

**CHARTER TOWNSHIP OF WATERTOWN
CLINTON COUNTY, MICHIGAN
ORDINANCE NO. 5.8**

An Ordinance to amend Ordinance No. 5.6 of the Charter Township of Watertown known as the "Watertown Charter Township Wastewater Collection and Treatment System Ordinance," by amending Section 1, by amending sub-sections 4.C.3; Section 2, by amending sub-sections 6.A.1; Section 3, by amending sub-sections 6.B; Section 4, by amending sub-sections 6.D; Section 5, by amending sub-section 7.A; Section 6, by amending sub-section 7.B.2; Section 6, by amending sub-section 7.B.2; Section 7, by amending sub-section 7.B.8; Section 8, by amending sub-section 7.D.1; Section 9, by amending sub-section 7.D.4; Section 10, by amending sub-section 7.D.8; Section 11, by amending sub-section 7.D.12; Section 12, by amending sub-section 8.A.2; Section 13, by amending sub-section 11.A.2; Section 14; and Section 15.

An Ordinance to amend Ordinance No. 5.4 of the Charter Township of Watertown known as the "Watertown Charter Township Wastewater Collection and Treatment System Ordinance", by amending section 2, by amending sub-sections 5.A., 5.B., 5.C., 5.D., 5.E., 5.F., 6.A., 6.B., 6.C., 6.D., 7.B., 7.D., 7.E, 7.F., 8.A.3, 8.A.4, 8.A.11, 8.G.2, 9.C.2, 10.A., 10.C, 10.F, section 11.A.3, 11.A.4, 11.A.5., and 11.A, and by adding sub-sections 7.H. 7.I. and 7.J.

"Watertown Charter Township Wastewater Collection and Treatment System Ordinance", which ordinance was to provide for the acquisition of a sanitary sewage disposal system by the Charter Township of Watertown, Clinton County, Michigan to provide for the operation and maintenance of the Watertown Charter Township wastewater collection system; to provide for the ownership, operation of, and mandatory connection to, said system; to regulate the discharge of water and waste into said system; to prohibit private sewage disposal systems and exceptions thereto; to provide rates and charges to be levied upon users of the system and for connection thereto; for capacity utilization, inspection and for industrial cost recovery, to establish administrative and financial procedures for the operation of the system and the discharge charge of obligations incurred in connection therewith; to define terms, establish funds and to provide remedies and penalties for the violation of said ordinance, and to provide for an effective date thereof; said amendments to add, modify and eliminate certain definitions of terms therein and to amend construction standards; to amend provisions relating to installment payments of certain sewer connection fees and intent required herein; to incorporate rules and regulations relating to abandonment of sanitary sewer and the reporting of accidental and unauthorized discharges and to eliminate reference to industrial cost recovery; to establish and amend industrial pretreatment standards, monitoring and enforcement thereof, require user reporting, and to authorize the assessment and collection of fees in connection therewith, to set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Watertown Charter Township and enable the township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 cfr, part 403); to prevent the introduction of pollutants into the wastewater collection and treatment system which will interfere with the operation of the system or contaminate the resulting sludge, to prevent the introduction of pollutants into the wastewater collection and treatment system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system, to improve the opportunity to recycle and reclaim wastewaters and sludges from the system, and to establish remedies and penalties for the violation of this ordinance as amended and to provide for an effective date hereof.

The Charter Township of Watertown, Clinton County, Michigan, ordains:

SECTION 1. TITLE, AMENDED & ADDED SECTIONS AND SUB-SECTIONS.

This amendatory Ordinance shall be known as the Watertown Charter Township "Wastewater Collection and Treatment System Ordinance", Amendment No. 5.8.

Ordinance No. 5.4 adopted and recorded on September 1985 is hereby further amended by amending Section 2 thereof, by amending sub-sections 5.A., 5.B., 5.C., 5.D., 5.E., 5.F., 6.A., 6.B., 6.C., 6.D., 7.B., 7.D., 7.E., 7.F., 8.A.3, 8.A.4, 8.A.11, 8.G.2, 9.C.2, 10.A., 10.C, 10.F, Section 11.A.3, 11.A.4, 11.A.5. and 11.A, and by adding sub-sections 7.H. 7.I. and 7.J. which ordinance, as amended, shall read as follows.

SECTION 2. DEFINITIONS.

As set forth herein, the following terms shall have the meanings described in this Section unless the context specifically indicates a different meaning:

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 State of Michigan acting through the Director of the Michigan Department of Environmental Quality.
3. Attorney. The Township Attorney for the Charter Township of Watertown, Clinton County, Michigan.
4. Authority. The Southern Clinton County Municipal Utilities Authority (formerly known as the Southern Clinton County Sanitary Sewer Authority).
5. Authority Agent. Any Constituent Municipality or designated representative of the Southern Clinton Municipal Utilities Authority.
6. Authorized Representative of the User.
 - A. If the user is a corporation:
 1. The president, secretary, treasurer, or a vice - president of the corporation in charge of a principal business function, or any other person who performs similar decision making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- B. If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.
- C. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in Paragraphs A through C, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the township and Authority.

7. Available Public Sanitary Sewer System.

- A. A public sanitary sewer system located in a right-of-way, easement, highway or public way which crosses, adjoins, abuts, or is contiguous to the realty involved and passes not more than two hundred (200) feet at the nearest point from a structure in which sanitary sewage originates;
- B. In the case of a premises served by an on-site private sewage disposal system which has failed causing sewage to emanate into the surface water or ground water of the Township, an "available public sanitary sewage system" means any public sanitary sewer system located in a right-of-way, easement, street or public way which crosses, adjoins, or abuts the lot or parcel of realty upon which a structure in which sanitary sewage originates is located;
- C. In the case of a premise which may only be served by any innovative or alternative private sewage disposal system other than a standard gravity fed septic tank/drain field system, an available public sanitary sewage system means a public sanitary sewer system located in a right-of-way, easement, street, or public way which crosses, adjoins or abuts the parcel of realty involved and passes no more than four hundred (400) feet at the nearest point from any structure in which sanitary sewage originates;
- D. In the case of multiple residential dwellings or mobile home parks consisting of ten (10) units or more, an available public sanitary sewer system shall mean a public sanitary sewer system which passes not more than four hundred (400) feet at the nearest point from a structure in which sanitary sewage originates;
- E. In the case of all other real estate or land, is located in a street, road, highway, right-of-way, easement, or public or private way crossing, adjoining, abutting or contiguous to any realty land within a Special Assessment District hereafter created, on which is located a structure in which sanitary sewage originates.
- F. Notwithstanding the above, the Watertown Township Board of Trustees shall have the

authority, in the case of construction of new sewer mains and at the abutting owner's request, to defer installation of the sewer leads to serve such premises, in which case the public sanitary sewer system shall not be deemed "available" to such property unless or until the existing on-site sewage disposal system shall fail or there is a transfer of ownership reportable under MCL 211.27 (a) 8, in which case the owner shall immediately connect to the public sanitary sewer system at the owner's sole expense and pay all charges and the assessment fees required by Section 8.H of this ordinance.

Prior to the granting of an inspection report from a certified sanitarian confirming that the private on-site system is in good working order.

8. Biochemical Oxygen Demand or B.O.D. The biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) Centigrade, expressed as milligrams per liter.
9. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil or waste pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside of the inner face of the building wall. No storm water shall be conveyed into the sanitary sewer.
10. Building Sewer. The extension from the building drain that connects the building in which sanitary sewage originates to the public sewer or treatment works and conveys the sewage of but one building. No sanitary sewage shall be conveyed into the storm water collection system.
11. Capacity Charge. In addition to any other assessments, costs or levies hereunder, a charge for capacity utilization and/or reservation shall be levied for all residential multiple dwellings for each residential equivalent in excess of one residential equivalent. The amount of said charge shall be as hereinafter set forth. Premises other than single-family residences shall pay a connection charge in the amount of the "capacity charge" multiplied by the factor developed in the formula established by the Table of Unit Factors pursuant to Section 8 hereunder.
12. Categorical Standards. "National Categorical Pretreatment Standards" or Pretreatment Standard (see definition below).
13. Commercial Users. Any establishment being involved in a commercial enterprise, business or service which, based upon a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
14. Compatible Pollutant. A substance amenable to treatment in a publicly-owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES Permit of the publicly-owned treatment works designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such "additional Pollutants" may include but not be limited to: chemical oxygen demand, total organic carbon, phosphorus and

phosphorus compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

15. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
16. County. The County of Clinton, State of Michigan.
17. Debt Service Charge. The charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the local portion of the system.
18. Direct Connection. The connection of a premises wherein sanitary sewage originates directly to sewer lines constructed by the Township.
19. Direct Discharges. The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
20. Director. The person designated by the Authority to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this article, or such duties that are delegated to his/her duly authorized representative.
21. Environmental Protection Agency or EPA. The United States 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.
22. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
23. Federal Grant. The grant made or to be made for the construction of wastewater collection, transportation and/or treatment works provided under P.L. 92-500, as amended.
24. Garbage. Solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
25. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
26. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
27. Incompatible Pollutant. Any pollutant which is not a compatible pollutant.
28. Indirect Connection. The connection of any premises to any sewer lines not originally

comprising the sewer system and constructed without costs to the Township but connecting thereto, e.g., premises served by subdivision and mobile home park sanitary sewers which in turn connect to public sewers.

29. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the sanitary sewer system (including holding tank waste discharged into the system).
30. Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
31. Industrial Wastes. The wastewater discharges from industrial, trade or business process as distinct from their employees' domestic waste or waste from sanitary conveniences.
32. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority' s NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or anymore stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
33. mgl. Milligrams per liter.
34. Multiple Residential Dwelling. A residence in which more than one family resides.
35. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of users and which appear in 40 CFR Chapter I, subchapter N, Parts 405-471.
36. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR Section 403.5.
37. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
38. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is 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 source is located; or
- B. The building, 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 of wastewater generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- 1. Begun, or caused to begin, as part of a continuous on site-construction program;
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the new source facilities or equipment.
- 2. 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.

39. Normal Domestic Strength Wastewater. A sewage or other wastewater effluent which shall be a compatible pollutant as defined in item 13 of this Section and with B.O.D. of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less and total phosphorus of 12 milligrams per liter or less.

40. NPDES Permit. A permit issued pursuant to the National Pollution Discharge Elimination

System (Section 402 of the Act; 33 U.S.C. 1342).

41. O & M Charge. The charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system pursuant to Section 204b of PL 92-500.
42. Operation and Maintenance (O&M). All work, materials, equipment, utilities and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other county, state, and federal regulations, if any.
43. Pass Through. 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 Authority' s NPDES permit, including an increase in the magnitude or duration of a violation.
44. 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 and the singular shall include the plural where indicated by the context.
45. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
46. Plumbing Inspector. The appointed inspector of the Charter Township of Watertown, or the inspector utilized by the Southern Clinton County Municipal Utilities Authority.
47. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, agricultural, and industrial waste discharged into water.
48. Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
49. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
50. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except as prohibited by 40 CFR Section 403.6(d) relating to dilution.

51. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
52. Private Sewage Disposal Systems. Any septic tank, lagoon, cesspool or other facilities intended or used for the disposal or sanitary sewage other than via the public sanitary sewer.
53. Properly Shredded Garbage. The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.
54. Property Owner. The person or persons having legal title to the premises according to the Township' s tax records and shall include, in the case of a land contract sale, the land contract vendee or vendees, provided that the Township has been furnished with a copy of said land contract or assignment thereof.
55. Publicly-Owned Treatment Works (POTW). A sanitary sewer constructed, used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and owned or operated or controlled by the Charter Township of Watertown or any other political subdivision of the State of Michigan, or the Authority, or connected to such system, or in which all owners of abutting properties have equal rights, and as the term "public sanitary sewer system" is defined pursuant to Michigan P.A. 368 of 1978 (formerly Act 288 of 1972); and Section 212 of the Act (33 U.S.C. 1292).
56. Replacement. The obtaining and installing of any equipment, accessories and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.
57. Residential Equivalent or Equivalent Unit. The factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single-family residential user.
58. Residential User. The user of the system whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached, row houses, mobile homes, apartments or permanent multi-family dwellings. For purposes of this Ordinance transient lodgings shall be considered to be a "commercial" use.
59. Sanitary Sewage. The liquid or water-carried waste discharge from sanitary conveniences of dwellings (including apartment houses, motels and hotels), office buildings, factories, institutions, commercial or other structures.
60. Sanitary Sewer. The sewer which carries sanitary sewage and industrial waste, or either of

them, into which storm water, surface and ground waters are not intentionally admitted.

61. Sewage. Any combination of sanitary sewage, storm water, industrial waste and uncontaminated industrial waste, or any of them.
62. Sewage Treatment Plant or POTW Treatment Plant. Any arrangement of devices or structures used for the treating of sewage.
63. Sewer. A pipe of conduit and appurtenances for transmitting or carrying sanitary sewage including any devices necessary for pumping, lifting or collecting such sewage.
64. Shall and May. "Shall" and "may" shall have the following meanings: "Shall" is mandatory; "may" is permissive.
65. Significant Industrial User.
 - A. Except as provided in Paragraph (B) of this Subsection, the term "significant industrial user means
 1. all industrial users subject to Categorical Pretreatment Standards under 40 CFR, 403.6 and 40 CFR Chapter (I), Subchapter (N); and
 2. any and other industrial user that discharges an average of 25,000 gallons per day or more of processed wastewater to the POTW excluding sanitary non-contact cooling and boiler blow down wastewater; contributes a processed waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW' s operation or for violating any pretreatment standard or requirement.
 - B. Upon a finding that an industrial user meeting the criteria of this definition has no reasonable potential for adversely affecting the POTW' s operation or for violating any pretreatment standard or requirement, the Director may at any time, on his or her own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8 (f) (6), determine that such industrial user is not a significant industrial user.
66. Significant Non-Compliance. Any Industrial User of the system whose violations meet one or more of the following criteria:
 - A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

- B. Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of the pretreatment affluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in continuation with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW' s exercise of its emergency authority under paragraph (f) (i) (vi) (8) of this section to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in the local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within thirty (30) days after the due date, required reports 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 non-compliance; or
- H. Any other violation or group of violations which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

- 67. Single-Family Dwelling. A residence in which only one family resides.
- 68. Slug Load or Load Discharge. Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge, or any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 7.B of this Ordinance.
- 69. 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.
- 70. State. State of Michigan.
- 71. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 72. Structure in which Sanitary Sewage Originates. A building in which a toilet, kitchen,

laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.

73. Suspended Solids. The total suspended matter that floats on the surface of or is suspended in water, wastewater, sewage or other liquids and which are removable by laboratory filter.
74. System. The complete Watertown Charter Township wastewater collection system, which system includes and may be referred to in part as the "Clinton County Sewage Disposal System No. 8" (Watertown Charter Township) including all sewers, pumps, lift stations, treatment facilities or other facilities (POTW) and appurtenances used or useful in the collection, transportation, treatment and disposal of domestic, commercial or industrial wastes, and all easements, rights and land for same and including all extensions and improvements thereto which may hereafter be acquired or constructed.
75. Table of Unit Factors. That table which shall be adopted by the Township and utilized to identify the various classifications of sewer users and stating as "residential equivalents" the ratio of such use of the system to that of a single-family residence.
76. Township. The Charter Township of Watertown, Clinton County, Michigan.
77. 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.
78. Ug/l. Microgram per liter.
79. Use Charge. The charge levied on users of the system for the cost of operation and maintenance of POTW pursuant to Section 204b of P.L. 92-500, which charge shall also include cost of replacement.
80. User Class. The kind of user connected to the sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.
81. User or Industrial User. A source of indirect discharge.
82. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such infiltration as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
83. Wastewater Treatment Plant. Any arrangement of devices and structures used for treating wastewater.
84. Wastewater Works. All facilities for collecting, pumping, treating and disposing of wastewater.

85. Wastewater Contribution Permit. As set forth in Section 7.E of this Ordinance.
86. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

SECTION 3. OPERATION AND MAINTENANCE AND CONTROL.

The operation and maintenance of the system shall be under the supervision and control of the Township, subject to the terms of contracts and agreements with the Authority. Pursuant to the terms of such contracts, the Township has retained the exclusive right to establish, maintain and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the Township Board of Trustees for the Charter Township of Watertown may employ such person or persons in such capacity or capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, safe and effective operation and maintenance of the system, to discharge its financial obligations and to collect rates and charges as herein provided.

SECTION 4. USE OF PUBLIC SEWERS REQUIRED.

- A. Mandatory Connection Requirement. Each and every owner of property on which is located a structure in which sanitary sewage originates, shall, at his own expense, install suitable toilet facilities in said structure, and shall cause such facilities to be connected to the available public sanitary sewer system unless such property shall have been deferred for connection according to Section 2.7 (f) by the Watertown Township Board of Trustees.
- B. Connection Procedures.
1. Such connection shall be completed promptly but in no case later than sixty (60) days from the date of the occurrence of the last of the following events:
 - a. Publication of a notice by the Township Clerk of the availability of the public sanitary sewer system in a newspaper of general circulation within the Township, and the mailing of written notice indicating the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership of the property in question;
 - b. Modification of a structure so as to become a structure where sanitary sewage originates.
 2. If the owner of property on which is located a structure in which sanitary sewage originates does not complete connection to an available sanitary sewer within the sixty (60) day period described in paragraph 1 above, the Township Clerk shall notify said person by written notice that connection to the system is required

forthwith. The giving of said notice shall be made by certified mail to the owner of the property on which the structure is located or by posting such notice on the property. Notice shall provide the owner with the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this Ordinance and Act 368 of Public Acts of Michigan 1978 (formerly Act 288 of 1972).

3. Adverse Weather Exception for Late Connection. In the event the property owner is unable to connect to the system within the time prescribed by this Ordinance due to or on account of inclement or adverse weather conditions, said property owner may appeal to the Township Supervisor to allow said person additional time, not to exceed 90 days, in which to connect without penalty and without civil and criminal proceedings being initiated against him.

C. Enforcement of Mandatory Connection Requirements.

1. Penalties for Late Connection. In addition to other charges required herein, failure or refusal to connect to the system within the time prescribed herein shall result in the property being charged a premium of One Hundred (\$100.00) Dollars for each single-family residential unit multiplied by the number of units and/or multiplying factors as established by the Table of Residential Equivalents.
2. Civil Penalties to Compel Connection. Where any structure wherein sanitary sewage originates is not connected to the system sixty (60) days after the date of mailing or otherwise serving notice to connect hereinbefore set forth, the Township may bring an action for mandatory injunction or injunctive order in any court of competent jurisdiction in the County of Clinton to compel the owner of the property on which said structure is located to connect to the system. The Township may charge in such action or actions any number of owners of such properties to compel said person or persons to connect to the system.
3. By Civil Proceedings. A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$1,000.00 per day for each violation plus costs that may include all direct and indirect expenses, to which the Township has been put in connection with the municipal civil infraction as provided in Chapter 1-26. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Each act of violation and every day upon which such violation should occur shall constitute a separate offense. Abatements shall not be considered as payment or part of a violation's penalty.

SECTION 5. PRIVATE SEWAGE DISPOSAL.

- A. Without prior consent of the Watertown Charter Township Board of Trustees, it shall be unlawful for any person to place, deposit or permit to be deposited upon or under any private or public property within the Township (or any area under its jurisdiction) any human

excrement or other objectionable waste.

- B. It shall be unlawful to discharge to any natural outlet or waters of the State any sanitary sewage, industrial waste or other polluted water except where suitable treatment has been provided in accordance with the provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct, place or replace any privy, privy vault, septic tank, cesspool, drain field, sand filter, or other facility intended or used for the on-site disposal of sewage or industrial waste without first obtaining a development permit from the Township Zoning Administrator as required by the Township Zoning Ordinance. A copy of the plans for the proposed system shall be submitted to the Zoning Administrator prior to issuance of the development permit.
- D. Where a public sanitary sewer is not available under the provisions of Sections 2 and 4 of this Ordinance, the building sewer shall be connected to a private sanitary sewage disposal system which shall conform to the standards and requirements of this ordinance and be approved by the Mid-Michigan Health Department or such other health department having jurisdiction, subject to the following conditions:
 - 1. With the exception of conventional, gravity fed septic and drain systems in suitable on site soils (not imported), all alternative systems not specifically prohibited in this Ordinance must be designed and sealed by a registered engineer or registered sanitarian, or the permit, plans and specifications shall be reviewed and approved by the township engineer at the owner' s expense.
 - 2. Lagoon type systems intended for residential use, or any system whose design is unproven and therefore deemed experimental by the Mid-Michigan District Health Department, are hereby prohibited after the effective date of this ordinance, except for those already in existence. No existing prohibited system shall be allowed to expand beyond its original design capacity. An appeal may be considered for replacement of an existing system under the criteria established in Section 10.F.3.a.
 - 3. Any innovative or alternative on-site private sewage disposal system other than a standard septic tank/drain field system shall be inspected at least once a year by the local health officer or by a registered sanitarian at the owner' s expense to determine if it is being properly operated and maintained, and a copy of the maintenance inspection report shall be forwarded to the township supervisor.
 - 4. After construction of any on-site private sewage disposal system has been completed and before any portion of the system has been placed in operation, the system shall be inspected by the local health officer or by a registered engineer or registered sanitarian at the owner' s expense to verify that it has been installed in accordance with the approved plans and permit and a copy of the inspection report shall be filed with the township zoning administrator. The township zoning administrator shall not issue an occupancy permit for any premises served by an on-

site sewage disposal system until the final inspection report has been filed with the township.

- E. At such time as the public sanitary sewer system becomes available to premises served by a private sanitary sewage disposal system, connection to the public system shall be made in compliance with this Ordinance, and any septic tanks, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use.

The Michigan Legislature has determined at MCL 333.12752 and the Watertown Charter Township Board of Trustees finds that private on-site sewage disposal systems are subject to failure due to soil conditions and other reasons, and a failure or potential failure of on-site sewage disposal systems poses a threat to the public health, safety and welfare and to the quality of surface and sub-surface waters of this Township. In the case of a private on-site sewage disposal system failure, the owner of the premises must connect to an available public sanitary sewer system as defined by Section 2.7. of this Ordinance notwithstanding that the premises lies more than 200 feet from the nearest public sanitary sewer system. The connection to the public sanitary sewer system shall be made in compliance with this Ordinance at the earliest, reasonable date for the protection of the public health, safety and welfare, and within no more than 60 days, except that the date for connection may be extended for up to an additional 90 days by the Township Supervisor because of weather-related construction delays.

- F. All private sanitary sewage disposal systems shall, at the sole expense of the owner, be maintained according to the requirements of the State of Michigan, the Mid-Michigan District Health Department, this Ordinance, and in such a manner as not to pose a threat to public health nor to risk contamination of the surface or sub-surface waters of this State. The failure or replacement of any system is to be noticed to the Township Supervisor before any approval may be issued for installation of a replacement system. The Supervisor or designee shall make a determination within ten business days of notification as to whether there is an available public sewer system as defined by Section 2.7 of this Ordinance to which the owner shall be required to connect.
- G. All abandoned private sanitary sewage disposal systems shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents thereof shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under provisions of Act No. 243 of the Public Acts of 1951, as amended. The tank, or the pit in the instance of a privy, shall be treated with at least ten (10) pounds of chlorinated lime or other chemical disinfectant acceptable to the Mid-Michigan Health Department, Clinton County. The tank or pit shall thereafter be completely backfilled with sand and made safe from the hazard of collapse or entrapment.

SECTION 6. BUILDING SEWERS AND CONNECTION.

- A. Building Sewer Regulations Permit and Construction Requirements.

1. All building sewers and connections to be made to the system shall be constructed and inspected according to the Sanitary Sewer Standards for the Constituent Municipalities of the Southern Clinton County Municipal Utilities Authority attaches as Appendix A of this Ordinance.
2. A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates, unless the Authority Agent issues a written waiver.
3. As to sewage to be transmitted and treated by the system, all building sewers shall meet or exceed all requirements of this Ordinance.
4. No unauthorized person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Authority Agent.
5. The permit for a building sewer connection shall be on such forms and on payment of such fees and in accordance with such conditions as shall be established from time to time by the Township. Said permits shall be dated and shall expire thirty (30) days from the date of issuance but may be renewable at the discretion of Authority, Authority Agent or the Township.
6. Said permits shall show the location of the work, the extent of the work, information regarding the contract with the owner, and any other pertinent information as shall be deemed necessary.
7. All costs and expenses incident to the installation and connection of the building sewer to the public sewer shall be the responsibility of the owner. The repair, replacement and maintenance of the building sewer, including the portion on the street right-of-way, shall be the responsibility of the owner. The owner or the person installing the building sewer for said owner shall indemnify the Authority, Authority Agent or Township from any and all losses or damage that may be directly or indirectly occasioned by the installation of the sanitary sewer or building sewer.
8. The foregoing notwithstanding, no such permit shall be issued for connection to the system unless and until the applicant demonstrates a receipt from the Township for the payment in full of the direct or indirect connection charge required herein.

B. Construction Requirements.

All construction of sanitary sewers including but not limited to building leads shall be constructed and inspected according to the Sanitary Sewer Standards for the Constituent Municipalities of the Southern Clinton County Municipal Utilities Authority attached as Appendix A to this Ordinance.

C. Public Sanitary Sewer Disconnection and Abandonment.

1. Abandonment of Public Sewer. In the event a public sanitary sewer must be abandoned, for example, due to condemnation, catastrophe or otherwise, and in the event said abandonment is otherwise permitted by law, the owners(s) of the premises previously served thereby shall cause the construction of a four (4) foot inside diameter manhole at a location to be selected by the Authority Agent. The construction specifications relating to said manhole shall be equal to those required of such structures on the existing system and shall be inspected and approved by the Authority. All costs of said construction shall be borne by the owner(s) of the premises previously served by said sewer.
2. Abandonment of Building Sewer. In the event abandonment of a building sewer is permitted by law, and in the event the owner of premises previously connected to the public sanitary sewer shall abandon said building sewer, said owner shall, at owner' s expense, cause said building sewer to be excavated at the property line (i.e., at the public sewer or road right-of-way line) and plugged with a permanent air-tight stopper or plugging device which shall be suitably secured and braced. Approval of all such plugging devices shall be obtained in advance of installation.
3. Abandonment and Disconnection Permit Fees. Permits for abandonment of public sanitary sewer shall be obtained not less than two (2) weeks before commencement of manhole construction and permits for disconnection of building sewers shall be obtained at least (12) hours before excavation. No excavation or construction required herein shall be filled or covered unless and until satisfactory inspection thereof by the Township or Authority personnel. All work shall be done by contractors qualified under the terms of this Ordinance and a permit fee as established in the Table of Fees shall be due and payable at the time said permit is obtained.

D. Contractors Requirements.

1. All bond certified contractors and plumbers making connections to the system shall file a permit bond with the Township in the amount of \$10,000.00, a copy of their liability insurance policy (providing a minimum of \$1,000,000 personal liability protection and \$1,000,000 property damage protection), prior to performing any connections to the system. Said bond shall indemnify the Township and Authority against all losses or damages caused the Township or Authority by reason of the contractor' s or plumber's breach of this Ordinance, or any other rules or regulations relating thereto. The Watertown Charter Township Supervisor may, upon notice of a violation by a licensee, revoke said license. Said revocation shall become final unless the license revocation is reversed by the Sanitary Sewer Board of Appeals. All such appeals shall be filed within ten (10) days on license revocation.
2. No person shall connect roof downspouts, foundation drains, area-way drains,

swimming pool drains or any sources of surface or ground water to a building sewer which in turn is connected to the system.

3. Any construction of sanitary sewer within the public right-of-way which is required after completion and acceptance of the public system described herein shall be charged to the property owner requesting connection. Said charge shall be the actual cost of such construction plus ten percent (10%) thereof for administrative expense. Payment shall be made as follows:
 - a. Not less than fifty percent (50%) of the estimated cost shall be deposited with the Township prior to commencement of construction; and
 - b. The balance, if any, of said costs and administrative fee shall be paid upon completion of construction.

SECTION 7. USE OF THE PUBLIC SEWER.

A. Storm, Ground and Unpolluted Water.

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water or roof water, subsurface drainage or any non-contact coolant or unpolluted industrial process water into any sanitary sewer. Storm water from any street, sidewalk, yard, or otherwise; roof water from any building or other structure; surface water; groundwater; subsurface drainage; non-contact coolant or unpolluted industrial process water shall not be discharged, poured or delivered, or in any manner permitted to be introduced into any storm sewer so that it is permitted to overflow into a sanitary sewer, nor may the same be diverted or emptied into any cistern, well, or other place, device or structure, which permits an overflow into a sanitary sewer.
2. Storm water, ground water and all other unpolluted drainage (including non-contact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for said purpose upon the prior approval of the County Drain Commissioner. Provided, however, when there is not a storm sewer adjacent to such property, then storm water may be discharged into or onto the ground.

B. Prohibited Discharges. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will violate any rule, statute or regulation or which will interfere with the operation or performance of the POTW or cause a pass-through to the receiving stream. These general prohibitions apply to all such users of the 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 the Township POTW:

1. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a

temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees Fahrenheit (F)), or lower than -1 degree C (30 degrees F), unless the POTW treatment plant is designed to accommodate such temperature.

2. Any wastewater or waste which may contain more than one hundred (100) mg/l per liter of fat, oil or grease.
Section 7.B.3
3. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21, or be injurious in any other way to the POTW or to the operation of the POTW. 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 meter. Prohibited materials include, but are not limited to: gasoline, kerosene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the State, or EPA has notified the user is a fire hazard or a hazard to the system.
4. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (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, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
5. Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a Categorical Pretreatment Standard. The toxic pollutant shall include but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
6. Any wastewater containing pollutants which either singularly or by interaction with other wastes result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Any substance that may cause the POTW to violate the NPDES and/or State Disposal Permit, Pretreatment Standards or the Receiving Water Quality Standards.

8. Any wastewater having a pH lower than 6.5 s.u. or higher than 11.0 s.u., or having any corrosive properties capable of causing damage or hazard to structures, equipment and/or personnel of the POTW, unless the POTW is specifically designed to accommodate such wastewater.
9. Any pollutants, including oxygen demanding pollutants (B.O.D., etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load lasting longer than 15 minutes have a flow rate, concentration, or qualities of pollutants that exceed more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal production.
10. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable state or federal regulations.
11. Any wastewater which causes a hazard to human life or creates a public nuisance.
12. Any substance which may cause the POTW effluent or other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse; or interferes with the reclamation process.
13. Dilution Prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of potable or process water, or mix separate waste streams or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Director of the Authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.
14. Any wastewater where batch discharge containing industrial processing waste in excess of standards established by state or federal regulation or containing such substances as may impair the sewage treatment process or cause a deviation from the NPDES permit requirements, pretreatment standards, and all state and federal regulations.
15. Any wastewater containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the POTW.
16. Any trucked or hauled pollutants, except that domestic septic tank waste discharged at points designated by the Director.

When the Authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation or

performance of the POTW, or cause a pass-through to the receiving stream, the Authority and/or the Township shall: (1) advise the user of the impact of the contribution on the POTW; (2) develop effluent limitations for such user to correct the interference with the POTW; and (3) take appropriate enforcement action as provided by Section 7.G. and Section 11.

C. Grease, Oil and Sand Interceptors (Traps).

1. Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.
2. Where installed, all grease, oil, and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. Prohibited Discharges - Preliminary Treatment.

No person shall discharge or cause to be discharged the following-described substances, materials, waters, or waste if it appears likely in the opinion of the Authority that such wastes can or will harm either the sewers, sewage treatment process or equipment, or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, health, or constitute a nuisance. Waters or wastes:

1. Containing a five (5) day B.O.D. greater than 300 mg/l, containing more than 350 mg/l of total suspended solids, containing total phosphorous of more than 12 mg/l, containing ammonia nitrogen of more than 20 mg/l, or containing fats, oils, and grease of more than 100 mg/l, unless authorized by a Discharge Permit in accordance with the procedures set forth following subsection 12 of this section 7.D.;
2. Containing any quantity of substances having the characteristics described in paragraph B hereof;
3. Containing a chlorine demand of more than 15 mg/l;
4. Having any average daily flow greater than two (2%) percent of the average daily flow tributary to the Southern Clinton County Municipal Utilities Authority Clean Water Facility;
5. Containing saps, wax, grease or oils, whether emulsified or not, containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit;

6. Containing any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of 3/4 HP or greater shall be subject to the review and approval of the Authority;
7. Containing strong acid, iron, pickling waste, or concentrated plating solutions whether neutralized or not.
8. Specific Pollutant Limitations: No persons shall discharge wastewater containing in excess of:

Limits for Metals (Expressed in mg/l)

Pollutant	<u>Maximum</u> Concentration for Any One Daily Composite Sample
Arsenic	0.10
Cadmium	0.11
Chromium, Total	2.8
Copper	0.62
Cyanide	0.12 ^(a)
Lead	0.93
Mercury	Non-Detectable ^(b)
Molybdenum	0.10
Nickel	0.88
Selenium	0.088
Silver	0.11
Zinc	2.9

^(a) Cyanide limit shall apply for the average of all grab samples collected at uniform time increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day.

^(b) Mercury shall not be discharged above the level of detection, except as allowed herein. Sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1 or equivalent, unless Method 1631 is required by the Authority. Detection levels shall be 0.0002 mg/l for Method 245.1 and 0.0000005 mg/l for Method 1631, unless higher levels are appropriate due to sample matrix interference. For Method 245.1, the limit shall apply for any one daily composite sample. For Method 1631, the limit shall apply for the average of all grab samples collected at uniform time increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day. Detectable mercury may be

discharged only where specifically approved and permitted by the Authority, which shall be subject to the following conditions:

- a. Each discharger of detectable mercury shall have an Authority-accessible point for monitoring the net non-domestic effluent. All costs for installation of this monitoring point shall be the discharger's responsibility.
- b. Each discharger of detectable mercury shall routinely self-monitor its effluent for mercury using a representative sample collected over the period of normal discharge, tests conducted in accordance with the Authority-required method, and at a frequency to be established by the Authority. While the discharger may contract with the Authority or an outside consultant/laboratory to conduct this sampling and analytical testing, all associated costs shall be the discharger's responsibility.
- c. At its discretion, the Authority may collect samples from each discharger of detectable mercury. If the discharger uses an outside consultant/laboratory to perform the self-monitoring, the Authority will perform surveillance sampling at least annually. If the Authority is contracted to perform self-monitoring, this annual surveillance requirement may be waived.
- d. Each discharger of detectable mercury shall develop and implement a Mercury Minimization Program to establish actions and schedule commitments for reducing mercury entering the collection system. A program plan, which shall be submitted to the Authority for review and concurrence, shall address the following: treatment system for removal of mercury from the discharged wastewater; written procedures for handling and disposal of mercury-containing materials; new employee training, as well as refresher training current employees; review, and elimination, where feasible, of purchased materials containing mercury; and other activities as deemed appropriate by the Authority or the discharger.
- e. Failure to comply with these conditions may result in escalated enforcement response including fines, legal action, and termination of sewer services.

If the Authority determines that all reasonable and cost-effective actions based on economic, technical, and treatability considerations have been implemented, a discharge containing detectable mercury may be approved contingent on continuation of the self-monitoring program and the Mercury Minimization Program. This approval shall be considered temporary, and the Authority reserves the right to rescind this approval and prohibit detectable mercury from any discharger at any time and for any reason it deems appropriate.

Pollutant	Maximum Concentration for average of all grab samples increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day
Acetone	13.0
1, 1, 2, 2-Tetrachlorethane	1.2
1, 1-Dichloroethane	4.7
1, 2-Dichloroethane	0.48
1, 4-Dichlorobenzene	0.095
Benzene	0.71
Chlorobenzene	0.37
Chloroform	0.36
Lindane	0.00013
Ethylbenzene	0.14
Methylene Chloride	6.2
Metne Ethyl Ketone	17.0
Total Phenols	.94
Polychlorinated Biphenyl's (PCBs), Total	Non-Detectable ^(c)
Toluene	0.70
Total Xylenes	0.27
Trichloroethane	0.40
Styrene	0.90
Formaldehyde	0.96

^(c) Total PCBs shall not be discharged above the level of detection. Sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of Total PCBs shall be in accordance with EPA Method 608. The detection level shall be 0.0001 mg/l, unless higher levels are appropriate due to sample matrix interference. Total PCBs shall be defined as the sum of the Aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260. In addition, any detected Aroclor-specific measurements shall be reported.

^(d) Assuming the discharge of any or all of the following phenolic compounds: 2-chlorophenol, 4-chlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2-methylphenol, 3-methylphenol, 4-methylphenol, 2-nitrophenol, 4-nitrophenol, and phenol. Discharge of other phenolic compounds is prohibited, except as specifically authorized.

9. 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. Local requirements and limitations shall apply in any case where they are more stringent than state or federal requirements.

10. Containing taste or odor-producing substances in such concentrations exceeding limits which may be established by the Authority as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
11. Containing any materials which exert or cause:
 - a. Excess discoloration (such as but not limited to dye wastes and vegetable tanning solutions);
 - b. Unusual B.O.D. chemical oxygen demand, phosphorus concentration or chlorine requirements in such quantities as to constitute a significant load upon the wastewater treatment plant.
12. Containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment and effluent cannot meet the standards of other agencies having jurisdiction over discharge to the receiving waters. If any such water, as heretofore described are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in this Section, and which, in the judgment of the Authority or the Township, may have a deleterious effect upon the sewage works' equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:
 - a. Reject the waste;
 - b. Require control over the quantities and rates of discharge;
 - c. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes and sewer charges;
 - d. Require pretreatment to an acceptable condition for discharge to the public sewer.

Wastewater containing substances in concentrations in excess of the limitations imposed by this subparagraph D.1. but which are deemed "compatible pollutants" as defined by section 2(14) may be discharged to the system in quantities and rates of discharge allowed by the users Discharge Permit provided the user pays a surcharge established by the Director in amount sufficient to cover the additional burden to the system caused by exceeding the specific limitations of this Paragraph 7.D.1. and that the following maximum concentrations are not exceeded:

Limits for Compatible Pollutants (Expressed in mg/l)

Maximum Concentration

<u>Pollutant</u>	<u>For Any One Daily Composite Sample</u>
5-day B.O.D.	2,600
Total Suspended Solids	4,300
Total Phosphorus	110
Ammonia Nitrogen	190

<u>Pollutant</u>	<u>Maximum Concentration for the Average of All Grab Samples Collected at Uniform Time Increments Over Any One Calendar Day, or for a Single Grab Sample if No Additional Grab Samples Are Uniformly Collected During that Same Calendar Day</u>
Fats Oil & Grease that Solidify at 60°F	100
Fats Oil & Grease that Remain Soluble at 60°F	270

In all other cases preliminary treatment shall be provided, at no expense to the Township, as may be necessary to reduce the objectionable characteristics of said effluent to within the maximum limits provided for in paragraph D hereof, or to control the quantity and rates of discharges of such waters or wastes. On direction of the Township or the Authority, a person may be required to remove, exclude or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the Township' s or Authority' s interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Township. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Township and no construction of such facility shall be commenced until said approvals are obtained in writing. The Township may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with federal and state laws and regulations. All expenses of the Township services as to such preliminary treatment facilities plans and specifications shall be borne by the owner.

13. Accidental Discharges. Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner' s or user' s cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to

the Authority for review and shall be approved by the Authority before construction of the facility. All required users shall complete such a plan within ninety (90) days after the effective date of this Ordinance. If required by the Authority, a user who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the user' s facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

14. a. Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Director of the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the 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.
 - b. Verbal Notice. That any industrial user hereunder, in the event of an accidental or other unauthorized discharge or prohibited materials to the system, shall immediately notify the Township and the Southern Clinton County Municipal Utilities Authority of the fact of such discharge and shall:
 1. Describe with particularity the approximate time of the discharge;
 2. Describe the nature, chemical and biological make-up and characteristics of the discharge, if known; and
 3. Indicate the approximate quantity of the discharge.
 - c. In addition, said Industrial User shall, at its own expense, take all steps directed by the Authority and/or the Township to terminate such discharge and prevent its recurrence. Failure to cooperate fully with the Authority and/or the Township in the prevention of additional prohibited discharge, including such pretreatment as required, may result in termination of service and revocation of the permits required herein.
15. Notice to Employees. A notice shall be permanently posted on the user' s bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who could cause or suffer from such a dangerous discharge are advised of the emergency notification

procedure.

E. Federal Categorical Pretreatment Standards.

1. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory; the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that category, shall immediately supersede the limitations imposed under this Ordinance. The Director of the Authority shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
2. Compliance Deadline, Existing Source, New Source. Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Existing sources which become Industrial Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in Section 1.2(35). New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.
3. Modification of Federal Categorical Pretreatment Standards. Where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Authority may, at the request of a Categorical User, apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent Removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant or wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety five percent (95%) of the samples taken measured according to the procedures set forth in 40 CFR 403.7 (b)(2)(iii). Authority may then modify pollutant discharge limits and the federal pretreatment standards if the requirements contained in 40 CFR, Par 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained. Any user requesting application for modification shall reimburse the Authority for all costs of testing and data compilation required by CFR 403.7.

F. Industrial Use of System.

1. It shall be unlawful to discharge without permit to any natural outlet within the Township or in any area under the jurisdiction of said Authority and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Ordinance.

2. General Permits. All categorical or significant users proposing to connect or contribute to the POTW shall obtain a wastewater discharge permit. All existing significant users connected or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this Ordinance.

3. Permit Application. Users required to obtain a wastewater contribution permit shall complete and file with the Authority an application in the form prescribed by the Authority and accompanied by a fee as determined by resolution of the Board of Trustees or the Governing Board of the Municipal Utility Authority. Existing users shall apply for a wastewater contribution permit within ninety (90) days after the effective date of this Ordinance, and proposed new users shall apply at least ninety (90) optional days prior to connecting or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - a. Name, address and location (if different from the address);
 - b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - c. Wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - d. Time and duration of discharges;
 - e. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and appurtenances by the size, location and elevation;
 - g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
 - h. The nature and concentration of any pollutants in the discharge which are limited by any Township, state or federal pretreatment standards, 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.

- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer or other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance).
 2. No increment referred to in paragraph 1) above shall exceed nine (9) months.
 3. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director of the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date. If compliance did not occur, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established must be noted in the report. In no event shall more than nine (9) months elapse between such progress reports to the Director of the Authority.
- j. Each product produced by type, amount, process or processes and rate of production;
 - k. Type and amount of raw materials processed (average and maximum per day);
 - l. Number and type of employees, hours of plant operation and proposed or actual hours operating the pretreatment system;
 - m. Any other information as may be deemed by the Sewer Authority to be necessary to evaluate the permit application.
 - n. All permit applications shall be signed by a principal Executive Office of the

user.

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

4. Permit Modifications. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by the standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by F.3. above, the user shall apply for wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Director of the Authority within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs h and i of Section F.3. above.
5. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, compliance schedules, user charges and fees established by the Authority.
 - a. Wastewater discharge permits must contain:
 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 2. A statement that the wastewater discharge permit is nontransferable without prior approval of the Authority in accordance with Section 7.F.9, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits based on applicable pretreatment standards;
 4. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law; and
 5. Requirements for notification of slug discharges, accidental discharges and by-pass as per Sections 7.B.9, 7.D.14, 7.G.2.b, and 7.H.
 - b. Permits may contain the following where appropriate:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirement for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules and periodic compliance reports;
6. Requirements of submission of technical reports or discharge reports;
7. Requirement for maintaining and retaining plant records relating to wastewater discharges as specified by the Authority and affording the Authority access thereto;
8. Requirements for notification of the Authority and 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 wastewater treatment system;
9. Requirements for a plan to control slug discharges as defined under 40 CFR 405.5(b). If such plan is needed, the plan shall contain at least the following elements.
 - a. Description of discharge practices, including non-routine batch discharges;
 - b. Description of stored chemicals;
 - c. Procedures for promptly notifying the POTW of slug discharges including any discharge that would violate a specific prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
 - d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency

response; and

- e. If necessary, follow-up practices to limit the damage suffered by the treatment plant on the environment.
 10. Other conditions as deemed appropriate by the Authority to ensure compliance with this Ordinance.
6. Net/Gross Calculation of Limits. The Director of the Authority may adjust the Categorical Pretreatment Standards to reflect the presence of pollutants in the Industrial User' s intake water in accordance with this subsection.
 - a. Application. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Director of the Authority. Upon request of the Industrial User, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraphs F.2 and F.3 of this section are met.
 - b. Criteria. The Industrial User must demonstrate that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - c. Credit. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the user' s effluent are sbstantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
7. Alternate Calculation of Limits. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director of the Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
 - a. When calculating equivalent mass-per-day limitations under this section, the Director of the Authority shall calculate such limitations by multiplying the limits in the Standard by the Industrial User' s average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User' s actual longerm daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

- b. When calculating equivalent concentration limitations under this section, the Director of the Authority shall calculate such limitations by dividing the mass limitations derived under this section by the average daily flow rate of the Individual User' s regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User' s actual long-term average flow rate such as the average daily flow rate during the representative year.
 - c. Equivalent limitations calculated in accordance with this section shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and this code. Industrial User will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
 - d. If categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average limitations, where applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.
 - e. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Director of the Authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Director of the Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.
8. Permits 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 re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user' s existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
9. 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 Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

10. Reporting Requirement. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director of the Authority a report showing the measured average daily and maximum daily flow, in gallons per day from regulated process streams and such other streams as necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(3) and identifying the pretreatment standards applicable to each regulated process. In addition the report shall include the results of sampling and analysis identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass) shall be reported. The sample shall be representative of daily operations and shall be taken in the frequency and manner provided by 40 CFR Section 403.12(b)(5). The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional activity and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements.
 - a. Reporting Requirements, Non-Categorical Discharges. Significant Industrial Users with discharges which are not subject to categorical pretreatment standards shall submit at least once every six (6) months (on dates specified by the Director) such reports as the Director deems as necessary to verify compliance with all of the general discharge limitations and prohibitions of this Ordinance as required by 40 CFR 430.12(h).
 - b. Base Line Monitoring Report. At least 90 days prior to the commencement of discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Director of the Authority a report which contains estimates of the measured average daily and maximum daily flow of process stream and waste streams and flow and amount of regulated pollutants in the form and containing the information required by 40 CFR, Section 403.12(b)(1-5), and shall include in this report information on the method of pretreatment intended to be used to meet the applicable pretreatment standards.
 - c. Signatory Requirements. All reports required by this section shall contain the certification statement as set forth in 40 CFR Section 403.6(a)(2)(ii) and shall be signed as follows:
 1. By a responsible corporate office, if the Industrial User submitting the reports required by paragraphs a., b., and c. of this section is a corporation. For the purpose of this paragraph a responsible corporate officer means (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function,

or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs a., b., and c. of this section is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph 1) or 2) of this section if:
 - i. The authorization is made in writing by the individual described in paragraph 1) or 2).;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and
 - iii. The written authorization is submitted to the Authority.
4. If an authorization under paragraph 3). of this section is no longer accurate because of 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 paragraphs 1). and 3). of this section must be submitted to the Authority prior to or together with any reports to be signed by an authorized representative.

11. Periodic Compliance Reports.

- A. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director of the Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in their effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded

the average daily flow reported in the above paragraph of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

- B. The Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass limitations are appropriate. In such cases, the above-referenced report shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. For Industrial Users subject to equivalent mass or concentration limits, the report required by subparagraph a, of this paragraph, shall contain a reasonable measure of the user' s long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user' s actual average production rate for the reporting period. The report shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The frequency of monitoring shall be prescribed by the Director to assess and assure compliance by Industrial Users with applicable pretreatment standards and requirements. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

Sampling and analysis shall be conducted in accordance with 40 CFR, Part 136, or, in the absence of such standard techniques, as set fourth in the EPA publication entitled, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

- c. If sampling performed by an Industrial User indicates a violation, the user shall notify the Director of the Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

12. Monitoring Facilities. The Authority shall require to be provided and operated at the user' s own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user' s premises, but the Authority may, when such a location would be impractical or cause undue hardship

on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow for flow monitoring, accurate sampling and preparation of samples for analysis. The facility, sampling and flow measuring equipment shall be maintained at all times in 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 Authority' s requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Authority.

13. Inspection and Sampling. The Authority shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority Agent or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying for the performance of any of their other duties. The 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 Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
14. Pretreatment. 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. Any facilities required to pretreat wastewater to levels acceptable to the Authority shall be provided, operated and maintained at the user' s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable 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 Authority prior to the user' s initiation of the changes.

The Authority shall annually publish in the largest local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same

twelve (12) months.

All records relating to compliance with pretreatment standards shall be retained by the User for a minimum of three (3) years and made available for inspection and copying to officials of the EPA, the state DNR or the Authority upon request. This period of retention shall be extended during the course of any unresolved litigation regarding the User or when requested by the Authority, the state or the EPA.

15. Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, monitoring programs and from on-site inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user or other exemption from disclosure as set forth in the Michigan Freedom of Information Act, PA 1976 No. 442 (M.C.L. 15.231 et. seq.).

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

Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten-day notification is given to the user.

16. Permit Fees and Charges. Each user required to obtain a Wastewater Discharge Permit or file any required report shall reimburse the Authority upon demand the reasonable and necessary costs of monitoring, testing, inspection, surveillance, and review of accidental discharges. Such expenses shall be charged to the user at rates established by resolution of the Authority and shall include necessary equipment expense and actual cost of outside testing and consulting services.

G. Enforcement.

1. Harmful Contributions. The Authority and the Township may suspend the wastewater contribution permit when such suspension is necessary, in the opinion of the Authority, 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 or causes the Authority to violate any condition of its NPDES permit.

Any person notified of the suspension of the wastewater treatment service and/or wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary including the immediate obtaining of an injunction and/or severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Authority shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge and upon payment of actual costs incurred by the Authority/Township in connection therewith. 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 Authority within fifteen (15) days of the date of occurrence.

2. 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 of this Ordinance:
 - a. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - b. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - c. Refusal of reasonable access to the user' s premises for the purpose of inspection or monitoring;
 - d. Violation of conditions of the permit; or
 - e. Fabrication of any data required to be provided herein.
3. Notification of Violation. Whenever the Authority finds that any user has violated or is violating this Ordinance, wastewater contribution permit or any prohibition, limitation or requirements contained herein, the Authority may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Authority by the user.

H. Bypass of Pretreatment Facilities.

1. Definitions.
 - a. "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User' s treatment facility.

- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass Not Violating Applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of sub-paragraphs (3) and (4) of this sub-section.
3. Notice.
 - a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Authority, if possible at least ten (10) days before the date of the bypass.
 - b. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the authority within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and, steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Director of the Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
4. Prohibition of Bypass.
 - a. Bypass is prohibited, and the Authority may take enforcement action against an Industrial User for a bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,

3. The Industrial User submitted notices as required under this section.

b. The Director of the Authority may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in sub-paragraphs 4a above.

I. Affirmative Defense - Operations Upset. An operations upset shall constitute an affirmative defense to any action brought by the Township or the Authority for non compliance with the Categorical and Non-Categorical Pretreatment Standards of this Ordinance, if the following demonstration and requirements are met:

1. The Industrial User shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the Industrial User can identify the specific causes(s) of the upset.

b. The facility was at the time being operated in a prudent and work-manlike manner and in compliance with applicable operation and maintenance procedures.

c. The Industrial User has submitted to the Director the oral and written notifications required by 7.D.14.

2. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

3. In case of upset the Industrial User shall control production or all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement shall apply in the situation where, among others, the primary source of power of the facility is reduced, lost or fails.

J. Hazardous Waste Report.

1. Any Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set fourth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information if known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of

such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this Ordinance. Industrial Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this Paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). This notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

2. Dischargers are exempt from the requirements of this Subsection during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261(30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this Subsection, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

SECTION 8. SYSTEM CHARGES AND RATES.

- A. Upon adoption of this Ordinance by the Board of Trustees of the Charter Township of Watertown, charges for sewage transmission, treatment and disposal and debt service to each user connected to the system shall be as currently established by ordinance and/or resolution of the Township Board of Trustees, which rate, resolution or ordinance is hereby expressly confirmed as applicable to sewage transmission and treatment, disposal and debt service currently charged to each user connected to the system. All bills for service hereunder shall be rendered to the property owners or land contract vendee(s) of the property using said sanitary sewer service.

1. Schools. Charges for schools shall be as set forth in the Table of Unit Factors.

2. Table of Unit Factors. For all other users of the system, and except as otherwise provided herein, the Township does hereby adopt a Table of Units, the same being entitled "Table of Unit Factors," for the Watertown Charter Township Wastewater Collection and Treatment System, which Table is attached hereto as Appendix B. Said Table shall set forth and identify the user class and all applicable factors to be multiplied by the monthly charge established for single-family residential premises.
3. Rules for Interpreting Table of Unit Factors.
 - a. The minimum equivalent factor for commercial and industrial users shall be 1.0.
 - b. Equivalent units for users not originally contained in said Table may be added thereto from time to time by resolution of the Township Board.
 - c. Where multiple businesses exist at one location, the various businesses shall be combined for determining the equivalent units at such location. Where units in excess of one (1.0) are based upon the number of persons working on the premises, a census of said employees shall be taken at least annually and more frequently at the discretion of the Township or Authority.
4. Revision or Modification of Equivalent Units.
 - a. Review. The equivalent units of users having an equivalent unit factor of more than one (1.0) shall be reviewed by the Township at least once each year. Unless the equivalent unit factor of such user is changed by resolution of the Township Board on or before the 15th day of March in each year, the equivalent unit factor of such user shall remain the same as it was for the preceding fiscal year unless the use of the system by said user shall change from that previously determined. In the event of a change in use, the new factor may be applied retroactively to the date such use changed and shall apply to all charges to which said factor is applicable including but not limited to connection/capacity (capital) charges and usage fee. Failure to specifically review as provided herein shall not cause said factor to be omitted and shall not be considered grounds for discontinuance of said factor.
 - b. The Township may require business and industrial users to install a meter to register flow or water usage as a more accurate means of calculating equivalent unit factors. The business and industrial user will be charged directly for the meter, costs of installation, and the costs for reading the meter.
 - c. Review of business and industrial users with meters. Where the business and industrial user has been required to install a meter to register flow or water usage, the equivalent unit factor for purposes of determining the service charge of such user shall be reviewed and adjusted yearly to assure

the equivalent unit factor assigned to said user is compatible with use. The formula for determining the equivalent unit factor for such users for purposes of determining the service charge for the next fiscal year shall be as follows: Average monthly flow during previous year divided by 10 CCF = Equivalent Unit Factor. (For purposes of this paragraph, the term "CCF" shall be construed to mean 100 cubic feet.)

5. Appeal. A property owner having an equivalent unit factor of more than one (1.0) may, upon written request, appeal to the Sanitary Sewer Board of Appeals established pursuant to this Ordinance.
6. Effective Dates for Application of Equivalent Units. Where equivalent units are used to determine the connection, service and other charges of a property owner, the equivalent unit which shall be used in the calculation of such charges shall be the equivalent unit factor assigned to said factor as of the following dates:
 - a. For calculating a connection or capacity charge, the date the property owner applies for the permit or the last day of the period during which he is required by this Ordinance to connect to the system, whichever comes first.
 - b. For calculating the operation, maintenance and debt service charge, the unit factor shall be assigned on a date prior to the date the property owner's available sanitary sewer becomes operational. Thereafter, said factor shall be reviewed as set forth in paragraph 4a.
7. Township Use. For the reasonable cost value of sewage disposal services rendered to the Township and its various departments by the system, the Township shall pay according to the amounts set forth in the Table of Units Factors.
8. Non-Industrial Cost Recovery Surcharge. The rates and charges set forth herein notwithstanding, if the character of the sewage of any user shall impose an unreasonable additional burden upon the sewage disposal and transmission system of the Township, then and in that event an additional charge shall be made over and above the rates herein established. Effluent in excess of the maximum limitation imposed by this Ordinance shall be deemed prima facie subject to surcharge. If necessary to protect the system or any part thereof, the Township shall deny the right of any user to empty such sewage into the system. Surcharges required by this Section shall be computed as the pro-rated share of the annual cost of operation and maintenance, including replacement, attributable to treating the substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each periodic billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. Surcharge rates shall be established by resolution of the Charter Township of Watertown Board of Trustees, and the amount and necessity of surcharge may be appealed by the user to the Sanitary Sewer

system Board of Appeals hereinafter established.

9. Industrial Pretreatment Fees. Where applicable, and in addition to any other fees required herein, the Township shall establish and implement by resolution a schedule of fees and charges in connection with its pretreatment program pursuant to Section 7.F. of this Ordinance. Said fee shall include recovery of costs for implementation of the pretreatment program, monitoring, inspection, surveillance, testing, application, appeals and processing fees and such other fees as may be necessary for the orderly administration of said program.
 10. Permit/Inspection Fees. The cost of connecting private premises to the Township sewer shall not be paid from the proceeds of the bond issue nor from the revenues of the system, but shall be paid by the property owners. In addition, each premises connecting to the facilities of the system shall pay a charge for the permit/inspection of such connection. Such charge shall be **payable in cash** upon application for permit to connect said system and shall be in the amount established in the Table of Fees for each sewer connection. Each mobile home space in a mobile home park shall be treated as a separate user and a separate inspection charge shall be made for each such user; provided, however, that such charge shall be made only once for each sewer service to each mobile home space in a mobile home park upon application for sewer service to such park.
 11.
 - a. Direct Connection Charges. From and after the date hereof, there shall be paid on behalf of each single-family residential premises, or residential equivalent, connecting directly to the sewer lines constructed by the Township, or on the Township' s behalf, a capital charge for the privilege of utilizing the facilities and receiving the services of the system in the amount established in the Table of Fees, plus inspection/permit fees. Said amount shall be payable in cash at the time of application, and no building permit for new construction shall be issued until said connection fee has been paid in full.
 - b. Indirect Connection Charges. In the case of a residential subdivision or commercial development which shall hereafter be constructed and where, as a part of said construction, the owner or developer has installed a sewage collection system, before any individual structure within said development is connected to the municipal system, there shall be paid to the Township the sum established in the Table of Fees for such development. Said fees shall be paid in full and in cash prior to any such connection.
 - c. Multiple dwelling and businesses will be charged one direct connection and indirect connections equal to the remainder of the total residential equivalents assigned.
- B. Voluntary Connection of Premises Not Included Within the Mandatory Sanitary Sewer Service Area. After the effective date of this ordinance, in the event an owner of premises

not required to be connected to said sanitary sewer, nor who has benefited from granting of a deferred connection as defined under Section 2.7 (f), desires to so connect, the Township may permit utilization of the municipal system upon the following conditions:

1. The owner shall pay the actual cost of all pipes, risers, stubs, wyes or other apparatus and the cost of all labor necessary to accomplish said connection.
2. That the connection to and use of the system by said premises shall be by gravity flow except by prior approval of the Township.
3. That the surface of said right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.
4. That the owner shall obtain prior approval of all plans, specifications and materials to be utilized to accomplish said connection.
5. All wyes, stubs, pipes, risers or other apparatus installed by said person and located within the public right-of-way shall, after installation and inspection, become for purposes of operation and maintenance the responsibility of said person. The responsibility of the Charter Township of Watertown for operation and maintenance shall be limited to sewer mains, manholes, lift stations and the wastewater treatment plant originally comprising said municipal system.
6. That upon voluntary connection as heretofore set forth, said owner and premises shall be subject to all ordinances, resolutions, rules and charges, as defined in section 8-H, relating to the use of the system then in effect and thereafter amended.
7. In the event said premises is located in a municipality other than the Charter Township of Watertown, consent by resolution of said other municipality shall be obtained.

C. Denial of Voluntary Connection. The Township may deny the application of any person for sanitary sewer use hereunder. Criteria for denial shall include, but not be limited to:

1. Compliance with relevant Township sewer and land use ordinances, regulations and plans;
2. The effect of such proposed use upon the Township sewer system as a whole;
3. Then current sewer transmission and treatment capacity;
4. Prior commitments for sewer availability;
5. Litigation or other contingency requirements which may result in additional sewer use;

6. Immediate or emergency health consideration.

- D. Contractual Rates. The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the Township and the users or class of users whereby the sanitary wastes of unusual strength, amount or character of such user or class of users may be accepted into the system, subject to payment therefore by said user or class of users.
- E. Revision of Rates and Charges. The rates established by this Ordinance shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance costs, debt service charges and such other charges and expenditures for the system as required by the financing and operation/maintenance agreements. Such rates shall be revised from time to time as required to maintain the fiscal integrity of the system and the same may be revised and fixed by resolution of the Township Board as may be necessary to produce the amounts required to pay such charges and expenditures and provide the funds necessary for the maintenance of the financial integrity of the system.
- F. Deferring Charges. Where residential properties are served by existing on-site sanitary sewage treatment facilities and are required to connect to the available public sanitary sewer system pursuant to Section 4A of this ordinance, the owners of such property may request the right to pay the direct connection charge established by subsection 8A (11) of this ordinance in twenty (20) annual installments, together with interest computed on the unpaid balance at a rate of up to seven percent (7%) per annum. The initial installment payment shall be due upon receipt of the permit for connection and subsequent installments shall be due and payable annually commencing on the first day of December following connection. Provided, however, that the remaining unpaid balance of any deferred tap-in or connection fee, plus accrued interest, shall all become immediately due and payable upon sale or transfer of the property. An owner may prepay any deferred installments, plus accrued interest, at any time. Delinquent payments of any principal or interest on deferred connection fees shall be enforced in the same manner as enforcement of charges for nonpayment of service charges as provided by Section 8G of Sewer Ordinance 5.5.
- G. Enforcement of Charges.
1. Non-Payment of the Special Assessment and/or Connection and Capacity Charges. Non-payment of such charges shall subject the property owner to liability for such charges and penalties as hereinbefore provided for a late or delayed connection.
 2. Non-payment of service charge.
 - a. Discontinuation of Service. In the event a charge established pursuant to Section 8 hereof remains delinquent for a period in excess of three (3) months, the Township shall have the right to shut off and discontinue sewer service to such user. Such service shall not be re-established until all

delinquent charges, penalties and a charge for the discontinuance of such service shall be paid. Said turn-off charge shall be established by resolution of the Watertown Charter Township Board of Trustees.

- b. Collection by Litigation. In addition to discontinuing service to said user, the Township shall have the option of collecting all such delinquencies, penalties, and recover legal fees due hereunder by legal proceedings in a court of competent jurisdiction.
- c. Collection by Enforcement of Lien. Service charges, including penalties due thereon which remain delinquent for a period in excess of three (3) months, shall constitute a lien on the premises served thereby. Such a lien shall be perfected by the Township official or officials in charge of the collection thereon by certifying annually, not later than September 1st of each year, to the tax assessing officer the fact and the amount of such delinquency. Thereupon, such charge shall be entered by the tax assessing officer of the Township upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general property taxes against such premises are collected and the lien thereof enforced.

- H. Connection of Premises Not Previously Within Special Assessment District. In the event a premises shall directly connect to a sanitary sewer, the construction of which was originally funded in whole or in part by special assessment, and in the event said premises was, for whatever reason, excluded from said special assessment district, the Township shall require payment in full of an amount equal to the special assessment which would have been levied as to said premises if it had been originally included in said special assessment district, including interest and administration fees incurred, plus an adjustment for inflation to reflect current value. Payment of said special assessment amount shall be in addition to any other fees or charges applicable to said use at the time of connection.

SECTION 9. FISCAL YEAR, RECORDS AND FUNDS.

- A. Fiscal year of the Sanitary Sewage Collection System shall end on December 31st of each year.
- B. Records and Accounts. The Township shall keep and maintain proper books, records and accounts separate from all other records and accounts of the Township in which shall be made full and correct entries of all transactions relating to the Sanitary Sewage Collection and Treatment System. The Township shall cause an annual audit of such books, records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit to authorized public officials upon proper request.

C. Establishment of Funds.

1. Receiving Funds. The revenues of the system shall be set aside as collected and deposited in a separate depository account at a bank qualified to do business in the State of Michigan and designated by resolution of the Township Board. Said account shall be designated as the "Receiving Fund" and the revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.
2. Operation and Maintenance Replacement Funds (O & MR Fund). Out of the revenues of the Receiving Fund, there shall be first set aside periodically into a depository account designated as the "Operation, Maintenance Replacement Fund" a sum sufficient to provide for the next succeeding period of all current expenses in the administration and operation of the system and such current expenses for such period for maintenance thereof including an amount annually of not less than \$2,925.00 for the necessary cost of replacement, estimated as necessary to preserve the system in good repair and working order. The above \$2,925.00 has been determined to be the amount necessary to provide \$120,000.00 over twenty (20) years based upon the sinking fund method.
3. Bond and Interest Redemption Fund (Principle & Debt Service Fund). There shall next be established and maintained a depository account to be designated as the "Bond and Interest Redemption Fund" which shall be used for the payment of the Township' s obligation to the Clinton County Board of Public Works. There shall be deposited in said fund periodically, after requirement of operation and maintenance fund have been met, such funds as may be necessary to pay the contractual obligations of the Township when due. Should the revenues of the system prove insufficient for this purpose, such revenues shall be supplemented by other funds of the Township legally available for such purposes.
4. Improvement Fund. There shall be next established and maintained a depository account designated as the "Improvement Fund" which shall be used solely for the purpose of making improvements, extensions and enlargement to the system. There shall be deposited into said fund, after providing for the requirements of the funds heretofore enumerated, such revenues as the Township Board shall determine.
5. Surplus Fund. Monies remaining in the Receiving Fund at the end of any operating year after full satisfaction of the foregoing funds shall be thereafter used in connection with any other project of the Township directly related to the purposes of the system.

- D. Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account in which event the money shall be allocated on the books and records of the Township within the single bank account in the manner set forth above.

- E. Deficiencies in Funds. In the event the monies in the Receiving Fund are insufficient to provide the current requirements of the operation and maintenance fund, or contract payment fund, any monies and/or securities or other funds of the system, except funds in the Contract Payment Fund derived from tax levies, may be transferred to such fund, to the extent of any deficiency therein. In the event of such deficiency, rates and charges shall be adjusted to eliminate such deficiency and in addition, shall be utilized to repay any funds borrowed for payment of such deficit.
- F. Investment of Funds. Monies in any fund or account established by the provisions of this Ordinance may be invested or deposited in any lawful investments or deposits subject to any limitations set forth in the laws of the State of Michigan. Income received from such investments shall be credited to the fund from which said investments were made, or pro rata in the case of a single bank account.
- G. Industrial Cost Recovery Fund. Monies collected pursuant to the Industrial Cost Recovery System shall be deposited, disbursed and invested as hereinbefore provided in Section 9.E.
- H. Insurance. The Township shall maintain and carry insurance on all physical properties of the system, of a kind and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sanitary sewage disposal systems. All monies received from losses under any such insurance policy shall be applied solely to the replacement and restoration of the property damaged or destroyed.

SECTION 10. MISCELLANEOUS PROVISIONS.

- A. Protection from Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, modify, alter, deface or tamper with the system or any component thereof.
- B. Industrial Use of System. Any industry or structure discharging or desiring to discharge industrial waste into the system shall, in addition to other requirements of Section 7.F., complete a non-domestic user survey form supplied by the Authority and provide the Township with the following information or material and do the following:
 1. A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
 2. A plan map of the building, works or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or ground waters noted, described and the waste stream identified.
 3. Obtain test samples of discharges whereby the methods, locations and schedule shall be as prescribed by the Authority; and file reports with the township and

appropriate state agencies on appropriate characteristics of the discharges.

4. Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
5. A report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as these factors may pertain to waste control.
6. Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents or other waste.
7. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Township and Authority, subject to approval.

C. Connection of Privately-Constructed Sanitary Sewer Systems to the System. Before any sanitary sewer system (not including individual building leads) constructed by private, as distinguished from public, funding, hereinafter referred to as the "private sanitary sewer," shall be permitted to connect to the system; the owner of said system hereinafter referred to as the "developer," shall do and provide the Township with the following:

1. Provide the Township and Authority with the developer' s plans and specifications for construction, an estimate of the cost of construction and a performance bond and deposit with the Township the sum of one percent (1%) of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the Township in an escrow account in the name of said developer.
2. Obtain approval of the Township and the Authority of the plans and specifications;
3. Secure all necessary permits for construction;
4. Prior to commencement of construction of the private sanitary sewer, deposit with the Township in the escrow account referred to in C.1. of this Section, a sum of four percent (4%) of the cost of construction to cover the anticipated cost of inspection of construction and payment of connection charges;
5. Upon completion of construction of the private sanitary sewer to the system, the performance bond, upon recommendation of the Township' s engineer and approval of the Township Board and Authority, shall be released and any monies remaining in the developer' s escrow account shall be returned to the developer. Any additional expenses incurred by the Township in assuring the Township that the private sanitary sewer is properly operating shall be deducted therefrom or charged directly

to the developer, at the option of the Township.

D. Administration. The Authority, Authority Agent or the Township is charged with the responsibility of administering the System and enforcing this Ordinance.

E. Power and Authority of Inspectors.

1. Duly authorized employees of the Township or Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance, and to determine compliance with, the provisions of this Ordinance.
2. Duly authorized employees of the Township or Authority may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this Ordinance or detrimental to the system.
3. Duly authorized employees of the Township or Authority shall inspect the on-site work occurring by reason of any system permit. Such person shall have the right to issue a cease and desist order on the site upon finding a violation of said permit or of this Ordinance. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.
4. While performing the work on private properties referred to in the preceding sections, the duly authorized employee of the Authority or Township shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to such employees, and the Authority shall indemnify the owner against loss or damage to its property by such employees as against liability claims and demands for personal injury or property damages asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the owner to maintain safe conditions on his premises.
5. If any owner, occupant or other person in charge of any premises fails or refuses to permit free access and entry to the premises under his control, or any part thereof, with respect to which an inspection authorized by these rules is sought to be made, the Authority Agent or Township may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance, petition to obtain such order from a court of competent jurisdiction. Failure to comply with such an order shall in addition to such penalties as the court may impose, constitute a violation of this Ordinance. Provided, however, that in addition to the remedy hereinbefore specified, upon failure or refusal of such person to permit said inspection, the sanitary sewer service to such premises may, at the option of the Township or Authority, be terminated forthwith.

F. Sanitary Sewer Board of Appeals.

1. Creation of Board. A Sanitary Sewer Board of Appeals, appointed by the Township supervisor with the concurrence of the Board of Trustees, consisting of five (5) members, is hereby created to hear and consider all properly submitted appeals.
2. Meetings and Membership of Board. The Sanitary Sewer Board of Appeals shall meet as frequently as is necessary to hear all appeals properly submitted to it. All other matters relating to the meetings, qualifications for membership, appointment to office, term of office and all other organizational matters of said Board shall be determined by Resolution of the Township Board.
3. Authority of Board. The Sanitary Sewer Board of Appeals shall hear, consider and make recommendations to the Township on the following matters:
 - a. Appeals seeking a waiver of Section 5.D.2 for experimental systems (not including lagoons) shall have the following criteria considered:
 - 1) An experimental system (not including a lagoon) may only be considered for replacement of an existing failed system. Failure of the existing system must be documented in writing by the MMDHD along with their determination that the site is unsuitable for a conventional gravity feed tank and drain system in on-site soils.
 - 2) The applicant must not have access to an available public sewer as defined in sections 2.7. and 5.E. An experimental system approved upon appeal shall be subject to the same conditions and requirements in Section 5 for innovative or alternative on-site private sewage disposal.
 - b. Appeals pursuant to subparagraph A.6. of paragraph 8.A. of Section 8 of this Ordinance to review the equivalent unit factor assigned a property owner;
 - c. Applications for deferring partial or total payment of connection charges in the cases of undue hardship pursuant to paragraph F of Section 8 of this Ordinance.
 - d. Applicability and charges levied pursuant to the Industrial Cost Recovery System;
 - e. Appeals pursuant to Paragraph 5.E of Section 5 where a property owner is required to connect to an available public sewer system notwithstanding that the premises lies more than 200 feet from the nearest public sanitary sewer system. In such cases property owners may be permitted to utilize a private on premises sewage disposal system where connection to the available public sewer system is not reasonably possible due to practical difficulties or

undue financial hardship and the utilization of a private on-site sewage disposal system would not otherwise present an unreasonable risk to the public health or safety or to the environment.

4. Final Action. After hearing and considering an appeal, the Sanitary Sewer Board of Appeals shall submit its recommendations as to the granting, denying or modification of the decision appealed or relief being sought to the Township Board, and the decision of the Township Board on the matter shall be final.

SECTION 11. ENFORCEMENT - GENERAL PROVISIONS.

A. Penalties.

1. What Constitutes a Violation. Whenever, by the provisions of this Ordinance, or any wastewater discharge permit or order issued hereunder, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Ordinance. In addition, the failure, neglect or refusal to comply with a cease and desist order of the enforcing agency shall constitute a violation of this Ordinance.
2. By Civil Proceedings. A person who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$1,000.00 per day for each violation plus costs that may include all direct and indirect expenses, to which the Township has been put in connection with the municipal civil infraction as provided in Chapter 1-26. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Each act of violation and every day upon which such violation should occur shall constitute a separate offense. Abatements shall not be considered as payment or part of a violation's penalty.
3. Civil Procedures to Compel Compliance. The Township and/or the Authority may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including a civil penalty of not to exceed \$ 500.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The Township and/or the Authority may join in such action or actions any number of property owners.
 - a. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user' s violation, corrective actions by

the user, the compliance history of the user, and any other factor as justice requires.

- b. In addition to the remedies provided herein, the Township and the Authority may recover their actual costs incurred for any cleaning, repair or replacement work caused by a violation, sampling and monitoring expenses, expert witness fees, and reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.
 - c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
 4. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than Ninety days, or both, and may be subject to the provisions of 18 USC 1001 relating to fraud and false statements and the provisions of 309(c) (4) of the Act, as amended, governing false statements, representation or certification. For the purpose of this Section, the term "Person" means in addition to the definition contained in 502(5) of the Act, any responsible corporate officer.
 5. Public Nuisance Defined. If any person discharges sewage, industrial wastes or other wastes into the Township' s wastewater system contrary to the provisions of this Ordinance, federal or state pretreatment requirements, or any order of the Township or the Authority, such discharge is hereby declared to be a public nuisance and a nuisance per se. The Township Attorney and/or the attorney for the Authority may commence an action for appropriate legal, injunctive, and/or other equitable relief in the Circuit Court of this county, or an action for civil or criminal penalties in the Clinton County District and Circuit Courts.
 6. Violation of this Ordinance and/or any terms of a permit issued hereunder, may result in revocation of any and all such permits issued or required pursuant to the terms hereof.
- B. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.
- C. Savings Clause. This Ordinance shall in no manner effect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Township, County, or any other person, either criminal

or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

D. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

E. Effective Date. This Ordinance shall be effective 30 days after publication.

Appendix A. Sanitary Sewer Construction Standards

Appendix B. Southern Clinton County Municipal Utilities Authority Table of Unit Factors.

The foregoing Ordinance 5.8, Amendment to Ordinance 5.7, was duly adopted and passed by the Township Board of Watertown Charter Township, Clinton County, Michigan on the 19th day of August 2002 by a roll call vote.

First Reading: 7/15/2002

First Publication (Posting): 8/11/2002

Second Reading: 8/19/2002

Second Publication/Adoption Publication (Posting): 8/25/2002

Ed McKeon, Supervisor

Jean Husby, Clerk

CLERK'S CERTIFICATION OF PUBLICATION

The foregoing Ordinance 5.8 Amendment to the Sewer Ordinance No. 5, was duly approved and was passed by the Township Board of Watertown Charter Township, Clinton County, Michigan on the 15th day of July and on the 19th day of August of 2002.

I further certify that the foregoing Ordinance 5.8 was published in the Grand Ledge Independent and the DeWitt/Bath Review, newspapers of general circulation in the above Township, on the 25th day of August 2002.

Date: _____

Jean Husby, Watertown Charter Township Clerk