-88. - Protection from damage.

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

*(Ord. of 10-26-2001, ch. 2, § 9)*

Sec. 32-89. - Municipal liability.

The township shall not be responsible for interruptions of services due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the user that all connected equipment remain in good working order so as not to cause disruption of service of any sanitary sewer or treatment plant equipment.

*(Ord. of 10-26-2001, ch. 2, § 10)*

Sec. 32-90. - Power and authority of inspectors.

The superintendent and other duly authorized employees or agents of the township acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this division.

(Ord. of 10-26-2001, ch. 2, § 11)

Sec. 32-91. - Records retention.

All users subject to this division shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling and chemical analyses made by or on behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the township pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. of 10-26-2001, ch. 2, § 12)

Sec. 32-92. - User charge system.

- (a) *Established, basis for computations.* Rates and charges for the use of the wastewater system of the township shall be based upon the methodology in the user charge system approved by the MDEQ. Revisions to the rates for total sanitary sewer service charges are to be established by resolution of the township board, which may be enacted apart from the published ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. User charges for operation, maintenance and replacement shall be subject to the annual review of the user charge system. User charges shall be the same for all customers of the system regardless of geographical boundaries. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sanitary sewer connections with the sewer system of the township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Such charges shall be based upon the quantity of water used thereon or therein.
- (b) *Amounts, billings, sanitary sewer service charges.* The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sanitary sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, by such equitable method as shall be determined by the township, and shall be collected quarterly 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 sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the township may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the township before discharging such sewage into the sewage disposal system. Rates for all users obtaining all or part of their water supply from sources other than the township water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the township.
- (c) *Annual audit.* The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary by the township board by resolution to meet system expenses and to ensure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

- (d) *No free service.* No free service shall be allowed for any user of the wastewater treatment works.
- (e) *Billing.* Billing for wastewater service shall be the township's responsibility, which may, if it chooses to, contract with another municipality to perform this function. All water meters shall be read quarterly and bills rendered quarterly.

*(Ord. of 10-26-2001, ch. 2, § 13)*

Sec. 32-93. - Annual notification.

- (a) The township will annually publish, in the largest local newspaper, a list of all categorical users that were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against such users during the same 12 months.
- (b) All customers of the township's wastewater treatment works will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer system into its components for operation, maintenance and replacement and for debt service.

*(Ord. of 10-26-2001, ch. 2, § 14)*

Sec. 32-94. - Validity, severability, conflict.

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this division, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this division.

*(Ord. of 10-26-2001, ch. 2, § 15)*