

## ORDINANCE 97-2

### SEWER USAGE AND ADMINISTRATION ORDINANCE

An Ordinance to regulate and control the use of public and private sewers, sewer systems and drains; to regulate and control the installation, operation, maintenance of sewers and building connections; to regulate and control the discharge of waters and wastewaters into the public sewer system; to provide for the health, safety and general welfare of the peoples of Township of Salem; to provide for the administration of this Ordinance; to prescribe penalties for the violation of this Ordinance; and to provide for conflicts with other Ordinances and regulations.

The Township of Salem, County of Washtenaw and State of Michigan, ordains:

#### **Section 1.0. Title and Definitions**

**Section 1.1. Title.** This Ordinance shall be known and may be cited as the Salem Township Sewer Usage and Administration Ordinance.

**Section 1.2. Rules Applying to Text.** The following rules of construction shall apply to the text of this Ordinance.

a. Following are the abbreviations used in this Ordinance:

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical Oxygen Demand
CWA -	Clean Water Act
DEQ -	Michigan Department of Environmental Quality
DOC -	Dichromate Oxygen Consumed
EPA -	United States Environmental Protection Agency
l -	liter
MDPH -	Michigan Department of Public Health
mg -	milligrams
mg/l -	milligrams per liter
NDS -	Normal Domestic Sewage
NPDES -	National Pollution Discharge Elimination System
OC -	Oxygen Consumed
O&M -	Operation and Maintenance
P -	Phosphorus
PL -	Public Law
POTW -	Publicly Owned Treatment Works
SIC -	Standard Industrial Classification
SICM -	Standard Industrial Classification Manual
SS -	Suspended Solids
USC -	United States Code

b. The particular shall control the general.

c. Except with respect to the definitions which follow in Section 1.3, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or

interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. Unless the context clearly indicates to the contrary:
  - 1. Words used in the present tense shall include the future tense;
  - 2. Words used in the singular number shall include the plural number; and
  - 3. Words used in the plural number shall include the singular number.
- f. The word "Township" means Salem Township, Washtenaw County, Michigan
- g. The words "Township Board" mean the Salem Township Board.

**Section 1.3. Definitions and words not defined.** For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

**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., or any similar successor law.

**Applicable County Health Department.** It shall mean the Washtenaw County Health Department.

**Available Public Sanitary Sewer System.** A Public Sanitary Sewer located not more than 300 feet at the nearest point from an existing Structure. All new structures built on properties abutting a public sanitary sewer shall connect regardless of distance from sewer to structure.

**Authorized Representative of Industrial User.** An authorized representative of an Industrial User may be:

- a. A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the direct discharge originates, or for environmental matters of the company. Authorization for this representative must be submitted in writing to the Township by the individual designated in (a) and (b) hereof.

**Authorized Officer.** Authorized Officer means the Township Supervisor, the Township Clerk, the Township Treasurer, or the Township Manager.

**Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.

**Building Drain.** That part of the lowest horizontal piping of a drainage system of a building which receives the sewage discharge inside the walls of a building and conveys it to the building sewer. The building drain shall be deemed to end five (5) feet outside the inner face of the building wall.

**Building Sewer.** The extension of the building drain which begins five (5) feet outside the inner face of the building wall and continues to the sanitary sewer or other place of disposal such as a grinder pump.

**Bypass.** The intentional diversion of waste streams from any portion of a User's pretreatment facility.

**Categorical Standards.** National Categorical Pretreatment Standards or Pretreatment Standard.

**Cesspool.** An underground pit into which household sewage or other untreated wastewater is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

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

**Chlorine Demand** shall mean the difference between the amount of chlorine available at the end of the contact time, expressed in milligrams per liter.

**Combined Sewer.** A sewer receiving both surface runoff (storm water) and sewage or wastewater.

**Commercial Waste.** A liquid or water-carried waste material from a commercial entity engaged in goods and services (buying, selling, exchanging goods, etc.).

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

**Connection Fee.** The charge imposed by the Township to grant permission to connect a Building Sewer, either directly or indirectly, to the Public Sewer.

**Composite Sample.** A series of representative samples taken over a specific time period which are then combined into one sample for testing purposes.

**Control Manhole.** The structure installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

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

**Cost of Operation and Maintenance.** All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with the Township's NPDES Discharge Permit, and other applicable local, state and federal regulations.

**Cost of Replacement.** Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

**County.** The County of Washtenaw, Michigan.

**Debt Service Charge.** The charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system.

**DEQ.** The Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

**Direct Connection.** The connection of the Building Sewer directly to the Public Sewer.

**Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State.

**Discharge Permit.** Permit issued by the MDEQ for the discharge of treated Sewage from the POTW.

**Director.** It shall mean the Salem Township Superintendent or his/her authorized representative.

**Domestic Sewage.** The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

**Dwelling Unit.** For purposes of assigning units, a "dwelling" unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen.

**EPA.** The United States Environmental Protection Agency.

**Garbage.** The solid waste from the preparation, cooking and dispensing of food and the handling, storage and sale of produce, and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

**Grab Sample.** A sample which is taken from a wastewater stream on a one-time basis with no regard to the flow in the wastewater stream and without consideration of time.

**Greasetrap.** A tank of suitable size and materials located in a sewer line and so designed to remove grease and oily wastes from the sewage.

**Grinder Pump.** In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage to the Public Sewer for transportation to the POTW.

**Grinder Pump System.** The publicly owned Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System.

**Health Department.** Washtenaw County Health Department.

**Holding Tank Wastewater.** Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**Incompatible Pollutants.** Any pollutant which is not a compatible pollutant.

**Indirect Connection.** The connection of a Building Sewer to an extension of the public sewer system which is installed and paid for by special assessment or private funds, which extension is, after construction, turned over to the Township and becomes part of the Public Sewer (e.g., if a developer constructs sanitary sewers in a plat and connects the sewer line to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

**Indirect Discharge.** The discharge or the introduction of nondomestic pollutants in the POTW (including holding tank wastewater discharged into the system).

**Industrial Users** which discharge Industrial Wastewater.

**Industrial Wastewater.** The wastewater from industrial manufacturing, trade or business processes as distinct from domestic sewage.

**Infiltration.** Shall mean any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

**Infiltration/Inflow.** Shall mean the total quantity of water from both infiltration and inflow.

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

**Inspection Fee.** The amount charged, to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer, to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer, and the issuance of a connection permit.

**Inspector.** The persons responsible for inspecting connections of Building Sewers and Service Connection to the Public Sewer as designated by the Township.

**Interference.** The inhibition or a disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Township's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.

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

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

**Majority Contributing Industry.** Any industrial user of the POTW that:

- a. has a flow of 50,000 gallons or more per average work day;

- b. has a flow greater than five percent of the flow carried by the municipality receiving the wastes;
- c. has in its waste, a toxic pollutant in toxic amounts as defined in the standards under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- d. is found by the permit issuance authority in connection with the issuance NPDES Permit to the POTW receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

**May.** Is permissive.

**MDPH.** The Michigan Department of Public Health or any successor governmental agency having similar regulatory jurisdiction.

**National Categorical Pretreatment Standard or Pretreatment Standard.** Any Federal Regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.

**National Pollution Discharge Elimination System (NPDES) Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**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.

**Natural Outlet.** Any outlet into a watercourse, pond, ditch or other body of surface or groundwater.

**New Source.** Any source, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards which will be applicable to such source, provided that:

- a. Construction is at a site where no other source is located;
- b. Process or production equipment causing discharge is totally replaced due to construction; or
- c. Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

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

**Normal Domestic Sewage (NDS).** Wastewater which, when analyzed, shows a daily average concentration of not more than 250 mg/1 of BOD; not more than 250 mg/1 of suspended solids; not more than 6 mg/1 of phosphorus; not more than 35 mg/1 of total Kjeldahl nitrogen.

**Nuisance.** Any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence or Salem Township Ordinances including this Ordinance as well as any condition or

circumstance where sewage or the effluent from any sewage disposal facility or toilet device is exposed on the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use, enjoyment or sale of adjacent and/or surrounding property.

**Obstruction.** Any object of whatever nature which substantially impedes the sewage from the point of origination to the trunk line. This shall include, but not be limited to objects, sewage, tree roots, rocks and debris of any type.

**Operation and Maintenance.** All work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation, odor control, and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the cost of replacement.

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

**Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

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

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

**POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.

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

**Pretreatment Requirements.** Any substantive or procedural requirement for treating of a wastewater prior to its inclusion in the POTW.

**Private Sewer.** A sewer which is owned, operated and maintained by or on behalf of one or more individuals for the benefit of the owners.

**Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

**Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Township. This definition includes any sewers that convey wastewater to the POTW Treatment Plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the Township's POTW.

**Public Sewer.** A sewer which is owned and operated by the Township, including all publicly owned service connections, sewers, trunk lines, lift or pumping stations, odor control facilities, and all appurtenances thereto.

**Replacement.** The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous collection and treatment of wastewater in accordance with NPDES Permit and other applicable State and Federal regulations.

**Residential Equivalent Unit (REU).** A standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A listing of the relative relationships between the various Users of the System is hereby determined by the Township and is set forth in Appendix I to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon the use to which the User's property is put. The assignment of Unit(s) for any use not enumerated in Appendix I shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix I.

**Sanitary Sewage.** Wastewater discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

**Sanitary Sewer.** A public or private sewer which carries sewage and into which storm, surface and ground waters are not intentionally admitted.

**Seepage Pit.** A cistern or underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the overflow or effluent to be absorbed directly into the surrounding soil.

**Septic Tank.** A watertight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of suspended solids from sewage and to permit such retained solids to undergo decomposition therein.

**Service Connection.** The portion of the Public Sewer which extends either to or onto the parcel of land adjacent to the path of the Public Sewer, and includes the sewer main, tee/wye, valve, check valve, connector pipes, the Sewer Lead, the Grinder Pump System, electrical controls and connections at the electric meter (but not including the meter) and appurtenances, but not including the Building Sewer.

**Sewage.** Wastewaters from residences, business buildings, industrial establishments and/or other premises together with groundwater or surface water infiltration as may be present.

**Sewage Disposal Facility.** A privy, cesspool, seepage pit, septic tank, sub-surface disposal field or any other device used in the disposal of sewage or human excreta.

**Sewage Treatment Facility.** All facilities owned, operated, maintained or utilized by or for the benefit of the Township for the collection, odor control, sampling, monitoring, pumping, treating and disposal of sewage, specifically including the treatment plant.

**Sewer.** A pipe or conduit carrying sewage and/or storm, surface and ground waters.

**Sewer Lead.** That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends therefrom to the property line.

**Sewer Service Charge.** The sum of the applicable connection fee, inspection fee, user charge, surcharges and debt service charges.

**Shall.** Is mandatory.

**Significant Industrial User.** Any industrial user of the Township Wastewater Collection System who:

- a. has a discharge flow of 25,000 gallons or more per average work day; or
- b. has a flow greater than 5% of the flow of the wastewater treatment system to which he is a contributor; or
- c. has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or
- d. is found by the Township, Michigan Department of Environmental Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system to which he is a contributor, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

**Significant Noncompliance** shall mean one or more of the following:

- a. Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;
- b. Technical Review Criteria violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a daily maximum limit or an average limit that the director determines has alone or in combination with other discharges caused 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, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; and
- h. Any other violation, or group of violations, which the director determines as adversely affecting operation or implementation of the Township's pretreatment program.

**Slug Load.** Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

**Special Assessment District.** All Special Assessment Districts determined at any time by the Township Board within the Service District for the provision of sanitary sewer service by the Public Sewer.

**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.

**State.** State of Michigan.

**Storm Sewer or Storm Drain.** A sewer which carries storm, surface and ground waters, but excludes sewage and polluted industrial waste.

**Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Structure.** A building used or available for use for household, commercial, industrial, or other purposes which generates sewage.

**Superintendent.** The person designated by the Township to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this article, or his/her duly authorized representative.

**Sub-Surface Disposal Field.** A facility for the distribution of septic tank overflow or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil through the entire field.

**Supervisor.** The Supervisor of the Township or the Supervisor's authorized representative.

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

**Suspended Solids.** The solids that either float on the surface of or are in suspension in water, sewage or other liquids.

**Township.** The Township of Salem, located in Washtenaw County, Michigan, and/or its duly authorized agent or representative.

**Toxic Pollutant.** Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307 (a) or other Acts.

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

**Uncontaminated Industrial Process Water.** Water which does not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

**Upset.** An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the requirements of this Ordinance due to factors beyond the reasonable control of the user, excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

**U.S. EPA.** The United States Environmental Protection Agency.

**User.** Any person who contributes, causes or permits the contribution of sewage into a public sewer.

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

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

- a. **"Residential User"** shall mean a user of a treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- b. **"Industrial User"** means a user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, or distinct from their employee's domestic wastewaters or wastewaters from sanitary conveniences.
- c. **"Commercial User"** shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastewaters or wastewaters from sanitary conveniences and which is not a residential user or an industrial user.
- d. **"Institutional User"** shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences.
- e. **"Governmental User"** shall mean any Federal, State or Local government user of the wastewater treatment works.

**Wastewater.** The industrial or domestic wastewaters from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

**Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation system, 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 2.0. Purpose and Policy**

This Ordinance sets forth uniform requirements for Users of the Sewage Treatment Facilities and enables the Township to protect public health in conformity with all applicable Local, State and Federal laws relating thereto.

The objectives of this Ordinance are:

- a. To prevent the introduction of pollutants into the Sewage Treatment Facilities which will interfere with their normal operation or contaminate the resulting municipal sludge;
- b. To prevent the introduction of pollutants into the Sewage Treatment Facilities which will not receive adequate treatment in the POTW, and which will pass through the Sewage Treatment Facilities into receiving waters or the atmosphere or otherwise be incompatible with the Sewage Treatment Facilities;
- c. To improve the opportunity to recycle and reclaim Sewage and sludge from the Sewage Treatment Facilities;
- d. To provide for equitable distribution of the cost of the wastewater system;
- e. To protect POTW personnel who may be affected by wastewater and sludge during the course of their employment; and
- f. To provide for the investigation of instances of pass-through or interference, the notification of the responsible industry, and for appropriate enforcement actions.

## **Section 3.0. Discharge of Sewage**

**Section 3.1. Discharge of Sewage.** The discharge or depositing of wastewater or sewage shall be restricted and regulated as follows:

- A. No person shall place, deposit or permit to be placed or deposited any wastewater or sewage upon any public or private property in the Township unless:
  - a. such wastewater or Sewage has been treated by a municipal sewage treatment facility and
  - b. the placing or depositing of such wastewater or Sewage has been specifically permitted and approved by the DEQ.
- B. No person shall discharge to any natural outlet any wastewater or sewage unless such discharge has been specifically permitted and approved by the DEQ.

**Section 3.2. Septic Tanks.** No person shall construct, maintain or use any cesspool, septic tank, seepage pit, toilet device, sub-surface disposal field, privy, private vault, sewage disposal facility, or any other facility or device intended or used for the disposal of sewage unless the same is not dangerous to public health and sewer system capacity is not

available and is specifically permitted and approved by the Township, Health Department and, where appropriate, the DEQ and/or MDPH.

**Section 3.3. Connection to Public Sewer.** The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Township within the district defined for sewerage service by the Township is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities to the available public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so. For purposes of this section, a sanitary sewer shall be considered to be available when it is located not more than three hundred (300) feet at the nearest point from an existing structure. All new structures built on properties abutting a public sanitary sewer shall connect regardless of distance from sewer to structure.

**Section 3.3.1** The official notice described in Section 3.3 shall be a written statement signed by the Superintendent or other designated employee of the Township to the owner stating the date by which connection to the public sewer shall be made. The notice shall describe the house, building, or property by tax code number. The notice shall be delivered to the owner at the address set forth on the last assessment roll by regular U.S. mail deposited with fully prepaid U.S. postage affixed thereto in the U.S. mails. The notice shall be considered served for the purposes of any subsequent proceedings as of the date of mailing.

**Section 3.3.2** The official notice shall be accompanied by a connection application form. The owner shall complete and return the application form before any work upon the building sewer or connection is commenced. All work on the building sewer and connections shall be done in accordance with this Ordinance.

**Section 3.3.3** Upon receipt of such notice, the owner shall apply for and obtain a permit from the Township Building Inspector, or such inspector's successor, and complete construction and inspection as required by the Township Zoning Ordinance, and other applicable statutes, ordinances, and regulations.

**Section 3.3.4** If the owner fails to complete construction, connection and inspection as required above, the Township shall proceed to enforce these Rules and Regulations and other applicable statutes, ordinances, and regulations in accordance with P.A. 368 of 1978, as amended, and all other applicable Acts, statutes, ordinances, and regulations.

**Section 3.3.5** Those buildings or properties that are not connected to the available public sewer within the time limits or under the conditions as provided herein and in accordance with the notice issued by the Superintendent shall be charged a violation surcharge. The amount of the violation surcharge shall be equal to the going charge established for operation and maintenance and debt retirement of the wastewater collection and treatment system.

**Section 3.4. Industrial Wastewater.** If an industry makes adequate provision for the disposal of its industrial wastewaters other than by discharging such wastewaters into the sanitary sewer, and if such disposal is approved by the DEQ and all other governmental agencies having jurisdiction, then the Township Board may, by resolution, excuse such industry from depositing its industrial wastewaters into the sanitary sewer.

#### **Section 4.0. Private Sewage Disposal**

**Section 4.1. Use of a Private Sewage Disposal System.** If a house, building or other premises used for human occupancy, employment, recreation or other purposes is not connected to a sanitary sewer, then the building sewer shall be connected to private sewage disposal facilities permitted and approved by the Health Department and, where appropriate, the DEQ and/or MDPH.

**Section 4.2. Disconnection of private sewage disposal facilities.** At such time as a connection is made to a Sanitary Sewer, all private sewage disposal facilities shall be disconnected and abandoned. All abandoned septic tanks,

cesspools, and seepage pits shall be pumped out as necessary and then filled with sand or other backfill material approved by the Township, County and DEQ within fifteen (15) days of connection to the Public Sewer.

**Section 4.3. Maintenance of Sewage Disposal Facilities.** All persons owning or maintaining private sewage disposal facilities shall operate and maintain such facilities in a safe and sanitary manner at all times at no cost to the Township, without the creation or maintenance of a nuisance.

**Section 4.4. Additional Requirements.** The provisions of this Chapter shall not be construed to preclude additional requirements that may be imposed by the DEQ, MDPH, or the Health Department.

## **Section 5.0. Building Sewers and Connections**

**Section 5.101. Connection to Public Sewer.** No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereto without first obtaining a written permit therefor from the Township. No building sewer shall be covered until it has been inspected and approved as being of adequate and acceptable construction, size and location by the Township. The owner of building or premises, or his authorized representative, shall be responsible, at his own cost, for the installation, connection and maintenance of the building sewer for such building or premises up to and including its connection with the public sewer. The owner and, where appropriate, his authorized representative, shall indemnify and hold the Township and its employees, agents and representatives free and harmless from any and all liability or responsibility for all injury, loss or damage that may result directly or indirectly from the installation, connection or maintenance of the building sewer.

**Section 5.102. Permit.** Application for a permit to connect to the public sewer shall be made on appropriate forms provided by the Township. The application shall be supplemented by such plans, specifications or other information as the Township shall reasonably require. The Township Board shall establish permit and inspection fees by resolution. Such permit and inspection fees shall be paid at the time the application is filed. The Township may refuse to grant a permit to connect if the Township shall determine the public sewer system, the sewage treatment facilities or the treatment plant do not have adequate capacity or capability to accommodate the proposed connection.

**Section 5.103. Building Sewer Requirements.** A separate and independent building sewer shall be provided for each building or premises, provided where one building or premises stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building or premises through an adjoining alley, court, yard or driveway, the building sewer from the front building or premises may be extended to the rear building or premises.

**Section 5.104. Old Building Sewers.** An existing building sewer may be used in connection with a new building and premises only where it is found, on inspection by the Township, to be of adequate construction, size and location.

**Section 5.105. Specifications.** The size and slope of the building sewer shall be subject to approval by the Township, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall not be less than one-eighth (1/8) inch per foot unless otherwise permitted. The building sewer shall be constructed of pipe with gasketed or solvent welded joints, Schedule 40 PVC, or as approved by the Superintendent. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Township.

**Section 5.106. Elevation.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Township, and the drain shall discharge to the building sewer. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building

sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.

**Section 5.107. Building Sewer Connection.** Every connection of a building sewer into a sanitary sewer shall conform to the requirements of the Township Building and Plumbing Ordinances, as amended, and all other applicable rules and regulations of the Township, the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9, as amended, as well as, as may be applicable, all requirements of the State of Michigan, County of Washtenaw, and/or any governmental agency operating and maintaining public sewers on behalf of the Township. All such connections shall be gastight and watertight. Any deviation from these prescribed procedures and materials must be approved in writing by the Township before installation.

**Section 5.108. Inspection.** The applicant for a sewer connection permit shall notify the Township when the building sewer is ready for installation and connection to the sanitary sewer. The connection shall be made under the supervision of the Township or its authorized representative. No backfill shall be placed until the work has been inspected and approved by the Township.

**Section 5.109. New Construction.** The basement floor level of all new structures from which it is anticipated that sewage or industrial wastewaters may emanate shall be at such level that such sewage and industrial wastewaters can flow by gravity to any sanitary sewer or by grinder pump to a pressure collection system. In the alternative, a pump or other suitable device shall be installed and maintained as provided in Section 5.106 to lift the sewage or industrial wastewaters to a level from which they can flow by gravity to such sanitary sewer. An acceptable sewage outlet facing the street where a sanitary sewer is available, or is proposed to be made available, shall be provided in all new structures.

**Section 5.110. Excavations.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to a manner satisfactory to the Township.

**Section 5.111. Delegation.** The Township Board may, by resolution which shall be amendable and revocable at any time, delegate all or any part of the permit, inspection and other Township functions or responsibilities specified in this Chapter to any other governmental or private agency operating and maintaining public sewers on behalf of the Township. Such resolution shall be effective only for such portion of the township public sewers as are operated and maintained by such agency. Regardless of any delegation authorized by this Section, the Township Board only shall have the authority to refuse a permit to connect as provided in Section 5.102 above.

**Section 5.112 On-Lot Easement Requirements.** Prior to the approval and issuance of a Service Connection permit, the applicant may be requested to have executed by the Owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate, maintain, repair and replace the Service Connection to be installed on the premises.

- (a) If the applicant provides such easement, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with Section 5.113 below.
- (b) If the applicant, for any reason, declines to provide said easement, then the permit shall be issued in the discretion of the Township, together with an appropriate bill of sale conveying from the Township to the Owner title to all components comprising the Service Connection. Following installation of the Service Connection by the Owner (which installation is subject to inspection by the Inspector in accordance with the terms of this Ordinance), the Owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection in accordance with Section 5.114 below.

- (c) An Owner or his or her successor may, at any time following the installation of a Service Connection on a premises for which no easement was provided to the Township prior to the issuance of a permit, grant the appropriate easement to the Township. The Township shall accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the Inspector has inspected the Service Connection and is satisfied that the Service Connection is in good working order, reasonable wear and tear excepted.

In the event such inspection reveals that the Service Connection has not been properly maintained or that the condition of the Service Connection has deteriorated beyond reasonable wear and tear, the Township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the Service Connection upon

- (i) appropriate repairs of the Service Connection at the expense of the Owner,
- (ii) replacement of the Service Connection or individual components thereof at the expense of the Owner or
- (iii) such other conditions as the Township, in the exercise of its reasonable judgment, deems appropriate.

The acceptance of the easement by the Township shall be accompanied by an executed Bill of Sale by the Owner conveying the Service Connection to the Township.

- (d) Section 5.112 shall not apply to any premises for which the installation of the Service Connection was made by a contractor engaged by the Township or the County pursuant to the Contract or any future supplement or amendment thereto, it being the assumption in these circumstances that the Owner had granted an appropriate easement prior to said installation.

**Section 5.113 Township's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacement of the Public Sewer, as well as each Service connection for which the Owner has granted an easement to the Township, shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a connection fee in accordance with Section 6.127 below.

**Section 5.114 Owner's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacements of existing Building Sewers and their connection to the Public Sewer shall be borne by the Owner. If the Owner has not granted an easement to the Township to maintain the Service Connection, then the cost of all repairs, operation, maintenance and replacement of the Service Connection shall also be borne by the Owner.

**Section 5.115 Contractor Requirements.** Any person desiring to construct a Building Sewer or uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof, must register with the Township. The registration shall be issued on a calendar year basis. The person applying for such registration shall pay a registration fee in an amount as determined by the Township by resolution.

**Section 5.116 Installation of Service Connection by Township.** All service connections shall be made in accordance with Township standards by the property owner or registered installer, and inspected by the Township.

## **Section 6. Use of Public Sewers**

**Section 6.101. Storm Water.** No person shall discharge or cause to be discharged to any sanitary sewer any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or uncontaminated industrial process water. No footing drain, roof downspout, areaway drain or other source of surface water or groundwater shall be connected to a sanitary sewer. All footing drain water shall be discharged to storm sewers or dry wells. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or uncontaminated industrial process water shall only be permitted when authorized and approved by the DEQ.

**Section 6.102. Discharge Prohibited by Township.** No person shall discharge or cause to be discharged any Sewage or wastewaters which:

- a. contain the substances or possess the characteristics described below in this Section
- b. prevent effective operation of the sewage treatment facilities
- c. will pass through the treatment plant or be incompatible with or harm the sewage treatment facilities
- d. are prohibited by any Federal or State law, rule, regulation, permit requirement or standard which is applicable to the sewage treatment facilities or
- e. if the Township shall have concluded that such Sewage will have an adverse effect on the receiving stream, or otherwise endanger the health, safety and welfare of the public or public property, or constitute a nuisance.

Before making such determination, the Township shall consider to the extent appropriate, such factors as the quantities of the subject sewage or wastewaters in relation to flows and velocities in the sewers, the material with which the sewers are constructed, the nature of the sewage treatment process at the POTW, the capacity of the POTW, the degree of treatability of the sewage or wastewaters in the POTW, and other pertinent factors. The Township shall have the option to:

- a. reject the wastes or sewage;
- b. require, pursuant to Section 6.104, pretreatment to an acceptable condition for discharge to the public sewer;
- c. require control over the quantities and rates of discharge;
- d. require, pursuant to Section 6.109, the payment of extra charges to pay for the added costs of handling and treatment of the sewage and wastewaters not included within the rates of the Township Sewer Rate Ordinance; or
- e. require such other remedial action as shall be determined to be necessary to achieve compliance with the requirements of this Section.

A User may not contribute the following substances to any POTW:

- A. Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

- B.** Solid 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.
- C.** Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- D.** Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to applicable Act.
- E.** Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- F.** Any substance which may cause the POTW's effluent or any product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- G.** Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- H.** Any wastewater with objectionable color not removed in the treatment processes, such as, but not limited to, dye wastes and vegetable tanning solutions.
- I.** Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°).
- J.** Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
- K.** Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.
- L.** Any wastewater which causes a hazard to human life or creates a public nuisance.
- M.** Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.
- N.** Any wastewaters containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- O.** Any wastewater from individual sewage disposal systems may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, the agreement shall specify the site of

disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other sanitary wastewater or sewage other than a public sanitary sewer.

- P.** Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
- Q.** Unless reviewed and approved by the Township, any waters or wastewaters containing the following:
  - 1.** Five (5) day BOD greater than 250 mg/l, or
  - 2.** Containing more than 250 mg/l of suspended solids, or
  - 3.** Containing more than 6 mg/l of phosphorus, or
  - 4.** Containing more than 35 mg/l of total Kjeldahl nitrogen, or
  - 5.** Having an average daily flow greater than two percent (2%) of the average daily flow of the Township sewer system to which it is discharged or having a rate of flow greater than ten percent (10%) of the average daily flow for a period of one hour or more.

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

- A.** The amount of water supplied to the premises by the Township or a private water company as shown upon the water meter if the premises are metered, or
- B.** If such premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the Township from the water, gas, or electric supply, or
- C.** If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Township from the water, gas or electric supply, or
- D.** The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Township pursuant to Section 5.101, or
- E.** A figure determined by the Township by any combination of the foregoing or by any other equitable method.

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Township. The Township may:

- A.** Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
- B.** Limit the average and maximum wastewater constituents and characteristics;
- C.** Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;

- D. Require the installation and maintenance of inspection and sampling facilities;
- E. Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- F. Establish compliance schedules;
- G. Require submission of technical reports or discharge reports;
- H. Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township and affording Township access thereto, and copying thereof;
- I. Require notification of the Township for 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;
- J. Require notifications of slug discharges;
- K. Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance;
- L. Require wastewater treatment facilities, process facilities, wastewater streams, or other potential wastewater problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities;
- M. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

**Section 6.103. Disclosure.** All nondomestic users proposing to connect to or to contribute sewage or wastewater to the sewage treatment facilities shall submit such information as the Township shall reasonably request on their processes and sewage before connecting to or contributing to the sewage treatment facilities. All existing nondomestic users connected to or contributing to the sewage treatment facilities shall promptly submit such information on their processes and sewage as the Township shall reasonably request. The information submitted shall be sufficient for the Township to determine the impact of the user's discharge on the sewage treatment facilities and the need for a discharge permit and/or pretreatment and shall be signed by an authorized representative of the user. Without limiting the generality of the foregoing disclosure requirements, the information which may be required pursuant to this Section may include any or all of the following:

1. Disclosure of name, address, and location of the user;
2. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Federal Bureau of the Budget, 1972, as amended;
3. Disclosure of sewage 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 the procedures and methods detailed in:
  - "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, current edition.
  - "Manual of Methods for Chemical Analysis of Water and Wastes", United States Environmental Protection Agency, current edition.

- "Annual Book of Standards, Part 131, Water, Atmospheric Analysis", American Society of Testing Materials, current edition.
4. Disclosure of time and duration of discharges;
  5. Disclosure of average daily and instantaneous peak sewage flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Township due to cost of non feasibility;
  6. Disclosure of site plans, floor plans, mechanical and plumbing plans (including non-contact water cooling systems) and details to show all sewers, sewer connections inspection manholes, sampling chambers and appurtenances by size, location and elevation;
  7. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewage treatment facilities;
  8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance.
  9. Disclosure of each product produced by type, amount, process or processes and rate of production; and
  10. Disclosure of the type and amount of raw materials utilized (average and maximum per day).
  11. Any other information required by 40 CFR Section 403.12, as amended, or any similar successor Federal regulation.
  12. 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:
    - 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 standard. No increment referred to in this paragraph shall exceed 9 months.
    - Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Township including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Township.
    - Within nine (9) months of the promulgation or revision of a National Categorical pretreatment standard, all affected users must submit to the Township the information required by paragraph 8 and 12 of Section 6.103.

**Section 6.104.** Where the wastewater or sewage is required to be pretreated by the provisions of Section 6.102, a user shall provide, at his expense, such preliminary treatment as shall be necessary to reduce the objectionable characteristics or constituents of the waste or sewage or control the quantities and rates of discharge of the waste or sewage so that the sewage treatment facilities can operate effectively and in conformance with all Federal and/or State laws, rules, regulations, permit requirements or standards which are applicable to the sewage treatment facilities. Plans, specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be prepared and submitted by a registered engineer for approval by the Township, and no construction of such facilities shall be commenced until approval is given in writing by the Township. Review of the submitted plans, specifications and other information shall be completed within a reasonable time. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the user's initiation of the changes. Where preliminary treatment is required by this Section, and the user is already discharging wastewater or sewage into the sewage Treatment Facilities, then the user shall, at the request of the Township, agree to a compliance schedule which shall specify by date those items which are to be accomplished by the user to complete all necessary preliminary treatment facilities and to bring the wastewater and sewage being discharged into compliance with all requirements of this Ordinance.

Where preliminary treatment facilities are provided for any sewage or wastewater, such facilities shall be maintained continuously in satisfactory and effective operation by the user at his cost. The person operating and maintaining such facilities shall, at the request of the Township, submit to the requesting party records or true copies thereof of the samplings taken from sewage and waste discharged and such other reports and information as shall be necessary to assess and assure compliance with this Ordinance and the user's discharge permit if any. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or Michigan Department of Environmental Quality upon request.

**Section 6.105. Dilution.** No user shall increase the use of potable or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the requirements set forth in this Ordinance.

**Section 6.106. Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of wastewaters containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Notwithstanding the foregoing, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township and shall be located so as to be readily accessible for cleaning and inspection. All grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil and sand interceptors shall be maintained in continuously efficient operation at all times by the owner of the building or premises from which such wastewaters emanate, or his authorized representative, at the expense of the owner or his authorized representative.

**Section 6.107. Sampling Facilities.** When required by the Township to assure adequate monitoring and control of the wastewater or sewage discharge, the user of any building or premises served by a building sewer shall install a suitable control vault or station in the building sewer to facilitate observation, sampling and measurement of the wastewater or sewage being discharged. Such control vault or station shall be equipped by the user with a suitable composite sampler and continuous flow recorder. Such vault or station shall be accessible and safely located and shall be constructed in accordance with plans approved in writing by the Township. Such vault or station shall be installed by the user at his cost and shall be maintained by him so as to be safe and accessible at all times. The person operating and maintaining such facilities shall, at the request of the Township, submit to the requesting party records or true copies thereof of the sewage or wastewater discharged and such other reports and information as shall be necessary to assess and assure compliance with this Ordinance and the user's discharge permit, if any.

**Section 6.108. Industrial Surveillance.** With respect to all users that are required to maintain preliminary treatment facilities or sampling facilities pursuant to Sections 6.104 and 6.107 above, the Township shall institute a program pursuant to which Township personnel periodically check and assess, through samplings, the accuracy and completeness of the sampling records and other reports and information provided to the Township by the user pursuant to Sections 6.104 and 6.107 above. The cost and expense incurred by the Township in conducting this program of periodic review shall be recovered from an industrial surveillance fee to be established by the Township Board from time to time by resolution. The amount of this fee shall be determined for each sewer customer or class of sewer customers to which it applies and shall be billed by the Township as part of each affected sewer customer's periodic sewer billing.

If, based upon such review, the Township determines that the sampling records or other reports and information provided pursuant to Sections 6.104 and 6.107 are not substantially accurate, the Township may institute such sampling, laboratory analysis and other procedures as necessary to accurately sample and measure the waste and sewage being discharged. All expenses and charges incurred by the Township for such sampling, review and analysis shall be charged to the affected sewer customer.

**Section 6.109. Surcharges.** All nondomestic users of the Public sewers shall pay a surcharge for the discharge of sewage or wastewater (subject to review and approval by the Township) containing more of the substance referenced below than the identified amount.

<u>Substance</u>	<u>Surcharge Above</u>
5-day BOD	250 mg/l
Phosphorus	6 mg/l
Suspended Solids	250 mg/l
Total Kjeldahl Nitrogen	35 mg/l

The amount of such surcharge shall be established periodically by Township Board resolution. To determine the amount of such surcharge, composite samples will be taken over a sufficient period of time to ensure a representative sample, and base the surcharge cost upon such samples. The cost of sampling and testing shall be borne by the Industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Township Wastewater Treatment plant. The surcharge shall be calculated and billed quarterly by the Township as part of the affected sewer customer's periodic sewer billing.

**Section 6.110. Pretreatment Standards.** Upon the promulgation of any final Federal or State pretreatment standards or discharge limits for a particular industrial category or subcategory, such standards or limits, if more stringent than the requirements of Section 6.102, shall be automatically incorporated as part of this Ordinance, shall be considered to supersede the requirements of Section 6.102, and shall become effective when specified by the promulgating agency. The Township shall notify all affected users of the applicable standards or limits. 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. The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Chapter 2 of this Ordinance.

**Section 6.111. Pretreatment Compliance Reporting.**

- a. **Compliance Data Report.** Within 90 days following the date for final compliance with an applicable pretreatment standard or discharge limit referenced in Section 6.110, or, in the case of a new source of wastewater or sewage, following commencement of introduction of the new wastewater or sewage into the sewage Treatment Facilities, any user subject to pretreatment requirements pursuant to this Ordinance shall submit to the Township a written report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or

discharge limits and the average and maximum daily flow for those process units in the user facility which are limited by such pretreatment standards or discharge limits. The report shall state whether the applicable pretreatment standards or discharge limits are being met on a consistent basis and if not, what additional operation and maintenance or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or discharge limits. This report shall be signed by an authorized representative of the user, and certified by a qualified representative.

- b. **Periodic Compliance Reports.** Any user or new source subject to pretreatment standards or discharge limits shall submit to the Township during the months of June and December, unless required more frequently by the applicable pretreatment standard or discharge limit or by the Township, a report indicating the nature and concentration of the pollutants in the effluent which are limited by the applicable pretreatment standard or discharge limit. This report shall include a record of all daily flows. In the discretion of the Township, and after considering such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may alter the months during which the above reports are to be submitted. The Township may also impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the compliance date report required by this section shall also indicate the mass of pollutants regulated by pretreatment standards in effluent of the user.
- c. **Special Reports.** In those instances where a schedule of additional pretreatment and/or implementation of additional operational and maintenance activities has been submitted pursuant to Section 6.103 not later than 14 days following each milestone date in that schedule and the final date for compliance, the user shall submit a progress report to the Township, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule. In no event shall more than nine (9) months elapse between such progress reports to the Township.

**Section 6.112. Containment Facilities.** When required by the Township to assure adequate protection for the sewage treatment facilities from accidental spills of critical or hazardous materials, the user shall develop and submit to the Township an adequate spill prevention plan. The adequacy of such plan shall be determined by the Township. The Township may require, as part of such plan, that the user provide, at his expense, suitable containment facilities within a time period specified by the Township. Plans, specifications and other pertinent information relating to the proposed containment facilities shall be prepared and submitted for approval by the Township, and no construction of such facilities shall be commenced until approval by the Township is given in writing. Such containment facilities shall be maintained continuously in satisfactory condition by the user at his cost. All required users shall complete such a plan within 180 days of the adoption of this Ordinance. If required by the Township, 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 Township. 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 spill, the user shall immediately telephone and notify the Township and the Treatment Plant of the incident. This notification shall include the location of the spill, the type of wastewater, concentration, and volume, and corrective action. This notice shall be followed up, within five (5) days of the accidental spill, with a detailed written report from the user to the Township describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. This notification shall not relieve the user of any expense, loss or damage or other liability which may be incurred as a result of the damage to the sewage treatment facilities or any other damage to person or property resulting from the accidental spill. In addition, such notification shall not relieve the user of any fines, civil penalties or other liabilities which may be imposed pursuant to this Ordinance or other applicable ordinance, law, rule or regulation.

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 may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Township and any person, firm or corporations whereby wastewater of unusual strength or character may be accepted by the Township, subject to payment therefor by the person, firm or corporation, provided such wastewater will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

**Section 6.113. Measurement.** All measurements, tests and analysis of the characteristics of sewage and wastewater to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for Examination of Water and sewage," a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation, or similar successor publication. All determination shall be made based on samples taken at a control vault or station. If no vault or station has been required, then such determination shall be made at the nearest downstream manhole in the public sewer from the point at which the building sewer is connected to the public sewer.

**Section 6.114. Confidential Information.** Information and data concerning a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and other governmental agencies without restriction unless the user specifically requests that such information and data not be divulged because it is information, processes or methods of production which are entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets shall not, to the extent permitted by law, 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 and the National Pollutant Discharge Elimination System (NPDES) Permit for the treatment plant; 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. Sewage constituents and characteristics shall not be considered as confidential information.

To the extent permitted by law, information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township unless authorized by the user.

**Section 6.115. Annual Publication.** The Township shall annually publish in a newspaper of general circulation in the Township a list of the users which were significantly violating any National Categorical pretreatment standard promulgated by the EPA during the twelve (12) previous months. This notification shall also summarize any enforcement actions taken against the user during the same twelve (12) months. In addition, a list of all significant users which were the subject of enforcement proceedings pursuant to this Ordinance during the twelve (12) previous months, shall be published annually by the Township in a newspaper of general circulation in the Township. This notification shall summarize the enforcement actions taken against those users during the previous twelve (12) months whose violations remained uncorrected forty-five (45) or more days after notification of non-compliance; or which have exhibited a pattern of non-compliance over that twelve (12) month period, or which involve failure to accurately report non-compliance.

**Section 6.116. Records Retention.** Any user subject to reporting requirements imposed by Sections 6.103 through 6.107 inclusive and Section 6.111 of this Ordinance shall maintain records of all information resulting from all sampling activities. Such records shall include the date, exact place, method and time of sampling and the names of the person or persons taking the samples, and the date analyses were performed, who performed the analyses, the analytical technique/method used for the analyses and the results of such analyses. Such records shall be maintained for a minimum of three (3) years from the date on which the sampling took place. Such records shall be made available for

inspection at the request of the Township. This period of retention shall be extended during the course of any litigation between the Township and the user.

**Section 6.117. Protection from Damage.** No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or other part of the sewage treatment facilities.

**Section 6.118. Inspection.** The Township and its employees and agents, when bearing proper credentials and identification, shall be permitted, with or without advance notice, to enter in and upon buildings and premises as may be necessary for the purposes of inspection, surveillance, measurement, sampling and testing to protect against immediate threats to human health or safety.

**Section 6.119. Notification of Violation/Show Cause Hearing.** Whenever the Township finds that any user has engaged in conduct which justifies termination of sewage treatment services, the Township shall serve or cause to be served upon such user, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the user shall respond personally or in writing to the Township advising of his position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. The provisions of this Section shall not be deemed to prohibit the Township from proceeding immediately and at any time to enforce the provisions of this Ordinance through appropriate civil or criminal proceedings.

Any user subject to enforcement action under the provisions of this Ordinance may request a hearing before the Township within ten (10) days of receipt of notification of proposed enforcement action. A hearing is to be held by the Township concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Township why the proposed action should not be taken. The Township may conduct the hearing and take the evidence, or may designate any officer or employee to:

1. Issue in the name of Township notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the Township has reviewed the evidence, the Township may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, and that said devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. The Township shall also establish appropriate surcharges or fees to reimburse the Township for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this Ordinance. Any action by the Township may be appealed to the Township Board. Any user for any reason can use this same appeals procedure.

**Section 6.120. Legal Action.** If any person discharges sewage or wastewater into the sewage treatment facilities contrary to the provisions of this Ordinance, the Township may commence an action for appropriate legal and/or equitable relief.

**Section 6.121. Operating Upsets.** Any user which experiences an upset in operations which places the user in a temporary state of non-compliance with this Ordinance, shall immediately telephone and notify the Township and the

Treatment Plant to which he is a contributor. A written follow-up report thereof shall be filed by the user with the Township and the treatment plant within five (5) days. The report shall specify:

- a. Description of the upset, the cause thereof and the upset's impact on a user's compliance status.
- b. Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

A documented and verified bona fide operating upset shall be in affirmative defense to any enforcement action brought by the Township against a user for any non-compliance with this Ordinance which arises out of violations alleged to have occurred during the period of the upset.

**Section 6.122. Emergency Action.** It shall be unlawful to discharge to the waters of the State within the Township of Salem or in any area under the jurisdiction of said Township, and/or to the POTW any wastewater except authorized by the Township in accordance with the provisions of this Ordinance except as provided by an NPDES permit. Notwithstanding Section 6.119, the Township may, for good cause shown, suspend the sewage treatment service to a user when it appears to the Township that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the sewage treatment facilities, or violates any pretreatment limits imposed by this Ordinance. The Township may seek to terminate the wastewater treatment services to any user which:

- a. fails to factually report the wastewater constituents and characteristics of its discharge;
- b. fails to report significant changes in wastewater constituents or characteristics;
- c. refuses reasonable access to the user's premises by representatives of the Township for the purpose of inspection or monitoring; or
- d. violates the conditions of this Ordinance, or any final judicial order entered with thereto.

Any user notified of a suspension of sewage treatment service shall, within a reasonable period of time, as determined by the Township, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the Township shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the sewage treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township within 15 days of the date of occurrence.

**Section 6.123. Falsification of Information.** Any person who knowingly makes any false representation, statements or certification in any application, report, record, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring or sampling device shall be punished by a fine not exceeding One Thousand (\$1,000) Dollars.

**Section 6.124. Recovery of Costs.** Any user violating any of the provisions of this Ordinance or who causes a discharge producing a deposit or obstruction, or causes damage to or impairs the sewage treatment facilities, shall be liable to the Township for any expense, loss, or damage caused by such violation or discharge. The Township may bill the user for the costs incurred by the Township for any cleaning, repair, or replacement work caused by the violation or

discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable as provided herein and also by appropriate legal action.

**Section 6.125. Public Nuisance.** Any violation of this Ordinance is hereby declared to be a public nuisance per se. Accordingly, the Court shall, by injunction, order such nuisance abated and the user shall be adjudged guilty of maintaining a nuisance per se.

**Section 6.126. Conflict.** Where provisions of any State law, rule or regulation or other Township ordinance impose greater restrictions or higher standards than contained in this Ordinance, then the provisions of such law, rule, regulation or other Township ordinance shall control.

**Section 6.127. Rates and Charges for sewer Services.**

**A. Connection Fee.** The owner of all premises required by Section 3.3 to connect to the System shall pay a Connection Fee.

**1. Computation.** The Connection Fee shall be defined in the following manner:

**(i)** For a Direct Connection to the Public Sewer, the Connection Fee shall be a rate per Unit established by resolution of the Township Board from time to time.

**(ii)** For an Indirect Connection to the Public Sewer, the Connection Fee shall be a rate per Unit established by resolution of the Township Board from time to time.

**2. Cost and Expense of Service Connection.** In addition to the Connection Fee as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the Service Connection pursuant to Township specification on file at the Township.

**3. Special Assessment Credits.** Subject to the provisions of Section 6.127 A (4) below, those parcels located in a Special Assessment District and subject to a full special assessment on the Special Assessment Roll shall be deemed to have paid the Connection Fee and, if applicable, the cost of acquiring and installing the Service Connection; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the Special Assessment Roll, unless specifically established by the Township at the time the Special Assessment Roll was confirmed by the Township; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the Connection Fee and, if applicable, the cost of acquiring a Service Connection.

**4. Determination of Residential Equivalent Units (REU).**

**(i)** A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Connection Fee of one REU. Premises other than a single family residential unit shall pay a Connection Fee based upon the number of Units assigned to such premises by the Table of Unit Factors attached as Appendix I.

**(ii)** Upon connection to the System, a non-residential User shall have a water meter, of the size and type approved by the Township, installed on the User's water supply. The User shall purchase the meter through the Township. The cost of both the meter and the installation shall be paid for by the User with the installation to be made or approved by the Township. The meter shall be read on a quarterly basis by the Township. At its option, the Township may also use a sewer meter for this purpose.

After two (2) years of meter readings have been obtained, the Units assigned to the premises, in accordance with this Section, shall be redetermined based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, for the twenty four (24) month period and the denominator of which shall be 120,000 gallons. The resulting number of REUs so redetermined, which shall not in any event be less than one, shall be multiplied by the requisite Connection Fee, direct or indirect, to determine the adjusted Connection Fee for the premises.

Any reduction in Connection Fees resulting from said redetermination shall be credited towards payment of last installments coming due on the installment payment agreement, if any, and the balance shall be refunded (to the extent said Connection Fees were previously paid) to the User by the Township within 30 days of notice of the redetermination.

- (iii) For any subsequent enlargement, addition, extension or improvement to any structure, the Township may require a review and redetermination of the REUs for that Structure. Upon finding by the Township after such REU review and redetermination that additional Connection Fees are required, the Owner shall immediately pay the required additional fees.

**5. Payment of Connection Fees and Service Connection Fees.** The appropriate Connection Fee and, if applicable, Service Fee shall be paid in full at the time of the connection of the premises to the System unless:

- (i) The premises is subject to a Special Assessment District pursuant to 6.127A.3 above, or
- (ii) The Township Board may, at sole discretion, permit a deferral of the payment Connection Fee and, if applicable, the Service Connection Fee over a period of time and at what interest rate as shall be determined by the Board in its sole discretion, provided;

Any such deferral granted pursuant to this section shall be due and payable at the same time and in the same manner as the User Charges and the Debt Service Charges, if any, set forth in Section 6.127B below.

**6. Hardship Deferment.** The owner or owners of a single family residence, in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, in accordance with the criteria established for granting such deferment by the Township Board from time to time, subject to and in accordance with the following:

- (i) The owners of the premises shall, under oath, complete a hardship application provided by the Township Supervisor, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Supervisor not less than 60 days prior to the due date of the Connection Fee. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

- (ii) Hardship applications shall be reviewed by the Township Supervisor, and after due deliberation of hardship applications, the Township Supervisor shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- (iii) An applicant aggrieved by the determination of the Township Supervisor may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- (iv) In the event that the Township Supervisor or Board makes a finding of hardship, the Township Supervisor or Board shall fix the amount of partial or total deferment of the Connection Fee, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Supervisor, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
  - a. A change in the financial status of any applicant which removes the basis for financial hardship;
  - b. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
  - c. A death of any of the applicants.
- (v) Upon a determination of the Township Supervisor or Board deferring all or part of the Connection Fee, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, guaranteeing payment of the deferred amounts upon the occurrence of any of the events set forth in Section 6.127.A.6(iv) above. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.
- (vi) The Supervisor will inform the Township Board in writing of \_\_\_\_\_ number of Hardship's that have been granted.

**B. User Charge; Debt Service Charge.**

- 1. **Computation.** A User Charge and Debt Service shall be charged to each premises within the District connected to the Public Sewer as follows:
  - (i) **User Charge:** A rate per billing period per Unit which includes the Public Sewer O,M&R Charge and the Treatment O,M&R Charge, established by resolution of the Township Board from time to time.

- (ii) **Debt Service Charge:** A rate per billing period per Unit established by resolution of the Township Board from time to time.
  - 2. **Normal Strength Domestic Sewage.** The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal strength Domestic Sewage shall also pay a User Surcharge determined pursuant to section 6.127 D below.
  - 3. **Industrial Users.** As of the date of adoption of this ordinance, it is determined that no Users of the System are Industrial Users. Before the Township permits any Industrial User to connect to the System in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial wastes.
  - 4. **Accrual Date.** User charges, deferred Connection Fees, if any, pursuant to the provisions set forth in Section 6.127A.5, above, and debt Service Charges shall begin to accrue as of the day of the connection of the Building Sewer to the Public Sewer in accordance with Section 6.127A.5. above. If appropriate, the billing of said charges for the initial billing period shall be prorated.
  - 5. **Responsibility of User to Pay for Service Connection Power.** In addition to the User Charge, each User shall provide and pay for the electrical power necessary for the operation of their individual Service Connection.
- C. **User Surcharge.** The User Surcharge payable pursuant to Section 703(b) above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.
- D. **Other Charges and Fees:** The following charges and fees may be imposed by the Township Board from time to time.
- 1. for reimbursement of costs of setting up and operating the Pretreatment Program,
  - 2. for monitoring, inspections, and surveillance procedures,
  - 3. for reviewing accidental discharge procedures and construction,
  - 4. for filing appeals,
  - 5. for consistent removal by the POTW of pollutants otherwise subject to Federal pretreatment standards,
  - 6. and others as the POTW may deem necessary to carry out the requirements contained herein,
  - 7. Additional surcharges may be made to compensate for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW,

8. There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each Industrial user.

The above charges are user charges to pay the operation, maintenance and replacement of the sewage works and they are the same for customers located inside or outside the Township and the equality of rates shall exist in any future modifications. The charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW and which discharges industrial wastewater to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

#### **E. Collection of Delinquent Accounts.**

1. There shall be a late payment charge assessed against any payment which has not been made within ten (10) days of the due date on the bill. The late payment charge shall be four percent (4%) of the delinquent charges, or the sum of TEN DOLLARS (\$10.00), whichever is greater. Delinquent accounts shall be billed once every thirty (30) days until the delinquent account is certified to the Assessing Officer for inclusion in the tax roll. The late payment charge shall be assessed on each thirty (30) day period that an account is delinquent. After the account is certified to the Assessing Officer, the account, including late payment charges, shall bear interest in the same manner and at the same rate as provided by law for taxes. These late payment charges are declared to be reasonably related to the additional costs incurred by the Township in the collection of delinquent accounts.
2. Charges for sewage disposal services furnished to any premises within the Sewer Service District shall be a lien against the premise. Charges delinquent for three (3) months or more as of August 15 of any year shall be certified by the Superintendent, or other employee authorized by the Township, annually, to the proper tax assessing officer. The Assessing Officer shall enter a lien on the next tax role against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the Roll and the enforcement of the lien for such taxes. Such charges and rates shall be collected or returned in the same manner as other taxes are certified, assessed, collected, and returned.

**Section 6.128. Delegation.** The Township Board may, by resolution which shall be amendable and revocable at any time, delegate all or any part of the functions, responsibilities and enforcement duties specified in this Chapter to the treatment plant industrial surveillance personnel and/or to any other governmental or private agency operating and maintaining public sewers on behalf of the Township. Such delegation may be exclusive or, alternatively, on a co-equal basis between the Township and the treatment plant industrial surveillance personnel and/or any other governmental or private agency. However, the establishment of any industrial surveillance fee or cost reimbursement to be charged pursuant to Section 6.108 all surcharges established pursuant to section 6.109, and all cost recovery pursuant to Section 6.124 shall be within the exclusive jurisdiction of the Township Board.

#### **Section 7.0. Discharge Permit**

**Section 7.1. When Permit Required.** The Township may, in its discretion, require that an existing industrial/major user or potential industrial/major user procure and maintain in effect a discharge permit, issued by the Township, as a condition precedent to making any discharge to the sewage treatment facilities. The Township may require an existing or potential industrial/major user to obtain a discharge permit whenever it shall reasonably determine that the user's discharge or potential discharge may adversely impact the sewage treatment facilities.

**Section 7.2. Permit Application.** Every existing or potential user required to procure a discharge permit pursuant to this Chapter shall make application for such permit in the form and manner prescribed by the Township. The application shall include all facts and information necessary for the Township to reasonably consider and evaluate the granting or denial of the discharge permit.

**Section 7.3. Permit Approval.** Upon receipt of a completed permit application, the Township shall, within a reasonable time, grant or deny the requested discharge permit. During the pendency of an application, an existing user may continue to discharge to the sewage treatment facilities subject, however, to compliance with this Ordinance and all other applicable provisions of local, State or Federal law. A discharge permit may be granted with such conditions and restrictions as the Township shall reasonably determine to be necessary or appropriate. These conditions and restrictions may be amended from time to time during the term of the permit, on thirty (30) days written notice to the permit holder, as the Township shall determine to be reasonably necessary or appropriate to comply with all applicable provisions of local, State or Federal law or as may be reasonably necessary or appropriate for the treatment plant to which the permittee is a contributor to meet the requirements of all permits applicable to its operation. A violation of any condition or restriction in a user's discharge permit shall be deemed a violation of this Ordinance.

**Section 7.4. Permit Fee.** The Township shall establish by resolution the fee to be paid to the Township for a discharge permit.

**Section 7.5. Permit Expiration and Renewal.** All discharge permits issued by the Township, unless otherwise specified in the permit, shall expire on July 3, 2001, (5 years following NPDES permit issuance by MDEQ to the Township of Salem). The expiration date shall be stated on the face of the permit. An application for renewal of a permit shall be considered in the same manner as an original application.

**Section 7.6. Transfer.** No permit shall be transferred to a different user, a different premises or to a new or changed operation without the prior written consent of the Township.

**Section 7.7. Permit Denial, Suspension or Revocation.**

- A. A discharge permit may be revoked or suspended by the Township at any time for any of the following causes:
1. Fraud, misrepresentation or any material false statement in the application for the permit;
  2. Any violation of the conditions and restrictions included as part of the permit; or
  3. Any violation of this Ordinance.
    - a. Written notice of suspension or revocation, stating the cause or causes therefor, shall be delivered to the permit holder personally or mailed, by certified or registered mail, return receipt requested, to the permit holder's address as shown in the application for the permit.
    - b. Any user whose permit is revoked or suspended, any user or potential user whose application for a permit is denied, or any user or potential user whose permit is conditioned or restricted in a manner which is unacceptable to the applicant, shall have the right to a hearing before the Township Board, provided a written request therefor is filed with the Township within fifteen (15) days following the delivery or mailing of the notice of revocation or suspension, or within fifteen (15) days following the denial of the application for a permit or the granting of a permit with unacceptable conditions or restrictions.

- c. The Township Board may reverse any determination to issue or to deny the issuance of a permit, the imposition of any condition or restriction, or any revocation of a permit. The Township Board may also grant or reinstate any permit.

**Section 7.8. Delegation.** The Township Board may, by resolution which shall be amendable and revocable at any time, delegate all or any part of the permit functions and responsibilities specified in this Chapter to the POTW industrial surveillance personnel.

## **Section 8. Penalties and Miscellaneous Provisions**

**Section 8.1. Penalties.** Any person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided by the Township shall, upon conviction thereof, be guilty of a misdemeanor, and shall be fined in an amount not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than ninety (90) days, of both such fine and imprisonment in the discretion of the court, for each violation. Each day a violation continues shall be considered a separate offense. The owner, his authorized representative, a tenant or any other person who commits, participates in, assists in or maintains any violation of this Ordinance may each be found guilty of a separate offense and suffer the penalties herein provided.

Every violation of this Ordinance and every failure to comply with any notice given pursuant to this Ordinance shall constitute a nuisance per se. In addition to the criminal remedies described above, the Township Board, its authorized representative or any other public official or private citizen may take such lawful action as is necessary to restrain or prevent any violation of this Ordinance. Any person violating any of the provisions of this Ordinance shall be liable to the Township for any expense, loss or damage occasioned the Township, actual attorneys fees, professional services or court costs by reason of such violation.

In addition, the Owner shall pay a non-compliance fee in the amount of not less than \$100 per day of non-compliance, which non-compliance fee shall become a lien upon the Owner's property and shall be collected in the same manner as any other fee, rate or charge under this Ordinance.

**Section 8.2. Administrative Liability.** No officer, agent or employee of the Township or its authorized representative or member of the Township Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any acts, decisions or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

**Section 8.3. Severability.** This Ordinance and the various parts, sections, paragraphs, subsections, sentences phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

**Section 8.4. Rules and Regulations.** The Township may, from time to time, adopt by resolution rules and regulations governing operational, maintenance and technical matters relating to the sewage treatment facilities. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinbefore prescribed in this Ordinance.

**Section 8.5. Variances.** Any person, upon written application to the Township Board within ninety (90) days after the effective date of the Ordinance, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Chapter 6 of this Ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Township Board for a reasonable time, not to extend beyond two (2) years from the effective date of this Ordinance, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any variance granted by the Township Board within six (6) months from

the date of the granting of the variance shall make reports to the Township Board periodically as to the progress being made toward compliance with Chapter 6 of this Ordinance. A variance shall not be granted under the provisions of this Section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this Section shall not be constructed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

**Section 8.6. Effective Date.** This Ordinance was approved and adopted by the Township Board on February 4, 1997, and shall be effective thirty (30) days after publication.

### **CERTIFICATE**

I, Marcia T. Van Fossen, the Clerk of Salem Township, Washtenaw County, Michigan, hereby certifies that in pursuance of law and statute provided, at a regular meeting of the Salem Township Board held on February 4, 1997 at the Salem Township Hall, the Board enacted and passed Ordinance No. 97-2 effective thirty (30) after publishing. The following members voted "aye": Penn, Van Fossen, Rhinehart, Baxter, Dunlap. The following members voted "nay": None. I further certify that in accordance with Township Board direction, the notice of the proposed Ordinance was published on February 13, 1997 in the South Lyon Herald, a newspaper circulated in Salem Township.

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Marcia T. Van Fossen, Salem Township Clerk

Date