

**TOWNSHIP OF ONTWA
COUNTY OF CASS
STATE OF MICHIGAN**

Minutes of a regular meeting of the Township Board of the Township of Ontwa, County of Cass, State of Michigan, held in the Township Hall located in said Township, on the 14th day of August, 2000, at 7:00 p.m., Local Time.

PRESENT: Members: _____

ABSENT: Members: _____

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

ORDINANCE NO. 8-2-00

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE CASS COUNTY SANITARY SEWAGE DISPOSAL SYSTEM (ONTWA TOWNSHIP SECTION) FOR TREATMENT BY THE MUNICIPAL WASTEWATER SYSTEM OF THE CITY OF ELKHART, INDIANA; TO AUTHORIZE AN INDUSTRIAL PRETREATMENT PROGRAM AND COST REIMBURSEMENT SYSTEM FOR INDUSTRIAL USERS; AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF AND OTHER MATTERS PERTAINING THERETO

The Ordinance was then read and discussed.

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

YEAS: Members: _____

NAYS: Members: _____

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 8-2-00 as adopted.

THE TOWNSHIP OF ONTWA ORDAINS:

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ARTICLE I

SHORT TITLE; FINDINGS; PURPOSE

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

Section 102. Purpose of Ordinance. This Ordinance has been developed and adopted in accordance with the Wastewater Treatment Agreement, which provides for the treatment by the City’s Wastewater Treatment Facility of sanitary sewage collected by the Township Public Sewer System within the Service District.

Section 103. Incorporation of Township Findings and Objectives. The Township hereby incorporates in its entirety and adopts as Township findings and objectives for this Sewer Use Ordinance the findings and objectives made and established by the Township in Article I of the Township Sewer Connection and Rate Ordinance.

Section 104. Incorporation of City of Elkhart Findings and Objectives. The Township hereby incorporates in its entirety and adopts as Township findings and objectives for this Sewer Use Ordinance the findings and objectives made and established by the City of Elkhart in Section 1 of City of Elkhart Ordinance No. 4187. In addition, the objectives of this Ordinance include the following:

- (a) To prevent the introduction of pollutants into the Sewage System which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Sewage System which will pass through the Sewage System, inadequately treated, into the Receiving Stream or the atmosphere or otherwise be incompatible with the Sewage System;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Sewage System;
- (d) To provide for equitable distribution of the cost of the Sewage System; and
- (e) To protect the physical integrity of the Sewage System and the Publicly Owned Treatment Works and to provide for the safety of the public and workers on and in the Sewage System and the Publicly Owned Treatment Works.

ARTICLE II

DEFINITIONS AND ABBREVIATIONS

Section 201. Definitions. Unless otherwise defined herein or in the Sewer Connection and Rate Ordinance, terms shall be as adopted in the latest edition of the *Glossary of Water and Wastewater Control Engineering*, Third Edition published by American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation.

- (1) Act or "the Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority The Regional Administrator of the United States Environmental Protection Agency or delegated designee thereof.
- (3) Authorized Representative of Significant Industrial User An authorized representative of a Significant Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Significant Industrial User is a corporation; (2) A general partner or proprietor if the Significant Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if (a) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (b) the authorization is in writing and (c) the written authorization is submitted to the POTW and the Township.
- (4) Beneficial Uses of Receiving Water These include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.
- (5) Biochemical Oxygen Demand (or BOD) of wastewater, wastewater effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter (carbonaceous component) by aerobic biochemical action under standard laboratory procedures for five (5 days) at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with Section 505(c) of this Ordinance. This term is also expressed as carbonaceous biochemical oxygen demand or cBOD₅.
- (6) Board or Board of Public Works The Board of Public Works of the City of Elkhart. It is the governing body of the municipal wastewater system of the City, which system is a publicly-owned treatment works.

- (7) Categorical Standards National Pretreatment Standards specify quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories as established in appropriate subpart of 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (8) Chemical Oxygen Demand (or COD) of wastewater, wastewater effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The Laboratory determination shall be made in accordance with Section 505(c) of this Ordinance.
- (9) City The City of Elkhart, Indiana.
- (10) Combined Sewer A sewer which carries storm water, surface runoff, or groundwater infiltration in addition to sewage.
- (11) Compatible Pollutants Wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the State or Board. It is further clarified that conventional pollutants as identified by the EPA pursuant to Section 304(a)(4) of the Act in a form which causes interference with the POTW operations shall be considered non-compatible.
- (12) Constituents and Characteristics (of wastewater) The chemical, physical, bacteriological and radiological properties, including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
- (13) Direct Discharge The discharge of treated or untreated wastewater directly to the waters of the State of Indiana or of the State of Michigan.
- (14) Effluent The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- (15) Environmental Protection Agency or EPA The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (16) Fats (wastes) Triglyceride esters of fatty acids. Erroneously used as synonymous with grease.

- (17) Garbage The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods. It is composed largely of putrescible organic matter and its natural moisture.
- (18) Grab Sample An individual sample which is collected from a waste stream over a period of time not exceeding 15 minutes.
- (19) Grease and Oil In wastewater, a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other fatty materials. Water-insoluble organic compounds of plant and animal origins, or industrial wastes, that can be removed by natural flotation skimming.
- (20) Holding Tank Waste Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (21) Incompatible Pollutants Any pollutants which are not compatible pollutants.
- (22) Indirect Discharge The discharge or the introduction of pollutants from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (23) Industrial Pretreatment Bypass Means an intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- (24) Industrial User Source of indirect discharge.
- (25) Industrial Wastes Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the municipal wastewater system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.
- (26) Infiltration The groundwater entering the municipal wastewater system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.

- (27) Inflow Water other than wastewater entering the municipal wastewater system from sources such as cellar, yard area, and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street waters or drainage.
- (28) Interference The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (29) Lateral Sewer A public sewer that discharges into a branch or other sewer and has no other public sewer tributary to it.
- (30) May May means that the act referred to is both permissible and approved.
- (31) Medical Waste Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (32) National Pretreatment Standard Any regulation containing pollutant discharge limits promulgated by the EPA in accordance to Section 307 (b) and (c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
- (33) New Source
1. Means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other sources is located; or
 - (b) The buildings, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

2. Construction on a site at which an existing source is located results in a new modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 201(33)1(a) and (b) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous on site construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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| (34) | NPDES Permit | National Pollutant Discharge Elimination System permit now or hereafter held by the City and setting forth conditions for the discharge of any pollutants or combinations of pollutants. |
| (35) | Non-Contact Cooling Water | The water discharged from any use such as air conditioning, cooling or refrigeration and/or to which the only pollutant added is heat. |
| (36) | Normal Domestic Sewage | Sanitary wastewater discharged by residential users (250 mg/L BOD and TSS). This term is also expressed as domestic wastewater. |
| (37) | Nuisance | Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property. |
| (38) | pH | The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in units. Measurement of pH shall be in accordance with Section 505(c) of this Ordinance. |

- (39) Pass Through Means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
- (40) Person Any individual, partnership, co-partnership firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (41) Pollutant Any dredged spoil, solid waste, incinerator residue, wastewater, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (42) Pollution Specific impairment of water quality by agricultural, domestic, or industrial wastes (including thermal and radioactive wastes), to a degree that has an adverse effect upon any beneficial use of water.
- (43) Pretreatment and Treatment The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, other than by dilution, prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).
- (44) Pretreatment Rates and Charges The permit fees for the issuance, annual review and renewal of a wastewater discharge permit provided by Section 502 of this Ordinance, the surveillance survey charges provided by Section 602 of this Ordinance and the rates and charges for administration of the industrial pretreatment program provided by Section 605 of this Ordinance.
- (45) Pretreatment Requirements Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (46) Pretreatment Standards or Standards Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and national pretreatment standards.

- (47) Publicly Owned Treatment Works (POTW) A treatment works as defined by Section 212 of the Act, (33 U.S. C. 1292) which is owned in this instance by the City of Elkhart. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (City) who are, by contract or agreement with the (City), users of the (City's) POTW. The term also includes the municipality as defined in Section 502 (4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- (48) POTW Treatment Plant That portion of the POTW designed to provide treatment to wastewater.
- (49) Public Sewer A common sewer controlled by a governmental agency or public utility.
- (50) Receiving Stream The St. Joseph River and its tributaries within the City.
- (51) Sanitary Sewage Sewage such as, and having the characteristics of, normal domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.
- (52) Sanitary Sewer A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants and institutions.
- (53) Sewage Household and commercial wastewater that contains human waste. Distinguished from industrial wastewater, and further described as human excrement and gray water (household showers, dishwashing operations, etc.).
- (54) Sewage System The network of publicly owned sewers, and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself, including the Publicly Owned Treatment Works. This term is also expressed as municipal wastewater system or wastewater collection system.
- (55) Sewer A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein.
- (56) Sewer Connection and Rate Ordinance Township Ordinance No. 8-1-00, as amended, a/k/a the Ontwa Sewer Connection and Rate Ordinance.

- (57) Shall Shall means the act referred to is mandatory.
- (58) Shredded Garbage Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the municipal wastewater system, with no particle being greater than one-half (1/2) inch in dimension.
- (59) Significant Industrial User The term Significant Industrial User means:
- (a) All industrial users subject to Categorical Pretreatment Standards; and
 - (b) Any other industrial user that:
 - (i) discharges an average of 10,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
 - (ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) is designated as such by the Township on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
 - (iv) has wastewater with a BOD or TSS greater than 250 mg/L; or
 - (v) has in its wastestream toxic or hazardous pollutants, as defined by EPA or by State statutes and rules.
 - (c) Upon finding that an Industrial User meeting the criteria in Section 201(59)(b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.
- (60) Slug Means any discharge, including but not limited to a spill or non-customary batch discharge, of such characteristics (including flow rate, pollutant concentration, and/or volume) which may cause Interference and/or Pass Through to the POTW; or which may alone or in conjunction with a discharge or discharges from other sources, cause a hazard to human life (including POTW workers) or create a public nuisance.
- (61) State State of Indiana or State of Michigan.
- (62) Standard Industrial Classification (SIC) A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

- (63) Standard Methods An assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment (“Standard Methods for the Examination of Water and Wastewater”) published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.
- (64) Storm Sewer A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.
- (65) Storm Water Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (66) Superintendent The person designated by the Board of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- (67) Surcharge An extra monetary charge imposed on flows into the wastewater collection system when BOD or TSS concentrations (or concentrations of other parameters as may be determined from time to time by the Board) exceed those commonly found in normal domestic sewage (250 mg/L BOD or 250 mg/L TSS).
- (68) Suspended Solids Solids which either float on the surface of or are in suspension in water, wastewater or other liquid or which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with Section 505(c) of this Ordinance. This term is also expressed as TSS.
- (69) Township Inspector A person authorized by the Township Board to perform inspection and monitoring duties assigned to him by the Township Board or the Sewer Administrator.
- (70) Toxic Pollutant Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts. The Board reserves the right to add additional parameters demonstrated to produce toxic effects which may or may not be on the aforementioned list.
- (71) Upset Means an exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of this ordinance because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

- (72) User A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the municipal wastewater system, any substance whatever.
- (73) User Charge A charge levied on Users of a treatment works for the User's proportionate share of the cost of operation and maintenance (including) replacement of such works.
- (74) Waste Sanitary wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (75) Wastewater The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
- (76) Wastewater Treatment Plant Any arrangement of devices and structures used by the City for treatment and disposing of wastewater, sludge, and other wastewater constituents and products.

Section 202. Abbreviations. The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand (BOD)
 CFR - Code of Federal Regulations
 COD - Chemical Oxygen Demand
 EPA - Environmental Protection Agency
 IAC - Indiana Administrative Code
 IDEM - Indiana Department of Environmental Management
 L - Liter
 MDEQ - Michigan Department of Environmental Quality
 mg - Milligrams
 mg/L - Milligrams per liter
 ppm - parts per million
 SIU - Significant Industrial User
 TSS - Total Suspended Solids
 U.S.C. - United States Code.

ARTICLE III

GENERAL

Section 301. Bylaws and Regulations of the Board of Public Works. The Township shall be subject to such reasonable regulations as may be adopted and enforced by the Board of Public Works not in conflict herewith as the Board of Public Works may deem necessary for the safe, economical and efficient management of the City's Publicly Owned Treatment Works, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water, and ground water into the Public Sewer System.

Section 302. Administrative Orders. The Township may issue to any User orders as deemed by the Township to be necessary in order to achieve and/or maintain compliance with the requirements and provisions of this Ordinance or a permit issued by the Township.

Section 303. Confidential Information. Information and data on a User obtained in accordance with this Ordinance from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City and the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or confidential information under state or federal law.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or confidential information shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. *Wastewater quantities, constituents and characteristics will not be recognized as confidential information.*

Notwithstanding anything in the paragraph immediately above, information accepted by the City and the Township as confidential, shall not be transmitted to any governmental agency (except US EPA) or to the general public by the City or the Township without User's written permission, and when so transmitted, it shall be done so under the protective provisions of 320 IAC 6 for submissions made to the IDEM, the exemption provisions of the Michigan Freedom of Information Act, to the extent applicable, for submissions made to the MDEQ and the exclusionary provisions of the "Freedom of Information Act" (FOIA), 5 USC 522(b)(4) for submissions made to any federal agency.

The EPA shall have immediate and unlimited access to all information compiled as part of the Pretreatment Program, including confidential documents.

Section 304. Reservation of Right. The Township reserves the right to contract with the City to have the City administer on behalf of the Township all or a portion of this Ordinance in a manner consistent with the Wastewater Treatment Agreement.

ARTICLE IV

REGULATIONS

Section 401. General Discharge Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Pass Through or Interference to the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard in the POTW, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. In addition, at no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the substance measured. 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.

(b) Solid, viscous or other substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") 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.

(c) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through.

(d) Any wastewater having a pH greater than 10.0 more than 1% of the time each month or for a period exceeding 30 minutes; or wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW; or, in no case, any discharges with pH lower than 5.0. The Township may require continuous documentation of compliance with these limitations through pH strip chart recordings.

(e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause Interference with POTW, injure or constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in the applicable Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(f) Any substance which would either singly or by interaction with other wastes result in the presence of noxious, or malodorous gases, vapors, or fumes within the POTW in a quantity sufficient to create a public nuisance or hazard to life or to prevent entry into the sewers for maintenance, repairs, inspections, or monitoring.

(g) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

(h) Any substance which may cause the POTW to violate its NPDES Permit.

(i) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(j) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment Plant resulting in Interference, but in no case wastewater causing the temperature at the introduction into the POTW treatment plant to exceed 40°C (104°F).

(k) Any pollutant, including oxygen demanding pollutant (BOD, etc.) released at a flow rate and/or pollutant concentration which will, either singly or by interaction with other pollutants, cause Interference with POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(m) Any wastewater which, either alone or by interaction with other substances, causes a hazard to human life or creates a public nuisance, or is deleterious to the POTW.

(n) Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Township and the City in a wastewater discharge permit.

(o) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(p) Medical wastes, except as specifically authorized by the Township and the City in a wastewater discharge permit.

(q) Wastewater causing, alone or in conjunction with other sources, the Wastewater Treatment Plant's effluent to fail a toxicity test.

(r) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

Section 402. National Categorical Pretreatment Standards. Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the National Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that category, shall immediately supersede the limitations imposed under this Ordinance. Therefore, the National Categorical Pretreatment Standards located in 40 CFR, Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance.

Section 403. Modification of National Categorical Pretreatment Standards. The Township acknowledges that where the City's wastewater treatment system achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the National Pretreatment Standards. "Consistent Removal" shall mean the average reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent as shown by the lowest 50 % of the samples taken according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained. The Township shall be bound by the modified pollution discharge limits.

Section 404. Specific Pollutant Limitations. No person shall discharge wastewater containing in excess of:

2.1 mg/L	arsenic
1.2 mg/L	cadmium
4.5 mg/L	copper
0.60 mg/L	lead

0.02 mg/L	mercury
4.1 mg/L	nickel
1.2 mg/L	silver
7.0 mg/L	total chromium
4.2 mg/L	zinc
1.75 mg/L	cyanide
1.0 mg/L	phenolic compounds

Section 405. 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 Ordinance.

Section 406. City's Right of Revision. The City (and the Township, in the manner provided by the Wastewater Treatment Agreement) reserves the right to establish, by ordinance or permit, more stringent limitations or requirements on discharges to the Public Sewer System and the Publicly Owned Treatment Works if deemed necessary to comply with the objectives of this Ordinance.

Section 407. Dilution Prohibition. No User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Requirement or Standard.

Section 408. Admissibility - Prohibition of Unpolluted Waters. Unpolluted water, including, but not limited to, noncontact cooling water, or blowdown shall not be discharged through direct or indirect connection to the Public Sewer System or the Publicly Owned Treatment Works for purposes of diluting wastewater in order to reduce sewer rates or charges of the user.

Section 409. Grease Oil and Sand Interceptors. Such interceptors shall be provided at (a) all restaurants, and at (b) all industrial or commercial enterprises when, in the opinion of the Township, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the Township and shall be readily and easily accessible for cleaning and inspection.

Section 410. Right to Reject Waste. The Township shall have the right to reject waste and prohibit the introduction of rejected waste into the Public Sewer System or the Publicly Owned Treatment Works, or the Township may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the Public Sewer System and the Publicly Owned Treatment Works.

Section 411. Spills and Slug Discharges.

(a) Each User shall provide protection from spills or slug discharges which may cause Pass Through or Interference. Any User with spill or slug discharge potential shall develop slug discharge prevention/control plans which meet the approval of the Township and shall be subject to the further review and approval by the City. Facilities necessary to

implement these plans shall be provided and maintained at the User's expense. Such plans shall contain, at a minimum, the following elements:

- (i) Description of discharge practices, including nonroutine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of spills or slug discharges, including any discharge that would violate a prohibition under Section 401, with procedures for follow-up written notification within five days;
- (iv) If necessary, procedures to prevent adverse impact from slug discharges or spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency responses.

Such plans shall be revised and updated whenever the City notifies the Township that Wastewater Treatment Plant operational changes affect the validity of the plans, but in any case not less often than every three (3) years. Failure to comply with this requirement may result in legal action in accordance with Article VIII. Any significant plan revisions including revisions involving construction/installation of new facilities, shall be approved by the Township and shall be subject to the further review and approval by the City, prior to implementation of such revisions.

The review and approval of such plans by the Township and the City (including any facilities and/or operating procedures) shall not relieve the User from the responsibility to modify such plans as necessary to maintain compliance with applicable federal, state, and local regulations. In addition, the Township and City's approval of such plans shall not relieve the User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

No prospective User that has slug discharge or spill potential may commence discharge to the POTW unless slug discharge prevention/control plans have been approved by the Township and City.

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

Section 412. Industrial Pretreatment Bypasses: [refer also to 503(e)]

(a) An Industrial Pretreatment Bypass shall be allowed without compliance with the notification requirements set forth in Section 503(e) only if the Industrial Pretreatment Bypass does not cause a violation of this ordinance and the purpose of such bypass is to allow for essential maintenance to assure efficient operation.

(b) An industrial pretreatment bypass which does not meet the conditions specified in (a) above is subject to the notification requirements set forth in Section 503(e) and is prohibited unless approved in advance by the Township. The Township may consider approving an industrial pretreatment bypass if all of the following conditions are met:

(i) Such bypass would be unavoidable to prevent loss of life, personal injury or severe property damage. As used here, "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of such a bypass. As used here, severe property damage does not mean economic loss caused by delays in production.

(ii) There would be no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent such a bypass from occurring during normal periods of equipment downtime or preventative maintenance.

(iii) The industrial discharge complied with notification requirements as specified in Section 503(e)(i).

Section 413. Compliance Schedules. Any User which is not in compliance with the Township's ordinance limitations and/or requirements must develop a compliance schedule of corrective measures to be taken in order to return to compliance. This schedule shall be submitted to the Township for review and approval. If an approvable schedule is not submitted by the User, the Township may develop and enforce a schedule for the User. For compliance schedule reporting requirements refer to Section 416(c). This schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional facilities required for the discharger to comply with this ordinance, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this ordinance.

Section 414. Duty to Comply. All Users shall comply with all applicable State and federal pretreatment regulations.

Section 415. Duty to Mitigate - Prevention of Adverse Impact. All Users shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this ordinance which has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment.

Section 416. Reporting Requirements. (In addition to those specified in Section 503)

(a) Hazardous Waste Notification.

(i) Any Industrial User, except as specified in subpart (v) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the Township and City in writing of such discharge.

(ii) All hazardous waste notifications shall include:

- a. The name of the hazardous waste as set forth in 40 CFR part 261;
- b. The EPA hazardous waste number;
- c. The type of discharge (continuous, batch, or other); and
- d. A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(iii) In addition to the information submitted in Section 416(a)(ii), Industrial Users discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the Industrial User:

- a. An identification of the hazardous constituents contained in the waste;
- b. An estimation of the mass and concentration of such constituents in the wastestream and discharged during that calendar month; and
- c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(iv) Industrial Users commencing the discharge of listed or characteristic hazardous wastes shall, in addition to complying with Section 416(b), provide the notification no later than 180 days from the discharge of the wastes. Any notification

under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under Section 416(b) of this Ordinance.

(v) Industrial Users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33 (e) requires a one time notification.

(b) Notification of Changed Discharge. All Industrial Users shall promptly notify in writing the Township and the City in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification as required in Section 416(a) of this Ordinance.

(c) Compliance Schedule Reports. All Users subject to compliance schedules (see Section 413 of this Ordinance) must submit a progress report to the Township no later than fourteen (14) days following each date in the compliance schedule. This report must include whether it complied with the increment of progress to be met on that date, the reason for delay if the date was not met, and the steps being taken to return to compliance. In no event, shall more than nine (9) months elapse between progress reports.

(d) Signatory Requirements. All reports required by the Township shall be in writing and signed by an authorized representative of the discharger.

(e) Reports of Spills, Slug Discharges, and Operation Upsets. The User shall immediately (at least within 15 minutes), telephone and notify the Township and the Superintendent of any spill, slug discharge, or operation upset. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(i) Written Notice. Within five (5) days following such an incident the User shall submit to the Township and the Superintendent a detailed written report under oath and signed by the User 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 POTW, 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 article or other applicable law. Following such incident, the User may be required by the Township to appear before the Township Board and provide a full explanation of the discharge and of steps being taken to prevent its recurrence.

(f) Noncompliance. Any User shall notify the Township and the Superintendent immediately after becoming aware of any discharge of such User which constitutes a violation of this Ordinance.

Section 417. Discharger's Request for Interpretation. In an effort to assure fuller understanding of and compliance with the goals and objectives of this Ordinance, it shall be the privilege of any interested party to request, in writing an interpretation or ruling by the Township on any matter covered by this Ordinance.

Section 418. Prohibition of Combined Sewer Construction. The construction of Combined Sewers is hereby prohibited.

ARTICLE V

ADMINISTRATION

Section 501. Wastewater Discharges. It shall be unlawful to discharge to the POTW any Wastewater except as authorized by the provisions of this Ordinance.

Section 502. Wastewater Discharge Permits.

(a) General. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW, and shall apply for such permit at least 90 days prior to the proposed discharge to the POTW.

(b) Permit Application. Users required to obtain a Wastewater Discharge Permit shall complete and file with the Township (and the Township shall in turn file a copy with the City of Elkhart), an application in the form prescribed by the Township, which shall be accompanied by payment in full of a permit fee for an initial Significant Industrial User. The amount of this permit fee shall be established from time to time by Township resolution. The permit fee shall also apply to an application to modify, reissue, reassign, transfer or sell an existing permit. The Township reserves the right to request the City to review an application for a Wastewater Discharge Permit (including application to modify, reissue, reassign, transfer or sell a permit) and issue a permit in the name of the Township. The Township may charge all or a portion of the cost of this review to the User as a Miscellaneous Customer Fee.

In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address, and location, (if different from the plant address);
- (ii) Standard Industrial Classification (SIC) number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (iii) Wastewater constituents and characteristics including but not limited to those mentioned in Section 404 of this Ordinance as determined by a reliable

analytical laboratory. The sampling and analysis of such constituents and characteristics shall be performed in accordance with Section 505(c) of this Ordinance;

(iv) Time and duration of contribution;

(v) Average daily and estimated 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation and a current water use schematic;

(vii) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(viii) Basis of Design of the pretreatment facility including, where applicable:

a. Design Loading

- average

- peak

- future

b. Rationale for process selection.

c. Design calculations for sizing of tanks, pumps, piping and other treatment appurtenances.

d. Calculation of predicted effluent quality and loading under normal and peak operating conditions.

(ix) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, City, State or Federal Categorical Pretreatment Standards including any listed or characteristic hazardous wastes as defined in federal regulations [40 CFR 261] and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

(x) If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subparagraph a. shall exceed 9 months.

c. No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Township including, as a minimum, a statement whether or not the User complied with the increment of progress to be met on such date and, if not, the date on which the User 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 9 months elapse between such progress reports to the Township.

(xi) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(xii) Each product and/or byproduct produced by type, amount, process or processes and rate of production;

(xiii) Type and amount of raw materials processed (average and maximum per day)

(xiv) List of any environmental control permits held by or for the facility;

(xv) Any other information as may be deemed by the Township to be necessary to evaluate the permit application.

(c) Permit Modifications. The terms and conditions of the permit may be subject to modification by the Township during the term of the permit as limitations or requirements as identified in Article IV are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Discharge Permit as required by Section 502(b), the User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable Federal Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Permit shall submit to the Township within 180 days after the

promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Section 502(b).

(d) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, and the payment of Sewer Rates and Charges established by the Township. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(iv) Requirements for installation and maintenance of inspection and sampling facilities, and for providing entry for sampling and inspection;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Township, and affording Township access thereto;

(ix) Requirements for notification of the Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Sewage System, including listed or characteristic hazardous wastes;

(x) Requirements for notification of spills or slug discharges (as per Section 416(e)) or upsets or violations;

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

(xii) Requirements to develop and implement spill and slug prevention/control plans;

(xiii) Other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance and State and Federal pretreatment standards and requirements.

(e) Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance (and pay the permit fee) a minimum of 180 days prior to the expiration of the User's existing permit.

(f) Continuation of Expired Permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

(i) The permittee has submitted a complete permit application at least 180 days prior to the expiration date of the User's existing permit.

(ii) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

(g) Permit Transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Township and payment of an additional permit fee. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

(h) Records Retention. All information, records, reports, books, etc, required pursuant to an Industrial Wastewater Discharge Permit whether prepared by or on behalf of the discharger, shall be retained and preserved by such discharger for a minimum period of three (3) years from the time of their creation. All records which pertain to matters which are the subject of any enforcement or litigation shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired. This period of retention shall also be extended when requested by the IDEM, the MDEQ, the EPA, the City or the Township.

Section 503. Reporting Requirements for Permittee (in addition to those specified in 416)

(a) Self-Monitoring Reports. This requirement calls for the submission of all notices and self-monitoring reports from Significant Industrial Users that are necessary to assess and assure compliance by Significant Industrial Users with applicable pretreatment standards and requirements. These reports will normally be required on the periodic basis established in Section 601 and must be certified and signed as required in 503(d).

(i) Resampling Requirement. If sampling performed by the User indicates a violation, the User shall notify the Township immediately after becoming aware of the violation. The User shall also repeat the sampling and analysis and

submit the results of the repeat analysis to the Township within 30 days after becoming aware of the violation.

(ii) Additional Self-Monitoring. If an Industrial User subject to reporting requirements monitors any pollutant more frequently than required by the Township, using procedures established by 40 CFR 136, the results of this monitoring shall be included in the report.

(b) Baseline Report. Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, existing industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW will be required to submit to the City and the Township a report, signed and certified as required in 503(d), containing the information listed in paragraphs (b) (1) through (7) of 40 CFR 403.12, as follows:

- (i) identifying information,
- (ii) applicable permits,
- (iii) description of operations,
- (iv) flow measurement,
- (v) measurement of pollutants,
- (vi) certification statement,
- (vii) compliance schedule.

Upon promulgation of a Categorical Pretreatment Standard the City will provide to the Township the appropriate form for distribution by the Township to the Industrial Users who are affected by the promulgated standard. The Industrial Users are then required to submit the completed baseline report to the Township and the City.

(c) 90 Day Compliance Reports. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a New Source subject to such pretreatment standards and requirements, an Industrial User shall submit to the Township and the City a report containing the information described in subsections 503(b)(iv) through (vii) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), 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. All compliance reports must be signed and certified in accordance with 503(d) of this Ordinance.

(d) Signatory Requirements and Certification. Baseline Monitoring Reports, Periodic Compliance Reports, and 90 day Compliance reports must be properly signed and submitted with a certification statement, as follows:

(i) 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.

(ii) Signatory Requirements.

a. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For purposes of this paragraph, a responsible corporate officer means (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned, or delegated to the manager in accordance with corporate procedures.

b. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.

c. By a duly authorized representative of the individual designated in paragraph a. or b. of this section if:

1. The authorization is made in writing by the individual described in paragraph a. or b.

2. The authorization specifies either the individual or a position having responsibility for the overall operation of the facility from which the Industrial Wastes originate, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

3. The written authorization is submitted to the Township.

d. If an authorization under paragraph (ii)c is no longer accurate because a different individual or position has responsibility for the overall

operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Township prior to or together with any reports to be signed by an authorized representative.

(e) Reports of Industrial Pretreatment Bypasses.

(i) Anticipated Industrial Pretreatment Bypasses. [Refer also to Section 412] If an Industrial User knows in advance of the need for an industrial pretreatment bypass, it shall submit prior notification to the Township and the Superintendent, if possible, at least ten days before the date of such bypass.

(ii) Unanticipated Industrial Pretreatment Bypasses. An Industrial User shall notify the Township and the Superintendent of an unanticipated industrial pretreatment bypass that causes a violation of this ordinance. The notification shall include the following:

a. Oral notice to the Township and the Superintendent immediately after the Industrial User becomes aware of the need for such bypass.

b. A written report to be filed with the Township and the Superintendent within five days of the time the Industrial User becomes aware of such bypass. This report shall specify the following:

1. A description of the bypass, the cause thereof, and the bypass's impact on any limits;

2. The amount/volume and duration of the bypass, including exact dates and times;

3. If the bypass has not been corrected, the anticipated time it is expected to continue;

4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

(iii) Industrial Pretreatment Bypasses Not Subject to Notification Requirements. Industrial pretreatment bypasses not subject to the notification requirement as specified in items 503(e)(i) and (ii) above include only any such bypass which does not cause violation of this ordinance, but only if such bypass is to allow for essential maintenance to assure efficient operation.

Section 504. Monitoring Facilities.

(a) Methods for Measurement of Industrial Wastes Flow. Any Significant Industrial User (SIU) who, on the effective date of these regulations, is discharging Industrial Wastes to the POTW shall provide the Township independent access means and facilities for the purpose of observation, measurement and sampling of such Industrial Waste. If such access means and facilities are not otherwise available, the SIU shall construct and maintain a control manhole at the SIU's expense. The Township shall have full access at all times to the SIU's monitoring facility or facilities to conduct tests on quality and quantity of effluent. The volume or quantity of Industrial Waste discharged by any SIU into the POTW may be measured by one or more of the following methods:

(i) By a meter or meters on the water supply line or lines to the SIU's industrial and/or process operations; or

(i) By a meter or meters on the waste line or lines from the SIU's industrial and/or process operations.

(b) Location of 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 for purposes of providing for independent and unscheduled monitoring activities or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications, and such sampling and monitoring facilities shall be constructed and maintained in such a manner so as to enable Township personnel to perform independent and unscheduled monitoring activities.

Section 505. Inspection and Testing.

(a) Inspection and Sampling. The Township may inspect the facilities of any User to ascertain whether the purposes of this Ordinance are being met and all requirements are being met. Owners or occupants of premises where wastewater is created or discharged shall allow the Township or the Township's representative ready access at all times of operation to all parts of the premises for the purposes of inspection, sampling, records

examination and copying, or in the performance of any of their duties. The Township, Approval Authority 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, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing the Township access to the User's premises shall be a violation of this Ordinance.

(b) Search Warrants. If the Township has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township Supervisor may seek issuance of a search warrant from a court of suitable jurisdiction.

(c) Sample Analyses. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures approved by EPA.

Section 506. Pretreatment. Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. A New Source Significant Industrial User must install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Such New Source must meet all applicable pretreatment standards and requirements in the shortest time, not to exceed 90 days after the start of discharge. Any facilities required to pretreat wastewater to a level acceptable to the City or the Township shall be provided, operated, and maintained at the User's expense.

(a) Design Plans. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township and the City for review, and shall be acceptable to the Township and the City before construction of the facility. The review and acceptance of such plans and operating procedures by the Township and the City will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent meeting National Categorical Pretreatment Standards and acceptable to the Township and the City under the provisions of this Ordinance. Any subsequent changes

in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township and the City prior to the User's initiation of said changes.

(b) Facilities Operation. Industrial Users shall, at the User's expense, at all times maintain in good working order and operate as effectively as possible all pretreatment/control facilities or systems installed or used by the User to achieve compliance with the terms and conditions provided for and in accordance with the requirements set forth by this Ordinance. Such facilities shall at all times be accessible to inspection by the Township.

ARTICLE VI

WASTEWATER MONITORING

Section 601. Surveillance of Significant Industrial Users. To establish a feasible surveillance schedule the following self-monitoring estimated frequencies are established:

(a) Township Monitoring.

(i) Minimum of one (1) scheduled monitoring event per year to include site inspection, records review and sampling.

(ii) Minimum of one (1) unscheduled monitoring event per year to include site inspection, records review and sampling.

(iii) Demand monitoring to consist of site inspection, records review and seven (7) consecutive days of sampling to be performed when warranted in the opinion of the Township in response to a known or suspected violation discovered in a self-monitoring report, routine sampling trip, or by public complaint or any discharge of prohibited material.

(b) Self-monitoring.

(i) As required for National Categorical Pretreatment Standard Compliance monitoring.

(ii) As established in Significant Industrial User Wastewater Discharge Permit, but in any case, not less frequently than the total minimum monitoring frequency set forth below at Section 601(c), unless expressly approved by the Township.

(c) Minimum Monitoring Frequency Guidelines for Case by Case Permit Requirement

<u>Industry Flow</u> (average gallons per day)	<u>Monitoring Frequency</u>
0 - 10,000	Once every six months
10,001 - 25,000	Once every three months
25,001 - 50,000	Once every two months
50,001 - 100,000	Once a month
greater than 100,000	Once every two weeks

The Township may conduct, for the Significant Industrial Users, some or all of the required User monitoring. The Township may require more frequent monitoring based on potential degree of impact on the POTW, variability in types or amounts of pollutants discharged or concentration or loading of conventional pollutants or to ascertain continued compliance.

Section 602. Surveillance Survey Charge. The charge for each surveillance survey conducted by the Township shall be based on the cost of sample collection, analysis and reporting as well as site inspection and records evaluation costs, and shall be determined from time to time by resolution of the Township Board. The Township is hereby empowered to review on an annual basis the actual costs versus charges for surveillance and to adjust charges accordingly to achieve cost reimbursement.

Section 603. Monitoring of Significant Industrial Users. A Significant Industrial User shall install at its own expense monitoring facilities as required in Section 504, unless said Significant Industrial User can demonstrate to the Township that compliance with this requirement would cause undue financial hardship. In such cases, the Township shall provide for alternate monitoring procedures in the Significant Industrial User's wastewater discharge permit. The Township shall have the right of full access to said monitoring station at all times to conduct tests on quantity and quality of effluent.

The Township may provide metering and/or monitoring equipment during a surveillance period for control manholes or their access means, supplemental to those provided by the User.

Required monitoring equipment may, if the Township determines it to be necessary, include a device for continuously automatically measuring and recording flow and a device for automatically taking discrete hourly and composite samples of Wastewater during each twenty-four hour period. In the event of continuing violation of discharge limits in the permit of a Significant Industrial User, the Township may also, in addition, require monitoring equipment which shall include a real time analytical device, suitable for the nature of the Wastewater being monitored, to provide instantaneous indications of a potential discharge incident which may cause maximum limitations of the Significant Industrial User wastewater discharge permit to be exceeded.

(a) Each Significant Industrial User shall measure and record the following data on a schedule established in their permit:

- (i) Total daily wastewater discharge (gallons per day).
- (ii) Concentration of each waste constituent or characteristic specified in the permit (mg/L).
- (iii) Total daily discharge of each waste constituent or characteristic specified in the permit (lb/day).

All analyses shall be performed according to Section 505(c) of this Ordinance.

The Township may monitor and analyze the wastestream of any Significant Industrial User on a daily basis when just cause exists. If at any time the rate of wastewater discharge or concentration or quantity of a constituent or characteristic exceeds the maximum limits established in the permit, the Township and the Superintendent shall be notified as required in Section 502(d)(ix) and (x).

Section 604. Limitations on Point of Discharge. No person shall discharge any substance directly into a manhole or other opening in the Sewage System other than through the approved Building Sewer, except in accordance with the terms of this Ordinance or by express permission of the Township.

Section 605. Pretreatment Rates and Charges. The Township may establish from time to time by resolution of the Township Board separate rates and charges applicable to Industrial Users for administration of the industrial pretreatment program, including without limitation a pretreatment program administrative charge based upon metered water usage, a pretreatment monitoring set up and teardown fee and a site inspection fee. In the event the Township is required by the City pursuant to the Wastewater Treatment Agreement or otherwise, to perform additional monitoring or testing of any Wastewater discharged to the Sewage System as a result of a spill, Slug discharge, Industrial Pretreatment Bypass, operation upset or ordinance violation, the Township shall bill all costs associated therewith to the User as a Miscellaneous Customer Fee.

ARTICLE VII

SURCHARGES

Section 701. Surcharge Based on Flow and Concentration of Wastewater. All wastewater discharged shall meet the admissibility standards in Article IV of this Ordinance. Wastewater, from any User, beyond the limits of admissibility set forth in this Ordinance may be accepted and surcharged. Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentration and flow. User Surcharges for wastewater characteristics not provided for herein may be set from time to time by resolution of the Township Board, taking into account

all of the significant cost factors of the Sewage System and the POTW, relating to treatment, handling, and disposal.

ARTICLE VIII

ENFORCEMENT

Section 801. Inspection by Township. The duly authorized representatives, employees or agents of the Township and the City, including, but not limited to, the Township Inspector, the Sewer Administrator, the Township's engineer, the Health Department, the Superintendent and representatives of the IDEM, the MDEQ and the EPA bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the Township or owns real property in the Service District shall be deemed to have given consent for all such activities including entry upon that Person's property.

Section 802. Damage to System. No unauthorized Person shall maliciously, willfully, recklessly or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System or the Publicly Owned Treatment Works or connect or disconnect any Building Sewer to the Public Sewer System or tamper with or modify any pump, valving appurtenance, flow control section, meter or sampling equipment so as to have the effect of rendering inaccurate any meter or other monitoring equipment.

Section 803. Suspension of Service. The Township may suspend wastewater treatment service to a User and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, causes the City to violate any condition of its NPDES Permit or causes the Township to violate the terms of the Wastewater Treatment Agreement.

Any User notified of a suspension of wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the User to comply voluntarily with the suspension order or if otherwise deemed necessary by the Township, the Township shall take such steps as deemed (by the Township) necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township within 15 days of the date of occurrence.

Section 804. Revocation of Permit. Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures set forth herein.

- (a) Failure of a User to factually report the constituents and characteristics of his wastewater discharge;
- (b) Failure of the User to report significant changes in operations or Wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the permit.

Section 805. Notification of Violation. Except for violations of Section 802, whenever the Township finds that any User has violated or is violating this Ordinance or the Sewer Connection and Rate Ordinance, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the Township may serve upon such User a written notice stating the nature of the violation and requiring submission by the User to the Township within a specified time a written response including corrective measures taken and/or planned to prevent recurrence of the violation.

Section 806. Show Cause Hearing.

(a) The Township may order any User who violates a condition of this Ordinance or their permit to show cause before the Township Board why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Township Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Township Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 (ten) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The Township Board may itself conduct the hearing and take the evidence, or may designate any of its members, the Sewer Administrator or the Township Attorney to:

(i) Issue in the name of the Township Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township Board for action thereon.

(c) At any hearing held pursuant to this Ordinance, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the Township Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless the User has returned to compliance with this Ordinance, the User's permit, and/or orders and directives issued by the Township. Further orders and directives as are necessary and appropriate may be issued.

Section 807. Civil Infraction. Any violation of Section 802, or any violation beyond the time limits provided for in Section 805, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney's fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue citations for municipal civil infractions for violation of the Ordinance.

Section 808. Legal Action.

(a) An Industrial User shall be liable for any and all damages, losses and expenses sustained by the POTW as a result of noncompliance by the Industrial User. The Township Attorney may commence an action for appropriate legal and/or equitable relief in a court of suitable jurisdiction to obtain remedies for noncompliance by Industrial User with any Pretreatment Standard or Requirement.

(b) When the Township Board finds, that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township may petition a court of suitable jurisdiction, through the Township Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Township may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct

environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for, taking any other action against a User.

Section 809. Nuisance; Abatement. Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township in the furtherance of the public health may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney's fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous Customer Fee.

Section 810. Liability for Expenses. Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation as a Miscellaneous Customer Fee.

Section 811. Remedies Are Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township.

Section 812. Publication of Violations. The Township shall at least annually publish in the newspaper of general circulation having the largest circulation within the Township a list of the Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. A User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations defined as those in which thirty three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable factor, (factor = 1.4 for BOD, TSS, fat, oil, and grease; and 1.2 for all other pollutants, except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Township determines has caused, alone or in combination with other discharges, Interference or Pass-Through (including endangering the health of Sewage System personnel or the general public);

(d) Any discharge of a pollutant that caused imminent endangerment to human health, welfare or to the environment or has resulted in the Township's exercise of its emergency authority under Section 803 to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violations which the Township determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE IX

MISCELLANEOUS

Section 901. Repeal of Conflicts. All ordinances or parts of ordinances other than the Sewer Connection and Rate Ordinance in conflict herewith and relating to the Public Sewer System are hereby repealed. In the event of a conflict between the provisions of the Sewer Connection and Rate Ordinance and this Sewer Use Ordinance, the provisions of this Sewer Use Ordinance shall control. In the event of a conflict between the provisions of this Sewer Use Ordinance and the Wastewater Treatment Agreement, the provisions of the Wastewater Treatment Agreement shall control.

Section 902. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 903. State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 904. Article and Section Headings. The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

Section 905. Reservation of Right to Amend. Subject to the obligations of the Township set forth in the Contract and the Wastewater Treatment Agreement, the Township specifically

reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same.

ARTICLE X

PUBLICATION AND EFFECTIVE DATE

Section 1001. Publication. A true copy or a summary of this Ordinance shall be published in The Edwardsburg Argus, a newspaper of general circulation within the boundaries of the Township of Ontwa qualified under state law to publish legal notices, within thirty (30) days after the adoption of the Ordinance by the Township. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.

Section 1002. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

Passed and adopted by the Township Board of the Township of Ontwa, County of Cass, Michigan on August 14, 2000, and approved by me on _____, 2000.

Wayne Hardin, Supervisor
Township of Ontwa

Attest:

Helen J. Parsons, Clerk
Township of Ontwa

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the Township Board of the Township of Ontwa, County of Ontwa, Michigan meeting held on August 14, 2000, and that public notice was given pursuant to Public Act No. 267, Public Acts of Michigan, 1976, including in the notice by posting at least eighteen (18) hours prior to the meeting.

I further certify that said Ordinance has been properly recorded in the Township and such recording has been authenticated by the Township Clerk.

Helena

CERTIFICATE OF PUBLICATION

I, the undersigned, Township Clerk of the Township of Ontwa, Michigan hereby certify pursuant to MCLA 41.184 that the Ordinance (Ordinance No. 8-2-00) or a summary thereof was published in the Township, 2000.

Dated: _____, 2000

Helena

APPENDIX I

Schedule of Residential Equivalent Factors

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Auto Dealers - New and/or Used; Auto Repair/Collision	1.0	per premises plus 0.25 per 1,000 square feet of building including service area
Auto Wash (coin operated do-it-yourself 10 gallons per car - not recycled)	1.0	per stall
Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.0	per stall or production line including approach and drying area
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.0	per stall or production line including approach and drying area
Bar		
Barber Shop	2.0	per 1,000 square feet
Beauty Shops	1.0	per shop plus 0.1 per chair after 2
Bowling Alleys (no bar)	1.0	per shop plus 0.1 per booth
Campground Facilities - recreation vehicles, tents, trailers under 12 feet	1.0	per premises plus 0.2 per alley
Campground Facilities - trailer parks or trailers in excess of 12 feet	0.35	per pad or site plus picnic facilities
Churches	0.50	per pad or site plus picnic facilities
Cleaners (cleaning and pressing facilities)	0.25	per 1,000 square feet - minimum 1 unit
Cleaners (pick up only)	1.0	per premises plus 0.5 per 500 square feet
Clinics (Medical or Dental)	1.0	per shop
Convalescent or Boarding Homes	1.0	per premises plus 0.5 per exam room
	1.0	per premises plus 0.25 per bedroom

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Convents	1.0	per premises plus 0.25 per bedroom
Country Clubs or Athletic Clubs (No private membership)	1.5	per 1,000 square feet of clubhouse plus restaurant and bar
Drug Stores	1.0	per premises plus snack bar
Factories (office and production)	0.20	per 1,000 square feet
Dry Process		based on annualized metered water flow @ 1 unit per 200 gpd
Wet Process		
Fire Station	1.0	per premises
Fraternity or Sorority Houses	0.50	per dwelling unit
Funeral Home	1.5	per 1,000 square feet plus residence to be computed separately
Grocery Stores and Super Market	1.0	per premises plus .8 per 1,000 square feet
Hospitals	1.1	per bed
Hotels and Motels	0.40	per bedroom plus restaurant and bar
Laundry (self serve)	1.0	per premises plus 0.5 per washer
Marinas - Boat Docking Space	0.06	per space under 25 feet in length
	0.1	per space over 25 feet in length
Mobile Homes (free standing)	1.0	per mobile home
Mobile Homes (parks)	0.5	per pad or site at indirect connection rate plus laundry, community building and office to be computed separately per Schedule; .75 per pad or site for O&M

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Multiple Family Residence, Apartments, Duplex or Rental Cottages	1.0	for first dwelling unit plus .50 for each additional dwelling unit on same lot and connected to sewer by common connection; plus laundry, community building and office to be computed separately; .75 per dwelling unit for O&M
Parks, Recreation Facilities, Campgrounds		
Picnic Facilities - no bathing or overnight accommodations	0.2	per parking space
Picnic Facilities - with bathing privileges or swimming pool	0.35	per parking space
Professional Office	0.25	per 500 square feet - minimum 1
Public Institutions	0.75	per 1,000 square feet
Restaurants (meals only); Snack Bars, Drive-Ins, etc.	1.0	per 1,000 square feet of dining area
Restaurants (meals and drinks) Alcohol	2.0	per 1,000 square feet of dining area
Restaurants Auxiliary Dining Rooms when used less than 20 hours per week	0.5	per 1,000 square feet of dining area
Retail Store (other than listed)	1.0	per 1,000 square feet
Schools	1.0	per classroom
Service Stations	1.0	per 1,000 square feet of building area
Single Family Residence (including condominiums)	1.0	per residence
• with Guest House on same lot (kitchen/sleeping/bath)		+ .50
• with Bunkhouse on same lot (sleeping only)		+ .0
• with Bunkhouse on same lot (sleeping and bath only)		+ .0
• with Garage/Pole Barn on same lot (bath only)		+ .0
• with Guest House on separate lot (kitchen/sleeping/bath)		+ 1.0
• with Bunkhouse on separate lot (sleeping only)		+ .0
• with Bunkhouse on separate lot (sleeping and bath only)		+ .50
• with Garage/Pole Barn on separate lot (bath only)		+ .50

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Theaters (drive-in)	0.04	per car space
Theaters	0.04	per seat
Post Office	1.0	per 1,000 square feet
Warehouse and Storage	0.2	per 1,000 square feet
Veterinary Facility	1.5	per facility
Veterinary Facility with Kennel	1.5	per facility plus 0.5 per 5 kennels