WATER AND SEWER USE ORDINANCE

Augusta Charter Township,

Washtenaw County,

Michigan

Adopted: December 10, 2019

Effective: December 22, 2019

Amended: February 15, 2021

Amended: August 30, 2021

Amended: February 2, 2024

AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY MICHIGAN
ORDINANCE NO. 2019-06
WATER AND SEWER USE ORDINANCE
EFFECTIVE DATE: DECEMBER 22, 2019

AN ORDINANCE TO REGULATE PUBLIC SEWER AND WATER USE OF THE AUGUSTA TOWNSHIP SANITARY SEWER COLLECTION AND WATER DISTRIBUTION SYSTEM CONSISTENT AND IN ACCORDANCE WITH THE WASTE WATER COLLECTION AND PUBLICLY OWNED TREATEMENT WORKS FACILITY OF THE YPSILANTI COMMUNITY UTILITY AUTHOITY, AND IN ACCORDANCE WITH PROVISIONS OF THE CLEAN WATER ACT, PUBLIC LAW 92-500, AS AMENDED, BEING 33 U.S.C. 1251, AND THE GENERAL PRETREATMENT REGULATIONS IN 40 CFR PART 403; TO PROVIDE FOR CONNECTIONS TO THE PUBLICLY OWNED WATER AND SEWER UTILITY SYSTEM OF THE TOWNSHIP AND FOR THE FIXING AND COLLECTION OF RATES AND CHARGES FOR USE OF THE SYSTEM; TO PROVIDE FOR THE ALLOCATION OF REVENUES DERIVED FROM USE OF THE PUBLICLY OWNED UTILITY; TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT THEREOF; AND TO REPEAL AND REPLACE ORDINANCE NO. 3 OF 1984 IN ITS ENTIRETY, INCLUDING ALL AMENDMENTS UPDATES AND REVISIONS THERETO.

THE CHARTER TOWNSHIP OF AUGUSTA HEREBY ORDAINS:

ARTICLE I. GENERAL APPLICATION AND DEFINITIONS.

Section 1: Short Title.

This ordinance shall be known as and may be cited as the Augusta Township Water and Sewer Use Ordinance.

Section 2: Applicability and Establishment of Utility

A. Utilities Department Created. For the purpose of carrying out the provisions of this Ordinance and the improvements, alteration, repairs and management of the System, there is hereby created a Utilities Department which shall be responsible to the Township Board. The Utilities Department shall consist of such persons as shall be employed by and at the discretion of the Township Board and the Superintendent who is the Supervisor of the Township or such other person as may be appointed or hired by the Township Board. The Superintendent shall be in immediate charge of the Utilities Department and shall be responsible to the Township Board. Employees shall have capacities and powers as the Superintendent shall determine.

B. Applicability of Ordinance. This Ordinance shall apply to all Users that discharge into the System and Ypsilanti Community Utilities Authority (YCUA) publicly owned treatment works (the

POTW). In addition, it shall be unlawful for any User located outside the Township limits to continue discharges to the POTW except as provided in this Ordinance. In addition, the Ordinance shall establish permit requirements for connections or alterations to Township or YCUA sewage works facilities or the POTW; govern the design, construction, alteration, or use of and connection to the sewage works or POTW; regulate the discharge of wastewater into the sewage works and POTW; prohibit certain detrimental conduct, authorize the issuance of permits, authorize inspections, provide for administration and enforcement of this Ordinance; establish civil and criminal penalties for violations; and authorize the enforcement of and ensure compliance within the Township of the Federal Water Pollution Control Act and the Michigan Natural Resources and Environmental Protection Act, more specifically define herein, and regulations promulgated and adopted under said acts and statutes.

This Ordinance shall also apply to private sewage disposal in the Township, use of the public sewer system, and use and connections to the public water supply system in the Township.

C. Protection from Damage. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, alter, or tamper with any structure, appurtenance, meter, or other equipment which is a part of the Township or YCUA sewage works, POTW, or the Township water utility service. Only a person who is specifically authorized by the Township shall uncover, make any connection with or opening into, or tamper with, or alter or disturb the System.

D. Liability. The Township shall bear no liability for any damage caused by turning water service on or off in accordance with this Ordinance. The property owner is responsible to ensure the conditions at the service location will not result in damage when the service is initiated and/or restored. The owner shall indemnify the Township for any loss or damage that may be caused, directly or indirectly, by the initiation and/or restoration of water service.

Section 3: Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Whenever the words, ***"The System"*** are referred to in this Ordinance, they shall be understood to mean the complete sewage disposal system of the Township and the complete water supply system of the Township, including all water mains, hydrants, treatment facilities, sewers, pumps, lift stations, treatment and distribution of water for domestic, firefighting and other uses, and in collection treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements there to, which may be acquired.

Whenever the phrase ***"Service Line"*** is used in the Ordinance, it shall be understood to mean a pipe connecting a water main of the system to a water meter installed on any premises.

Act, "the Act", or the Federal Water Pollution Control Act and the Clean Water Act are used interchangeably in this article and refer to Public Law 92-500, as adopted in 1972 and amended

by Public Law 95-217 in 1977, and any succeeding amendments and any administrative rules promulgated thereunder, as amended or revised from time to time.

Alternative Discharge Limit. The limits set by the YCUA in lieu of the promulgated national categorical pretreatment standard for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

ASTM. The Annual book of Standards Part 23, Water Atmospheric Analysis 1972. This publication is available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

Authorized Representative of Industrial User.

(1) A responsible corporate officer, if the industrial user is a corporation, who shall be a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making for the corporation; or means the principal manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding $25,000,000.00 (in 2nd quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(3) A duly authorized representative of the individual designated above and if all of the following apply:

(a) The authorization is made in writing by the individual described in subsections 1 or 2 of this definition.

(b) This authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the Director. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this definition shall be submitted to the Director or YCUA prior to or together with any reports to be signed by an authorized representative.

Best Management Practices **(BMP)** means programs, practices, procedures or other directed efforts, initiated and implemented by Users, which can and do lead to the reduction,

conservation or minimization of pollutants being introduced into the ecosystem, including but not limited to the Ypsilanti Community Utilities Authority (YCUA) publicly owned treatment system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or design of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control, and may include technical and economic considerations. BMPs may be structural or non-structural or both. In determining what BMPs will be required of an User in a particular case, the Superintendent or Director may consider all relevant technological, economical, practical, and institutional considerations as determined relevant and appropriate by the Superintendent or Director, consistent with achieving and maintaining compliance with the requirements of this Ordinance and other applicable laws and regulations.

Best Management Practices Plan BMPP). A written document that describes how the BMP will be accomplished.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure: five (5) days at 20° Celsius/ Centigrade expressed in terms of weight and concentration (milligrams per liter).

Board* or *YCUA Board is the Board of Commissioners of Ypsilanti Community Utilities Authority (YCUA).

***Building Drain*.** Part of the lowest horizontal piping of a drainage system which receives the drainage from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building Sewers. The extension from the building which conveys wastestream to the public sewer or other places of disposal, also referred to as the sanitary lateral connection to the System.

Bypass. The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in the 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 OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

Chlorine Demand. This shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

Combined Sewer. A sewer receiving both surface runoff and sewage.

Combined Wastestream. Wastestream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.

Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such 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.

Composite Sample. A sample formed either by continuous sampling or by mixing a collection or series of discrete samples obtained at regular intervals over a period of time. The individual samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the YCUA or Township. Where time-proportional composite sampling or grab sampling is authorized by the YCUA or Township, the samples must be representative of the Discharge. Manual generation of a composite sample through the collection and combining of grab samples may be approved if the User demonstrates to the satisfaction of the Director that this will provide a representative sample of the effluent being discharged. The decision to allow the alternative sampling must be documented in the Industrial User's file for that facility or facilities. Composite sampling protocols delineated in the User's Permit take precedence.

***Connection Fee*.** The fee charged for a new connection to the Township water or sewer supply system.

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

Cross Connections shall mean a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

Curb Box means an accessory attached to the curb stop providing access by the department to the curb stop.

Curb Stop means the valve placed in the water piping serving an individual parcel or premises to allow water service to the parcel or premises to be turned on or off without interruption of other system users.

Daily Maximum. The concentration or mass loading that shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical average measurement of the pollutant concentration derived

from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. if only one grab sample is collected for a parameter in a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of the single grab sample. If the pollutant concentration in any sample is less that the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration.

Debt Services Charges. The charges levied to customers of the water and wastewater systems which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of and improvements to the System.

Department means the Township Utilities Department or a person or agent designated by the Township to perform duties or responsibilities of a utility department under this Ordinance.

Department of Environment, Great Lakes, and Energy or EGLE. The State of Michigan Department of Environment, Great Lakes, and Energy, an administrator thereof, or other duly authorized official of the Department.

Department of Natural Resources or DNR. The State of Michigan Department of Natural Resources, Administrator or other duly authorized official.

***Director*.** The Director of YCUA, the Township Superintendent, or their authorized deputy, agent or representative.

Discharge means the introduction of any substance into the POTW which is either intentional or unintentional. This term also includes introduction of any substance into a natural outlet.

Domestic Sewage. Waste and wastewater from humans or household operations which is discharged to or otherwise enters the POTW.

***Environmental Protection Agency, or EPA*.** The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

***"Fats, Oils and Grease" (FOG)*.** Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other non-volatile or semi-volatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

Flow Proportional Sample. A composite sample taken with regard to the flow rate of the wastestream.

Food Service Establishment (FSE). A non-domestic User that engages in one or more of the following food preparation activities: cooking by frying (all methods); baking (all methods); grilling; sautéing, rotisserie cooking; broiling (all methods); boiling blanching; roasting; toasting; poaching; infrared heating; searing; barbecuing; and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Footing Drain. A pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

Garbage. This shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

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

Holding Tank Waste**.** Any waste 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.

Industrial User. A person who contributes causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business endeavor, arts, trade or commerce, whether public or private, commercial or charitable, but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

Industrial User Permit or Industrial User Pretreatment Permit**.** Discharge permit issued by the Director under this Article.

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

Infiltration. That portion of groundwater that is unintentionally admitted to a sanitary sewer.

Inflow. The discharge of any kind of water into sanitary sewers from roof leaders, cellars, yard area drains, commercial and industrial so-called clean waters, drains from springs and swamps, and does not include infiltration flow as defined previously.

Integrated Facilities. Industrial facilities with combined wastestreams.

Interference**.** A discharge, alone or in conjunction with a discharge or discharges from other sources, to which both of the following provisions apply:

1. The discharge inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or it sludge processes, use or disposal;
2. Pursuant to paragraph (1) of this definition, the discharge is a cause of a violation of any requirement of the YCUA, Township or the Act or the State Act, including an increase in

the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or more stringent state or local regulation: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, 42 USC Section 2601 et seq, including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D or the Solid Waste Disposal Act; the Clean Air Act, 42 USC Section 7401 et seq; the Toxic Substances Control Act, 15 USC Section 2601 et seq; the Marine Protection, Research, and Sanctuaries Act, 33 USC Section 1401 et seq.

***Instantaneous Maximum Concentration*.** The maximum concentration of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum concentration, the instantaneous maximum concentration shall be deemed to have been exceeded. Any discharge of a pollutant at or above a specified instantaneous maximum is a violation of this Ordinance and the YCUA or Augusta Township Industrial Pretreatment Program.

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

***Mercury Reduction Plan*.** A plan to ensure that the maximum allowable mercury loading to the POTW is not exceeded as described Article V, Section 6 of this Ordinance page.

Meter. Devices used to register the amount of potable water consumed by a customer and includes the transmitter box on the exterior of the building and the wires connecting between the registers and transmitter

***Multiple Family Residence*.** Any residence with two or more distinct living units having separate kitchens, bathrooms, entrances and passageways.

National Categorical Pretreatment Standard, Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Clean Water Act, 33 USC Section 1317, which applies to a specific category of Non-Domestic Users, and which appear in 40 CFR Chapter 1, subchapter N (1990), parts 405-471.

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

***National Prohibitive Discharge Standard or Prohibitive Discharge Standards*.** 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, lake, or other body of surface or ground- water.

New connection. means any connection of a parcel or premises to the system or the installation of an additional or larger connection of a parcel or premises to the system to the full extent of such addition or increased size over the connection previously installed.

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

1) The building, structure, facility, or installation is constructed at a site at which no other source is located;

2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3) The production of wastewater-generated processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which the new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent.

Non-Domestic User. An industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage.

Normal Domestic Sewage. Sewage with a concentration of (a) 300 mg/l biochemical oxygen demand, (b) 350 mg/l of suspended solids and (c) 13 mg/l of phosphates.

Operation and Maintenance**.** All work, materials, equipment, utilities, administration and other effort required to operate and maintain the System consistent with applicable State and Federal regulations, and includes the cost of replacement.

Operator. The person responsible for the overall operation of a facility.

Owner. The person who owns a facility or part of a facility.

Pass Through. A discharge that exits the WWTP into State waters in quantities or concentrations which. alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Act, the State Act, or the NPDES permit, including an increase in the magnitude or duration of a violation.

Person**.** Any individual, partnership, co-partnership, 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 grams per liter of solution or expressed in Standard Units (SU).

Pollutant. This includes any and all of the following: Substances regulated by categorical standards; substances discharged to the POTW that are required to be monitored, are limited in the POTW's permit, or are to be identified in the POTW's permit application; substances for which control measures on Non-Domestic Users are necessary to avoid restricting the approved residuals management program of the POTW; substances for which control measures on Non-Domestic Users are necessary to avoid operational problems at the POTW; substances for which control measures on Non-Domestic sources are necessary to avoid worker health and safety problems in the POTW.

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

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

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment (*for treating of a waste prior to inclusion in the sewage works)*, other than a pretreatment standard, imposed on a non-domestic User.

Pretreatment Standards. Any federal, state or local regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the Clean Water Act and the State Act. This term includes prohibited discharges and local limits defined in R 323.2303 and categorical standards.

Properly Shredded Garbage. Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Publicly Owned Treatment Works (POTW). The treatment works owned and/or operated by the YCUA and includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also includes sewers, pipes, and other conveyances if they convey wastewater to or through the publicly owned treatment works. The term also means the Township of Augusta that has jurisdiction over indirect discharges to, and discharges from the treatment works.

Public Sanitary Sewer. This shall mean a sewer within a public easement in which all owners of abutting properties have equal rights, and is controlled by Public Authority. Any proposed

sanitary sewer which provides service to more than one building must be established as a public sanitary sewer.

Rates* or *water rates* or *sewer rates means all fees and commodity charges to a parcel or premises for use of water supplied by the System and for sanitary sewage disposal services supplied by the System.

Residential Equivalent User/Unit (REU) shall mean the measure of potential water use or sewage production which is equivalent to the quantity of sewage produced by or emanating from a single-family residence occupied by an average family. The number of units assigned to premises of various types shall be set forth in the Equivalent User Table—Appendix A set by the Township Board and amended by resolution from time to time. The interpretation and assignment according to said Table shall be determined by the Superintendent. The number of units to be assigned to premises of types not included in said Table shall be determined by the Superintendent.

***Replacement*.** This means the replacement in whole or in part of any equipment in the System.

***Revenues*.** All the income derived for the rates charged for the services, facilities, and commodities furnished by any public improvement.

Sanitary Lateral. The privately owned and maintained sewer extension from the building by which wastestream is conveyed to the public sanitary conveyance system.

Sanitary Sewer main means that part of the system designated to supply more than one sanitary sewer connection and is located within easements or road rights-of-way, but not including the sanitary sewer lateral

Sanitary sewer service means the sanitary sewage disposal service which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

***Sewage or Wastewater*.** The liquid and water-carried industrial or domestic wastes 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 sewage works.

***Sewage Treatment or Wastewater Treatment Plant*.** Any arrangement of devices and structures used for treating sewage.

***Sewage Works*.** All municipal facilities for collecting, pumping, treating and disposing of sewage.

Sewer. A pipe or conduit for carrying sewage.

Sewer lead or lateral means the sanitary sewer piping and appurtenances serving an individual parcel or premises from, but not including, the sanitary sewer connection. The sewer lateral is privately owned and maintained up to the sanitary sewer main.

Sewer main means that part of the system designated to supply more than one sanitary sewer connection and generally located within easements or road rights-of-way, but not including the sanitary sewer lateral.

Sewer Service Charge. This means the sum of any applicable User charges, surcharges and debt service charges.

Shall is mandatory; *May* is permissive.

Significant Industrial User (SUI) means either of the following*:*

1) **A Non-Domestic User** subject to categorical pretreatment standard under 40 CFR S403 (1992) and 40 CFR Chapter 1, subchapter N (1990); or

2) **A Non-Domestic User** that, in the opinion of YCUA or of the Township, has a reasonable potential to adversely affect the POTW's operation, or for violating any pretreatment standard or requirement, or that contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, non-contact cooling, and boiler blowdown wastewater. The Township need not designate as significant any Non-Domestic User that, in the opinion of the Township and with the agreement of the YCUA has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Any user designated as significant may petition the Township to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

The Director may determine that a User that meets the criteria of Subsections (1) and (2) of this definition above is not currently a Significant Industrial User, if the Director finds that the User has no reasonable potential to adversely affect the operation or the POTW, to violate any pretreatment standard or requirement, or that an Industrial User Permit is not required to meet the purposes and objectives of this Ordinance. A determination that a User is not a Significant Industrial User (or that a permit is therefore not required) shall not be binding and may be reversed by the Director at any time based on changed circumstances, new information, or as otherwise determined necessary by the Director to meet the purposes and objectives of this Ordinance.

Significant Noncompliance means any of the following*:*

1) Chronic violations of wastewater discharge limits, defined as results of analyses in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits. as defined by 40 CFR 403.3(l);

2) Technical review criteria violations (TRC), defined as results of analyses in which 33% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period equal or exceed the product of the Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable technical review criteria (Technical review criteria equals 1.4 for compatible pollutants and 1.2 for all other pollutants, except pH.);

3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (l) (daily maximum, longer-term average, instantaneous limits, or Narrative Standard) of a pretreatment effluent limit that the YCUA or Township determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of Township or YCUA personnel or the general public;

4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the YCUA's or Township's exercise of its emergency authority under Rule 323.2306(a) (vi) of the Part 23 Rules under the State Act or its emergency authority under this Ordinance to halt or prevent the discharge;

5) Failure to meet, within 90 days after a scheduled date, a compliance schedule milestone contained in a YCUA, Township or other local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6) Failure to provide within 30 days after the due date, a required report such as, but not limited to, a baseline monitoring report, 90 day or other compliance report, periodic self-monitoring report, or report on compliance with a compliance schedule;

7) Failure to timely or accurately report noncompliance; or

8) Any other violation or group of violations, which may include a violation of best Management Practices, that YCUA determines will affect or has adversely affected the operation or implementation of the YCUA pretreatment program or operation of the POTW.

Significant Violation. Those violations which remain uncorrected forty-five days after notification of noncompliance, which are a part of a pattern of noncompliance over a twelve month period, which involve a failure to accurately report noncompliance, or which result in the exercise of the sewage works' emergency authority under 40 CFR 403.8(f) (2) (vi) (B).

Slug, Slug Loading, Slug Discharge. These mean any of the following:

1. Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of flows during normal operations, or
2. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass-through of pollutants to receiving waters, or
3. Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five (5) times the composite or grab sample discharge limit, or
4. Any discharge of wastewater outside the pH range of 5-11 S.U. for either a continuous duration of greater than or equal to fifteen (15) minutes for a sum total of thirty (30) minutes within one day, or
5. Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.

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.

Standard Methods shall mean Standard Methods For the Examination of Water and Wastewater, 13 Edition, 1971. This publication is available from the American Public Health Association, 1015 18th Street, N.W., Washington, D.C, 20036.

State. State of Michigan.

State Act. Public Act 451 of 1994, the Natural Resources and Environmental Protection Act (NREPA), as amended, and any administrative rules promulgated thereunder, as amended or revised from time to time.

Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

Superintendent means the Township Supervisor or other person appointed by the Township to oversee the Township Utility System.

Supervisor shall mean the Supervisor of Augusta Township, who is also the Superintendent and Utilities Department Manager, unless a different superintendent or utilities manager is otherwise appointed by the Township Board.

Surcharge. An extra charge to cover the cost of treating, sampling and testing extra strength sewage.

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

System means the complete sanitary sewer and water supply utility system of the Township.

Tap, Meter Inspection, and Approval Fee. The amount charged to each applicant by YCUA and/or the Township at the time an application is made to the Township for connection of a premises to the System to cover the cost of the water meter, the cost of the curb box, curb stop and pipe, the cost of making a physical connection to the system which shall only be performed by the Township, the cost of inspection and approving the physical connection from the curb box to the meter, and for issuance of a tap permit.

Township. The Charter Township of Augusta, Washtenaw County, Michigan or its Board of Trustees.

Township Board. The Board of Trustees of Augusta Charter Township, Washtenaw County, Michigan.

Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to the 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.

Unit. A standard basis of measuring the relative quantity of water used or sewage produced by or emanating from a single-family residence occupied by an average family. (See Residential Equivalent User).

***User*.** Any person who contributes, causes or permits the contribution of wastewater into the sewage works, or who has a cub stop or tap connection to the System.

User Charge means a charge levied on users of the System.

User Class means the kind of user connected to the System including, but not limited to, residential, industrial, commercial, institutional and governmental, as listed in the Office of Management and Budget's "Standard Industrial Office Classification Manual (SICM) and which is based on a determination by the YCUA or Augusta Township**.**

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Water Lead or Service Line means the water piping and appurtenances serving an individual parcel or premises from, but not including, the water connection to the individual parcel or premises. The water service line is publicly owned between the water main and the curb stop. The water service line is privately owned between the curb stop and the building.

Water Main means that part of the system designated to supply more than one water connection and generally located within easements or road rights-of-way, but not including the water service line.

Water Service Stub means the portion of the system consisting of water piping serving an individual parcel or premises from a water main to and including the curb box and curb stop.

Water Supply System means the complete water distribution and supply system of the Township through which water is distributed and used or intended for use for drinking or household purposes, including but not limited to:

(1) Piping;
(2) Transmission or distribution mains;
(3) Pumps;
(4) Pumping stations;
(5) Storage tanks;
(6) Controls; and
(7) Associated appurtenances.

The system includes the Township water mains, water service stubs, and water connections, but does not include water leads.

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

Ypsilanti Community Utilities Authority (*YCUA)* which shall provide facilities for the treatment and disposal of the sewage and wastes of Augusta Township along with services reasonably related thereto.

Section 4: Abbreviations

The following abbreviations shall have the following meanings.

(1) ASTM – American Society for Testing and Materials
(2) AWWA- American Water Works Association
(3) BMP – Best Management Practices
(4) BMPP – Best Management Practices Plan
(5) BOD – Biochemical Oxygen Demand
(6) CFR – Code of Federal Regulations
(7) COD – Chemical Oxygen Demand
(8) CWA – Clean Water Act
(9) DNR – Department of Natural Resources (State of Michigan)
(10) EGLE – Michigan Department of Environment, Great Lakes and Energy
(11) EPA – Environmental protection Agency
(12) FOG – Fats, Oils and Grease
(13) l – liter
(14) MRP – Mercury Reduction Plan

(15) mg – milligrams
(16) mg/l – milligrams per liter
(17) NPDES – National Pollutant Discharge Elimination System
(18) O&M – Operation and maintenance
(19) POTW – Publicly Owned Treatment Works
(20) REU- Residential Equivalent Unit
(21) SIC – Standard Industrial Classification
(22) SS – Suspended solids
(23) ug/l - microgram per liter 1 milligram = 1000 micrograms
(24) USC – United States Code
(25) WEF – Water Environment Federation
(26) WPCF – Water Pollution Control Federation
(27) WWTP – Wastewater Treatment Plant (of the Ypsilanti Community Utilities Authority)
(28) YCUA – Ypsilanti Community Utilities Authority

ARTICLE II. SEWAGE DISCHARGE ADMINISTRATION AND ENFORCEMENT.

Section 1: Permit or authorization required. It shall be unlawful to discharge to the waters of the state within the Township, or in any area under the jurisdiction of such Township and /or to the sewage works any wastewater except as provided by an NPDES permit and/or as authorized by the Augusta Township Board and the YCUA Board in accordance with the provisions of this Ordinance.

Section 2: Information required prior to connection to system. All industrial Users proposing to connect to or to contribute to the sewage works shall submit information on the use, processes and wastewater to the Director before connecting to or contributing to the sewage works. The information submitted must be sufficient for the YCUA or Township to determine the impact of the User's discharge on the sewage works and the need for pretreatment. The User shall submit, in units and terms appropriate for evaluation, the following information:

1) The Name, address and location of the User.

2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended and the Industrial Category subject to National Categorical Pretreatment Standards, 40 CFR, Chapter 1, Subchapter N, Part 403, Appendix C, if applicable.

3) Wastewater constituents and characteristics including but not limited to those pollutants mentioned in Article V Section 4 and Section 6 of this Ordinance, when required by the Director, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (March 26, 2007), as amended from time to time. Where 40 CFR part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods of any other applicable sampling

and analytical procedures, including procedures suggested by the publicly owned treatment works or other parties, approved by the EPA.

4) The time and duration of contribution.

5) The average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.

6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, if the User is a SIU or as required by the YCUA.

7) A description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged.

8) The nature and concentration of any pollutants in the discharge which are limited by any YCUA, State, or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required by the Industrial User to meet applicable pretreatment standards.

9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment shall be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

   a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards.

   b) No increment referred to in subsection 9(a) of this section shall exceed nine (9) months.

   c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

10) Each product produced by type, amount, process or processes and rate of production.

11) The type and amount of raw materials processed, average and maximum per day.

12) The number and type of employees, hours of operation of plant and proposed actual hours of operation of pretreatment system.

13) Any other information as may be deemed by the Director to be necessary to evaluate the impact of the discharge on the sewage works.

Section 3: Reporting required after promulgation or revision of a pretreatment and reporting from a new source.

Within 180 days or the promulgation or revision of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under R 323.2311(2) of the Part 23 Rules promulgated under the State Act, whichever is later, existing Nondomestic Users subject to the categorical pretreatment standards and currently discharging, or scheduled to discharge, to the POTW shall submit, to the YCUA or Township, a report that contains all of the information listed in this Section. Where reports containing this information already have been submitted to the YCUA, Township or EPA in compliance with the requirements of 40 C.F.R. S128. 140(b) (1977), the Nondomestic User will not be required to submit the information again. Not less than ninety (90) days before the commencement of a discharge, sources that become Nondomestic Users subsequent to the promulgation of an applicable categorical standard and new sources shall be required to submit to the YCUA or Township, a report that contains the information listed in subdivisions (1) to (5) of this Section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subdivisions (4) and (5) of this Section. All of the following information shall be submitted pursuant to this Section.

1) The name and address of the facility including the name of the operator and owners.
2) A list of any environmental control permits held by or for the facility.
3) A brief description of the nature, average rate of production, and standard industrial classification of the operation or operations carried out by the Nondomestic User. The description shall include a facility drawing and schematic process diagram that indicates points of discharge to the POTW and from which processes the discharges originate.
4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW for each of the following:
    a) Regulated process streams.
    b) Other streams as necessary to allow use of the combined wastestream formula specified in R 323.2311(6). YCUA or Township may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
5) All of the following information shall be provided with respect to the measurement of pollutants:
    a) The identity of the pretreatment standards, including state or local standards, applicable to each regulated process.
    b) The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or YCUA or Augusta Township, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration or mass, where required, shall be reported. The sample shall be representative of daily operations.

c) A minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling for any Nondomestic User that demonstrates that time-proportional sampling is representative of the discharge during the sampling period. Samples obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples may be approved by the Director or designee when the User demonstrates that this will provide a representative sample of the effluent being discharged.

d) With the exception of the pollutants specified in paragraph C of this sub-section, the User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this sub-section.

e) Samples should be taken immediately downstream from pretreatment facilities if the facilities exist or immediately downstream from the regulated process if pretreatment facilities do not exist. If other wastewaters are mixed with the regulated wastewater before pretreatment, the Nondomestic User should measure the flows and concentrations necessary to allow use of the combined wastestream formula specified in R 323.2311(7) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with R 323.2311(5), the adjusted limit and supporting data shall be submitted to YCUA.

f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 (March 26, 2007). Where 40 C.F.R. part 136 (March 26, 3007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA or other parties, approved by the EPA.

g) The YCUA may allow the submission of a baseline report that utilizes only historical data if the data provides information sufficient to determine the need for industrial pretreatment measures.

h) The baseline report shall indicate the time, date, and place of sampling and the methods of analysis and shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6). A statement, reviewed by an authorized representative of the Nondomestic User and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional pretreatment is required for the Nondomestic User to meet the pretreatment standards and requirements.

7) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the Nondomestic User will provide such additional pretreatment or operation and maintenance. The completion date in the

schedule shall not be later than the compliance date established for the applicable pretreatment standard. All of the following conditions shall apply to compliance schedules:

a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Nondomestic User to meet the applicable categorical pretreatment standards. The events may include any of the following:

   i) The hiring of an engineer;
   ii) Completing preliminary plans;
   iii) Completing final plans;
   iv) Executing contracts for major components;
   v) Commencing construction;
   vi) Completing construction; or
   vii) Other similar events;

b) An increment referred to in this sub-section shall not be more than nine (9) months.

c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Nondomestic User shall submit a progress report to YCUA or Township, including, at a minimum, whether or not the User complied with the increment of progress to be met on a particular date and, if not, the date on which the User expects to comply with the increment of progress, the reason for delay, and the steps being taken by the Nondomestic User to return the construction to the schedule established. Not more than nine (9) months shall elapse between progress reports to YCUA or Township.

8) Where the Nondomestic User's categorical pretreatment standard has been modified by a removal allowance under R 323.2311(7) or a fundamentally different factors variance under R 323.2313(b) R 323.2313(b) at the time the Nondomestic User submits the report required by this rule, the information required by subdivisions (6) and (7) of this Section shall pertain to the modified limits.

9) Any changes to information requested under subdivisions (1) to (5) of this Section shall be submitted by the Nondomestic User to YCUA or Township within 60 days.

Section 4: Additional reporting required and periodic report requirements.

1) Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction at of wastewater into the sewage works, POTW or the WWTP, any Nondomestic User subject to pretreatment standards and requirements shall submit to the Director and/or YCUA or Township a report containing the information required in subsections (4) through (6), inclusive, of Section 3 of this Article. For Industrial Users subject to equivalent mass or concentration limits established by YCUA or Township in accordance with the procedures in R 323.2311(5) of the Part 23 Rules promulgated under the State Act or otherwise established by the Act or the State Act or rules promulgated thereunder, the report shall contain a reasonable measure of the Nondomestic User's long-term production rate. For all other

Nondomestic Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report shall include the Nondomestic User's actual production during the appropriate sampling period.

2) The YCUA or Township may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate.

3) All of the following provisions shall apply to periodic reports on continued compliance:

   a) Any Nondomestic User subject to a categorical pretreatment standard after the compliance date of the pretreatment standard or, in the case of a new source, after commencement of the discharge into the publicly owned treatment works shall submit, to the YCUA or Township semiannually, unless required more frequently in the pretreatment standard or by the YCUA or Township, a report indicating the nature and concentration of pollutants in the effluent that are limited by the categorical pretreatment standards. In addition, the report shall include a record of measured or appropriately estimated average and maximum daily flows for the reporting period for the discharge reported in Section 3(4) of this Article, except that YCUA or Township may require more detailed reporting of flows.

   b) Where YCUA or Township has imposed mass limitations on Nondomestic Users as provided for by R 323.2311(5) of the Part 23 Rules promulgated under the State Act or where such limitations are otherwise established by the Act or the State Act or Rules promulgated thereunder, the report required by subsection (1) immediately above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the Non- domestic User.

   c) For Nondomestic Users subject to equivalent mass or concentration limits established by the YCUA or Township or under the Act or the State Act or Rules promulgated thereunder, the report required by subsection (1) immediately above shall contain a reasonable measure of the Nondomestic User's long-term production rate. For all other Nondomestic Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (1) immediately above shall include the Nondomestic User's actual average production rate for the reporting period.

4) All categorical and non-categorical Nondomestic Users shall notify the YCUA or Township immediately of all discharges that could cause problems to the POTW, including any slug loadings.

5) All of the following provisions apply to Significant Industrial Users that are Categorical Industrial Users or Non-Categorical Industrial Users in regards to monitoring and analysis to demonstrate continued compliance:

   a) The reports required in Section 3 of this Article or in this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and

concentration, or production and mass where requested by the YCUA or Township, of pollutants contained in the discharge that are limited by the applicable pretreatment standards. The sampling and analysis may be performed by the YCUA or Township instead of the nondomestic User. Where the YCUA or Township elects to perform the required sampling and analysis instead of the Nondomestic User, the Nondomestic User will not be required to submit the compliance certification required under Section 3(6) and subsection (1) of this Section. In addition, where the YCUA or Township collects all the information required for the report, including flow data, the nondomestic User will not be required to submit the report. The YCUA or Township shall provide to the Nondomestic User, within ten (10) days after the results are available, the results of any sampling the YCUA or Township performs for Nondomestic User self-monitoring that show a violation of any pretreatment standard. Any certification required by a categorical pretreatment standard shall be included with the semiannual compliance reports.

b) If sampling performed by a Nondomestic User indicates a violation of pretreatment standards, the Nondomestic User shall notify the YCUA or Township within 24 hours of becoming aware of the violation. The Nondomestic User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the YCUA or Township within thirty (30) days after becoming aware of the violation; however, the Nondomestic User is not required to resample if the YCUA or Township performs sampling at the Nondomestic User at a frequency of at least once per month or if the YCUA or Township performs sampling at the Nondomestic User between the time when the Nondomestic User performs its initial sampling and the time when the Nondomestic User receives the results of the sampling.

c) The reports required in this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The YCUA or Township may require a frequency of monitoring that is necessary to assess and assure compliance by Nondomestic Users with applicable pretreatment standards and requirements.

d) All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Clean Water Act and contained in 40 C.F.R. part 136 (March 26, 2007) or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where the provisions of 40 C.F.R. part 136 (2007) do not include sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by YCUA, Township or other parties and approved by the EPA.

e) If a Nondomestic User monitors any pollutant more frequently than required by the YCUA or Township using the procedures prescribed in subsection (d) immediately above, the results of the monitoring shall be included in the report.

f) A minimum of one (1) grab sample shall be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques. The YCUA or Township may waive flow-proportional composite sampling for any nondomestic User that demonstrates that time-proportional sampling is representative of the discharge during the sampling period. Samples obtained through time-proportional composite sampling techniques or through a minimum four (4) grab samples may be approved by the Director or designee when the User demonstrates that this will provide a representative sample of the effluent being discharged.

6) The YCUA or Township may require appropriate reporting from Nondomestic Users that have discharges, which are not subject to categorical pretreatment standards. Significant Industrial Users shall submit, to the YCUA or Township, at least semiannually, a description of the nature, concentration, and flow of the pollutants required to be reported by the YCUA or Township. The Reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 C.F.R. part 136 (March 26, 2007). Where the provisions of C.F.R. part 136 (March 26, 2007) do not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the YCUA, Township or other persons and approved by the EPA. The sampling and analysis may be performed by the YCUA or Township instead of the Significant Industrial User. Where the YCUA collects all of the information required for the report, the Significant Industrial User will not be required to submit the report. The YCUA or Township shall provide to the Industrial User, within ten (10) days after the results are available, the results of any sampling it performs for Nondomestic User self-monitoring that show a violation of any pretreatment standard. Where YCUA or Township performs sampling for a Significant Industrial User, YCUA or Township must perform any required repeat sampling and analysis within thirty (30) days of becoming aware of a violation.

7) All periodic compliance reports shall be certified and signed by the authorized representative of the Industrial User. The authorized representative shall state the following certification when submitting the periodic compliance reports to YCUA: ***"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."***

Section 5: Powers of the YCUA or Township. Wastewater discharges shall be expressly subject to all provisions of this Ordinance, the Act and State Act and all other applicable regulations established by the YCUA or Township. The Township or YCUA may:

1) Limit the average and maximum wastewater constituents and characteristics.
2) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization.
3) Require the installation and maintenance of inspection and sampling facilities.
4) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
5) Establish compliance schedules.
6) Require submission of technical reports or discharge reports.
7) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township or YCUA, and affording the Township or YCUA access thereto and copying thereof.
8) Require notification of slug discharges and accidental spills.
9) Require other conditions as deemed appropriate by the Township or YCUA to ensure compliance with this Ordinance, the Act and the State Act.

The Township or YCUA shall require notification to the Township or YCUA 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.

Section 6: Sampling and monitoring facilities may be required. The Township or YCUA shall, when determined necessary by the Director, require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the sanitary lateral and/or internal drainage systems. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the YCUA or Township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township and/or YCUA.

Section 7: Right to access of facilities for inspection, sampling, records examination, record copying or other duties. The Director and duly authorized employees or agents bearing proper credentials and identification shall be permitted to enter upon all properties and have access to all facilities for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance, the Act and State Act. The Township or YCUA shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. The Township, YCUA, EGLE, and EPA shall have the right to set up on the User's property, at the User's expense, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards or other appropriate personnel so that upon presentation of suitable identification, personnel from

the Township, YCUA, EGLE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 8: Compliance with Ordinance provisions required.

1) Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance, the Act and State Act and shall achieve compliance with all pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the YCUA, Township, the Act or the State Act. Any Industrial User that qualifies as a new source is required to have pretreatment equipment installed and operational before discharging and shall be in full compliance within ninety (90) days of initial discharge. Any facilities required to pretreat wastewater to a level acceptable to the YCUA or Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the YCUA or Township for review, and shall be approved by the YCUA before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the YCUA or Township under the provisions of this Ordinance, the Act or the State Act. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the YCUA or Township prior to the User's initiation of the changes.

2) As required by Section 403.8(f)(2)(viii) of the Federal Register, the YCUA shall publish at least annually in the largest daily newspaper published or distributed in the Township, a list of the Industrial Users which, during the previous twelve (12) months, were in significant noncompliance with any applicable pretreatment requirements. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or EGLE / DNR upon request.

Section 9: Confidentiality of information. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the EGLE/DNR and the EPA without restriction and shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Township and the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User, in accordance with applicable provisions of the State Freedom of Information Act (FOIA) Public Act 442 of 1976, as amended and Rule 323.2314 of the Part 23 Rules promulgated under the State Act.

Section 10: Records, accounts, audits, classification of users, insurance.

1) The Township or YCUA will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Township or YCUA will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

2) In conjunction with the audit there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year. *The System shall be operated on the basis of an operating year commencing April 1 and ending March 31, the following year.*

3) Classification of old and new Industrial Users may also be reviewed annually.

4) The Township and YCUA will maintain and carry insurance on all physical properties of their individual systems, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems.

5) Retention of Records. A User shall retain records of all monitoring information, including calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this Ordinance, an order, or a permit, all documentation associated with Best Management Practices, and the records of all data used to complete the application for a permit, for a period of at least three (3) years from the date of a sample, measurement, report application or order. This period may be extended by the Ypsilanti Community Utilities Authority at any time.

Section 11: Enforcement process.

1) <u>Emergency Suspension.</u> The Director may suspend the wastewater treatment service and/or any permit issued under this Ordinance for wastewater treatment or water service when such a suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial danger to the health or welfare of persons or the environment, the POTW, or constitutes a violation of any condition of a NPDES or other permit, this Ordinance, the Act or State Act.

Any User notified of a suspension of wastewater treatment services or a permit, shall immediately stop or eliminate its discharge into a Township or YCUA sanitary sewer. If a User fails to immediately comply with such a suspension order and as required in this Section, the Township and/or YCUA shall take such steps as deemed necessary, including immediate termination or severance of the User's sewer connection to prevent or minimize damage to any person, the POTW or the environment. The YCUA shall allow the User to recommence its discharge upon receipt of proof of compliance with this Ordinance and the elimination of the discharge and/or identified danger. A User whose wastewater treatment service or permit has been suspended under this Ordinance shall submit, within fifteen (15) days of the suspension, a written statement to the Director describing the causes of the harmful discharge and the measures taken to prevent future harmful discharges in addition to other information required by this Ordinance or otherwise required by the Act or State Act under such circumstances.

2) <u>Notice Letter</u>. A notice letter is the minimum enforcement response that the Director or his/her designee will use to notify a User that a violation of this Ordinance or the YCUA or Township industrial Pretreatment Program has occurred or is occurring.

3) <u>Notification of Violation</u>. Whenever the Director finds that any User has violated or is violating any provision of this Ordinance, a wastewater discharge permit, or an order issued

under this Ordinance, the Act or State Act, the Director may serve upon said User written notice of the violation. Within thirty (30) days of receipt of such notice the User shall submit to the Director an explanation of the violation and a written plan for satisfactory correction. Submission of this plan does not relieve the User of liability for any violations occurring before or after receipt of the notice of violation or as otherwise provided in this Ordinance, the Act or State Act.

4) **Consent Order.** The Director is empowered to enter into Consent Orders, Assurances of Voluntary Compliance and other similar documented agreements establishing an agreement with a User responsible for non-compliance with an order, permit, this Ordinance, the Act, or State Act. Such a document may include compliance schedules, stipulated fines or penalties, the amount of which shall not be limited by the civil fine assessment provision of this Ordinance, remedial actions and signatures of the Director and User. Consent Orders or similar documented agreements prepared and executed under this section shall have the same force and effect as other orders issued under this Ordinance.

5) **Show Cause Order.** The Director may order any User violating this Ordinance or the IPP permit, an order issued under this Ordinance, the Act or State Act, to show cause why a proposed enforcement action should not be taken. The Show Cause notice shall require the User to appear before the Director for a Show Cause meeting within a reasonable time, not less than ten (10) days after first class mailing of the order to the User's recorded or last known address. Enforcement action may be pursued whether or not a User appears at a Show Cause meeting, and issuance of a Show Cause Order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in the Ordinance, the Act or State Act.

6) **Compliance Order**. When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated and compliance is otherwise achieved. Such an order may contain other requirements as might be reasonably necessary and appropriate to address the non-compliance, including, but not limited to, the installation of pre-treatment technology, additional self-monitoring and new management practices. Issuance of a compliance order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in this Ordinance, the Act or State Act.

7) **Cease and Desist.** When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User responsible for the violation directing that such violations cease and desist immediately. In an emergency, the order to cease and desist may be given by telephone. In a non-emergency situation, the Cease and Desist Order may be used to suspend or permanently revoke an industrial wastewater discharge permit or permits. A Cease and Desist Order may require the User to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Issuance of a Cease and Desist Order does not

relieve the User of liability for any violation occurring before or after receipt of the order or as otherwise provided in this Ordinance.

8) **Termination of Wastewater Discharge Permit**. Any User who has a permit who violates the following conditions of a wastewater discharge permit or violates this Ordinance, the Act or State Act or any applicable state or federal law or regulation is subject to permit termination:

   a) Failure to accurately report wastewater constituents and characteristics;

   b) Failure to report significant changes in operations or wastewater constituents and characteristics;

   c) Refusal of reasonable access to the User's premises or records for the purpose of inspection, monitoring or sampling or for any other purpose permitted under this Ordinance, the Act or State Act.

   d) Failure to comply with an order issued under this Ordinance; or

   e) For those reasons stated in Article II Section 18 or for any other reason permitting such termination as provided in this Ordinance, the Act or State Act.

   Such User's shall be notified of the proposed permit termination and shall be offered an opportunity to show cause under the provision of subsection 5 of this Section, why the proposed action should not be taken.

9) **Administrative Assessments.** Notwithstanding any other Section of this Ordinance, any User who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, shall be liable to the YCUA and/or Township for any expense loss or damage occasioned by reason of such violation, including but not limited to reasonable attorney's fees and may be subject to an administrative assessment by the YCUA or Township in an amount of $1000 per violation, per day. Each day on which non-compliance shall occur or is continued shall be deemed a separate and distinct violation. Such expense, loss, damage or assessments may be added to a User's water or sewer utility service charges and the YCUA and Township shall have such other collection rights and remedies as designated by law, the Act, the State Act and this Ordinance to collect these service charges.

10) **Judicial Remedies.** A person who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, is subject to the judicial remedies described below in addition to being responsible for a civil fine assessment or a misdemeanor and any administrative remedy or enforcement action provided for in this Ordinance:

   a) Whenever a User has violated or continues to violate the provisions of this Ordinance, a permit, an order issued under this Ordinance, the Act or the State Act, the Director, through legal counsel, may petition the Circuit Court for issuance of a preliminary or permanent injunction or both to restrain or compel certain conduct and activities on the part of the User.

   b) Any User who has violated or continues to violate any order or permit issued hereunder may be liable to the YCUA or Township in such judicial proceedings for a civil fine assessment of $1000, plus actual damages, direct or indirect, incurred by the YCUA or

Township, per violation, per day, for as long as the violation continues. Additionally, the YCUA and Township may recover reasonable attorney's fees, court costs and other expenses associated with any enforcement activities, including sampling, monitoring and analysis expenses.

c) The Director, through legal counsel, may petition the Circuit Court to impose, assess, and recover such assessments and sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude or duration of the violation, any economic benefit gained by the User through the violation, corrective actions by the User, the compliance history of the User and any other relevant factor.

11) Liens. Any fine or other assessment issued or imposed under this Ordinance or other costs or charges imposed under this Ordinance may be added to the User's sewer and water service charges and the YCUA or Township shall have such other collection rights and remedies as designated by law and this Ordinance to collect said charges and all unpaid charges, fines, assessments, penalties and service charges shall constitute and may be recorded as a lien against the User's property if not paid within the time frame allotted by YCUA, the Township or a court for payment.

12) Appeals. Any person or User subject to enforcement action under the provisions of this Ordinance, the Act or State Act, except for civil fine assessment notices, consent orders, emergency actions under this Ordinance or judicial actions by YCUA or Township, may request a hearing before the Director with ten (10) days of receipt of notification of the proposed enforcement action. A hearing shall then be held by the Director concerning the violation, the reasons why the enforcement action has been taken, the proposed enforcement action, and the User's explanation or other relevant evidence. An appeal may be taken from the Director's final decision. The following rules shall apply to the hearing and appeal:

a) The Director may issue notices of such a hearing requiring the attendance and testimony of witnesses or the production of evidence relative to the hearing.

b) In the event a request for a hearing is not filed within ten (10) days of the User's notice of enforcement action, failure to file such a request shall be deemed a waiver of any and all hearing or appeal rights established under this Ordinance.

c) A request for a hearing shall state the basis for the request, the reasons in support of the request and any alternative relief which the aggrieved party seeks.

d) During the pendency of any hearing process or appeal, the User must comply with the enforcement action any order or notice issued by YCUA or Township from which the appeal is taken.

e) At the hearing, testimony must be taken under oath and recorded stenographically. A transcript of the hearing shall be made available to any member of the public or any party to the hearing upon payment of usual and reasonable charges.

f) After the Director has held such a hearing and reviewed the evidence, he may issue an order affirming, modifying or withdrawing the enforcement action.

g) Within fifteen (15) days from receipt of the Director's final decision, the aggrieved party may appeal the decision to the Board stating the grounds on which the appeal is based, together with all documents, evidence, transcripts and information in support of the aggrieved party's position. In addition, the aggrieved party shall file seven (7) copies of the appeal and supporting documentation with the Board and serve an additional copy on the Director.

h) The Director shall have thirty (30) days to respond to the appeal and to submit all evidence, documents and information in support of the Director's decision and shall file seven (7) copies with the Board and shall serve an additional copy on the aggrieved party.

i) Within thirty (30) days of receiving the Director's response the Board shall meet and review all documents and evidence pertaining to the appeal and shall issue an order affirming the Director's order, affirming the Director's order in part and reversing in part, or reversing the Director's order in full. The Board shall forward a copy of its decision to all interested parties.

13) Industrial Pretreatment Program (IPP) and Enforcement Response Plan (ERP). This Ordinance, the Act and State Act shall also be enforced by the YCUA or Township pursuant to a written Industrial Pretreatment Program adopted by YCUA or Township as required by the Act and State Act, which plan shall include those plan elements required by the Act and State Act, including, but not limited to, an Enforcement Response Plan designed to achieve enforcement of that Program. That Enforcement Response Plan shall provide for, at minimum, those powers of enforcement granted by this Ordinance, the Act and State Act. An Industrial Pretreatment (IPP) and Enforcement Response Plan (ERP), under this Ordinance or administered and implemented within the Township shall not be inconsistent with this Ordinance and in the case of any inconsistency between the (IPP) and the (ERPO, this Ordinance shall control. The Township may delegate to the YCUA, by written agreement approved by the board, the responsibility and authority to enforce this Ordinance and the fulfillment and performance of those obligations and rights imposed upon or granted to the Township by this Ordinance, except the authority to issue and prosecute misdemeanor offenses under this Ordinance. If YCUA engages in such enforcement authority pursuant to a written agreement approved by the Board and pursuant to an IPP and ERP, the YCUA may, with notice to the Supervisor of the Township, impose and collect administrative assessments and surcharges permitted under this Ordinance.

14) Time Limits. YCUA's or Township's failure to strictly comply with and/or to meet an enforcement procedure time deadline or other time deadline specified in this Ordinance, the Act, State Act, or the Enforcement Response Plan, shall not prohibit or prevent YCUA or Township from taking enforcement or other action outside of or not in compliance with such a time deadline unless the User or permitee in question has been and is able to demonstrate that it has been materially prejudiced by action taken by YCUA or Township outside of or not in compliance with such a time deadline.

Section 12: Surcharges, fees. The Director or Township shall also establish appropriate surcharges or fees to reimburse the YCUA or Township for the additional cost of operation and maintenance of the sewage works or the POTW due to the violations of this Ordinance, the Act or State Act

Section 13: Pre-treatment Permit - Requirements for Nondomestic Users.

1) All Nondomestic Users must notify the Director of the nature and characteristic of their wastewater prior to commencing their discharge. The Director is authorized to prepare a form for this purpose.

2) It shall be unlawful for Significant Industrial Users to discharge wastewater, either directly or indirectly, into the sewage works or POTW without first obtaining an Industrial User pretreatment permit form the YCUA or Township. Any violation of the terms and conditions of a pretreatment permit shall be deemed a violation of this Ordinance. Obtaining a pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by Federal, State or Local law.

3) The Director may require that other Industrial Users, including liquid waste haulers, obtain Industrial User pretreatment permits as necessary to carry out the purposes of this Ordinance.

4) Any Industrial User located beyond the Township limits and without having been issued an Industrial User pretreatment permit shall submit a permit application within 60 days of the effective date of this Ordinance. New Industrial Users located beyond the Township limits shall submit such applications to the Director sixty (60) days prior to discharging into the sewage works or POTW. Upon review and approval of such application, the Director may enter into a contract with the User which requires the User to subject itself to and abide by this Ordinance, including all permitting, compliance monitoring, reporting, and enforcement provisions contained in this Ordinance, the Act or State Act.

5) Any significant Industrial User which discharges nondomestic waste into the sewage works or POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within 90 days after such date, apply to the YCUA or Township for an Industrial User pretreatment permit and shall not cause or allow discharges to the POTW to continue after 180 days from and after the effective date of this Ordinance except in accordance with a permit issued by the Director.

6) Any Significant Industrial user proposing to begin or recommence discharging nondomestic wastes into the sewage works or POTW must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least 60 days prior to the anticipated startup date.

Section 14: Pre-treatment Permit -- Application.

1) In order to be considered for a pretreatment permit, all Industrial Users required to have a permit must submit the information required by Section 2 of this Article on an application form approved by the Director.

2) When required, plans must be certified for accuracy by a State-registered professional engineer.

3) All applications must contain the following certification statement and be signed by an authorized representative of the Industrial User: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4) The Director will evaluate the data furnished by the Industrial User and may require additional information. After evaluation of the data furnished, the Director may issue an Industrial User pretreatment permit subject to terms and conditions provided herein.

5) At the time an application for a permit is made, the User shall pay to YCUA or Township a permit fee in amount established from time to time by the Board, which fee shall be refunded to the User in the event the permit is denied. In addition to the above-stated permit fee, the User shall pay to YCUA or Township a nonrefundable permit application fee equal to YCUA's and Township's expenses, and the expenses of YCUA and Township incurred in hiring laboratories, engineers, or other consultants, for the purpose of evaluation the permit application submitted.

Section 15: Pre-treatment Permit -- Contents. Pretreatment permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant and ensure compliance with this Ordinance, the Act and State Act. Permits shall contain a statement of the duration of the permit which shall not be more than 5 years; a statement of permit non-transferability without prior notification to the YCUA and Township and provision of a copy of the existing permit to the new owner or operator; effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law; self-monitoring, sampling, reporting, notification, and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limit and state and local law; and a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the compliance date beyond applicable federal or state deadlines. Permits may contain, but need not be limited to, the following:

1) Limits on the average and /or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.

3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, or similar requirements designed to reduce, eliminate, or prevent the introduction of pollutants into the sewage works or POTW.

4) Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the sewage works or POTW.

6) Requirements for installation and maintenance of inspection and sampling facilities.

7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

8) Compliance schedules.

9) Requirements for submission of technical reports or discharge reports.

10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director and affording the Director, or representatives, access thereto.

11) Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced in the sewage works or POTW.

12) Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.

13) Requirements for notifications to YCUA and Township of excessive, accidental, or slug discharges.

14) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance and state and federal laws, rules, and regulations, including the Act and State Act.

15) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal, State or local pretreatment standards or limits, including those which become effective during the term of the permit.

Section 16: Pre-treatment Permit -- Issuance Process.

1) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the Director.

2) The Director will provide all interested persons with notice of final permit terms. Upon notice by the Director, any person, including the Industrial User, may petition to appeal the terms of the permit within thirty (30) days of the notice.

a) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

c) The effectiveness of the permit shall not be stayed pending a reconsideration by the Board. If, after considering the petition and any arguments put forth by the Director, the Board determines that reconsideration is proper, it shall remand the permit back to the Director for reissuance. Those permit provisions being reconsidered by the Director shall be stayed pending reissuance.

d) A Board's decision not to reconsider a final permit shall be considered the final administrative action for purposes of judicial review.

3) The Director may modify or terminate the permit for good cause including, but not limited to, the following:

a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

b) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.

c) A change in any condition in either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

d) Information indicating that the permitted discharge poses a threat to the sewage works or POTW or POTW personnel or the receiving waters.

e) Violation of any terms or conditions of the permit.

f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

g) Revision of a grant of variance from such categorical standards pursuant to 40 CFR 403.13

h) To correct typographical or other errors in the permit.

i) To reflect transfer of the facility ownership and/or operation to a new owner/operator.

j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

k) Falsifying self-monitoring reports.

l) Tampering with monitoring equipment.

m) Refusing to allow timely access to the facility premises and records.

n) Failure to meet effluent limitations.

o) Failure to pay fines.

p) Failure to pay sewer charges.

q) Failure to meet compliance schedules.

r) As provided in Section 13 of this Article.

4) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5) Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director, if:

   a) The permittee must give at least thirty (30) days advance notice to the Director, and

   b) The notice must include a written certification by the new owner which:

      i) States that the new owner has no immediate intent to change the facility's operations and processes.

      ii) Identifies the specific date on which the transfer is to occur.

      iii) Acknowledges full responsibility for complying with the existing permit.

6) The User shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the User's existing permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

   a) The Industrial User has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and

   b) The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the Industrial User.

7) Nothing in this Ordinance shall be construed as preventing any special agreement or arrangement between the POTW and any User whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or User charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Director, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:

   a) Pass through or interference; or

   b) Endanger municipal employees or the public.

Section 17: Funding/Fees for Enforcement.

The Board and Township shall adopt charges and fees under this Article which shall include, but not necessarily be limited to:

a) Fees for reimbursement of costs of establishing, operating, maintaining, or improving YCUA's and/or Township's Industrial Pretreatment Programs and Enforcement Response Plan.

b) User fees based upon volume of waste and concentration or quantity of specific pollutants in a discharge, and to cover other treatment costs including sludge handling and disposal;

c) Reasonable fees for reimbursement of costs for enforcement hearings or other enforcement action including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

d) Other fees which the Board and Township may deem necessary to carry out the requirements contained herein and continued in other IPP and ERP, or as may be required by law.

e) Other fees which the Board and Township may deem necessary to complete capital improvement projects or other necessary upgrades to the system.

ARTICLE III BUILDING SEWERS AND CONNECTIONS

Section 1: Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof or any part of the Township POTW /sewage works without first obtaining written permit/consent from the Director/Township.

Section 2: Classes of Permits; application; fees. There shall be two classes of building sewer permits:

1) For residential and commercial service; and

2) For service to establishments producing industrial wastes.

In either case, the owner or their agent shall make application on a special form furnished by the Township or YCUA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Township or YCUA. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Township at the time the application is filed.

Section 3: Costs of connection to be borne by owner; indemnification of township and YCUA. All costs and expenses incident to the installation and connection of the sanitary lateral shall be borne by the owner. The owner shall indemnify the township and the YCUA from any loss or damage that may directly or indirectly be occasioned by the installation of a sanitary lateral.

Section 4: Separate sanitary laterals for building required. A separate and independent sanitary lateral shall be provided for every building.

Section 5: Use of old sanitary laterals with new buildings. Old buildings may be used in connection with new buildings only when they are found, on examination and test by the Township or YCUA, to meet all requirements of this Ordinance.

Section 6: Construction Specifications. The size, slope, alignment and materials of construction of a sanitary laterals, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township or YCUA. In the absence of the Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

Section 7: Elevation. Whenever possible, the sanitary lateral 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 building drain shall be lifted by an approved means and discharged to the sanitary lateral.

Section 8: Prohibited Connections.

1) No person shall make connection of roof downspouts, exterior foundation drains, sump pump discharge, areaway drains or other sources of surface runoff or groundwater to a sanitary lateral or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer or combined sewer.
2) The YCUA or Township shall not allow any connection to the sanitary sewer unless there is sufficient capacity in the sewage works to convey and adequately treat the additional wastewater from the proposed connection.

Section 9: Connection Specifications.

1) The connection of the sanitary lateral into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the YCUA or Township or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight.
2) Any deviation from the prescribed procedures and materials must be approved by the Township/YCUA before installation.

Section 10: Inspection; supervision of connection. The contractor installing the sanitary lateral shall notify the Township when the sanitary lateral is ready for inspection and connection to the public sewer. The connection shall be made by the Township.

Section 11: Guards for excavations; restoration of public property. All excavations for sanitary lateral 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 in a manner satisfactory to the Township.

ARTICLE IV. PRIVATE SEWAGE DISPOSAL.

Section 1. Authorized Under Certain Conditions. Where a public sanitary sewer is not available under Article V, Section 1(4) of this Ordinance, the sanitary lateral shall be connected to a private sewage disposal system complying with the requirements of this Ordinance and approved by and in accordance with Washtenaw County Health Department requirements.

Section 2. Permit Required; Application; Fees. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the plumbing inspector. The application for such a permit shall be made on a form furnished by the Township, YCUA and/or the County Construction Code official and shall include specifications and other information deemed necessary by the Township, YCUA or other permitting authority. A permit and inspection fee shall be paid at the time of an application is filed.

Section 3. Inspection by Township and County Official. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Township, County Health Department and the County Building Official. The Township and Construction Code officials shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Township Health Department and plumbing inspector when the work is ready for final inspection, and before any underground portions are covered.

Section 4. Specification. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Washtenaw County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Section 5. Sanitary Maintenance Required. The owner shall operate and regularly maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or the YCUA. Regular maintenance shall include pumping a septic tank every 3-5 years as needed.

Section 6. Connection with Public Sewer At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article V, Section 1(4), a direct connection shall be made to the public sewer in compliance with this Ordinance. At the time said connection is made, any septic tanks, cesspools, or similar private sewage disposal facilities shall be cleaned of sludge, abandoned and filled with suitable material approved by the County Health Department and Building Official.

Section 7 Other Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State, Washtenaw County Health Department, Washtenaw County Building Department or DNR.

ARTICLE V. USE OF PUBLIC SEWER SYSTEM

Section 1: Required Use

(1) It shall be unlawful for any persons to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township, or in any area under its jurisdiction, any human or animal excrement (excluding agricultural application of herd waste for land fertilization), garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet, any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with provisions of this Ordinance.

(3) Except as otherwise provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the Township and abutting on a lane, street, alley or right-of –way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the property owners expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance , within ninety (90) days after date of official notice to do so provided that said public sewer is within 200 feet of the property line. The provisions of this paragraph do not apply unless the sanitary sewer main within 200 feet of the property line is a gravity sewer main or engineered sewer main designed to accommodate new connections.

Section 2: Unpolluted Discharges code

(1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, roof water, or other unpolluted water to any sanitary sewer or sewer connection except as otherwise provided in the Ordinance. Any premises connected to a storm sewer shall comply with County, State, and Federal requirements as well as those by the Township and the YCUA.

(2) Stormwater, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewer or to a natural outlet except as otherwise provided in this Ordinance. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the YCUA or Township and the appropriate State agency to a storm sewer or natural outlet.

Section 3: Fats, Oils and Grease (FOG) Interceptors and Sand Interceptors. Fats, oils and grease (FOG) and sand interceptors shall be provided when, in the opinion of the Township and/or the Director, they are necessary for the proper handling of liquid wastes containing fats, oils or grease discharges in which the concentration in a grab sample exceeds the 100 mg/l limit, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be

required for single family or multiple family dwelling units. All interceptors shall be of a type and capacity approved by the Township and/or the Director and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gas-tight and watertight. When installed, all fats, oils and grease, and sand interceptors shall be maintained by the owner, at their expense, in continuously efficient operation at all times. A User may petition the Township or the Director for an exemption from having to install a Fats, Oils and Grease (FOG) Interceptor in accordance with provisions specified in the YCUA or Township FOG Mitigation Program Policy, as amended from time to time. Upon approval by the Director, YCUA's or the Township's Contract Communities that have a Fats, Oils and Grease Ordinance/Policy can implement said Ordinance/Policy in lieu of this Section and the YCUA or Township Fats, Oils, and Grease Mitigation Program Policy.

Section 4: Prohibited Discharges. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the sewage works. A User may not contribute the following substances to the sewage works:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works or to the operation of the sewage works.

(2) 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.

(3) Any wastewater having a pH less than 5.0 or greater than 11.0; or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(4) Any wastewater containing toxic pollutants or of high chlorine demand 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 sewage works, or exceed the limitation set forth in the EPA Categorical Pretreatment Standard, or any other Federal. State or County standard.

(5) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids, or gases that cause gasses, vapor, or fumes from the discharge to exceed 10% of the immediately dangerous to life and health (IDLH) concentration. Discharges which contain more than one pollutant which may contribute to fume toxicity shall be subject to more restrictive limitations as determined by the Director. The more restrictive discharge limits shall be calculated based on the additive

fume toxicity of all compounds identified or reasonably expected to be present in the discharge.

(6) 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.

(7) Any substance which may cause the sewage works effluent or any other product of the sewage works, such as residues, sludges, or scums, to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process.

(8) Any substance which will cause the sewage works to violate its NPDES Permit or the receiving water quality standards.

(9) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions.

(10) Daily maximum concentration or mass loading shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for the parameter on that calendar day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample. If the pollutant concentration in any sample is less than the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration.

(11) Any wastewater having a temperature which will inhibit biological activity in the sewage works resulting in interference, but in no case wastewater with a temperature at the introduction into the sewage works which exceeds 60 degrees Celsius (140° Fahrenheit) or is lower than 0° Celsius/Centigrade (32° Fahrenheit).

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal Regulations.

(13) Any wastewater which causes a hazard to human life or creates a public nuisance.

(14) Organic solvents, freon or extractable substances such as fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (zero degrees Celsius) and 140 degrees Fahrenheit or (60 degrees Celsius).

(15) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; or other pollutants which cause the wastewater to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), or which cause an exceedance of ten percent (10%) of the lower explosive limit (LEL) at any point within the collection system or containing gasoline, benzene, xylene or toluene which causes the wastewater to exceed the state surface water quality standard.

(16) Any garbage that has not been ground by household type or other suitable garbage grinders.

(17) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with the proper operation of the sewer system.

(18) Toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, or to constitute hazards to humans or animals, or to create any hazard in waters which receive the POTW effluent, which shall include but are not limited to wastes containing cyanide, chromium, cadmium. mercury, copper, and nickel ions.

(19) Solids of such character and quantity that special and unusual attention is required for their handling.

(20) Any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State.

(21) Any medical or infectious wastes prohibited from being discharged under Federal or State law and regulations.

(22) Material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA)

(23) Any commercial or industrial waste that may cause pass through or pollutants or interference with the wastewater treatment plant operations or that violates Federal, State, or Local restrictions.

(24) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

(25) Trucked and hauled waste, except at discharge points designated by the POTW.

(26) Pollutants causing toxic gases, vapors and fumes.

(27) Any landfill leachate unless permitted and authorized under a written contract, within YCUA's sole discretion.

(28) Any untreated landfill leachate from any site classified as a contaminated 307 site by the EGLE

(29) Any leachate from a hazardous waste landfill or one containing polychlorinated biphenyls.

(30) Any pollutant discharge which constitutes a sludge.

Section 5: Promulgation of More Stringent Standards. Upon the promulgation of the National Categorical Pretreatment Standards, Alternative Discharge Limits, or other Federal or State limitations for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The YCUA or Township shall notify all affected Users of the applicable reporting requirements.

Section 6: Prohibited Concentrations of Certain Pollutants and Mercury Reduction Plan

(1) No person shall discharge wastewater such that the concentration of pollutants in one grab sample exceeds the following limits for oil and grease or pH:

100 mg/l oil and grease
<5 or > 11 standard units pH
1.0 mg/l Total Cyanides
1.0 mg/l Total Phenolic Compounds

(2) No person shall discharge wastewater such that the concentration of pollutants contained in a representative 24- hour composite sample is at or above the following surcharge threshold, except as otherwise permitted in writing by the Director and on payment of a surcharge fee, and no person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample exceeds the following upper limits, with respect to the following compatible pollutants:

Compatibles

Surcharge Threshold	Upper Limits	
300 mg/l	1000 mg/l	5-day BOD (Biochemical Oxygen Demand)
350 mg/l	2500 mg/l	Total SS (Suspended Solids)
600 mg/l	2000 mg/l	COD (Chemical Oxygen Demand)
15 mg/l	75 mg/l	Total Phosphorus
30 mg/l	700 mg/l	Ammonia-Nitrogen

(3) No person shall discharge wastewater such that the concentration of pollutants contained in a representative 24- hour composite sample shall exceed the following limits with respect to the following inorganic or organic pollutants or phenolic compounds.

Inorganic

1.0 mg/l	Arsenic
0.002 mg/l	Beryllium
0.50 mg/l	Cadmium
15.0 mg/l	Chlorine demand after 30 minutes detention time
4.0 mg/l	Chromium (Total)
3.0 mg/l	Copper
0.3 mg/l	Lead
Non-detectable	Mercury
1.0 mg/l	Methylene Chloride
3.0 mg/l	Nickel
40.0 mg/l	Total Nitrogen (TKN)
13.0 mg/l	Phosphates as P
0.15 mg/l	Silver
3.0 mg/l	Zinc

Organics

55 mg/l total phenols

Non-detectable: Polychlorinated Biphenyls *(Non-detectable per U.S. EPA Method 608. Any detectable sample exceeds this limit)*

The local discharge limitation for Polychlorinated Biphenyls is established at the level of detection in accordance with the following:

There shall be no detectable amounts of Polychlorinated Biphenyls discharged to a Township or YCUA sanitary sewer. Polychlorinated Biphenyls sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 608. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/l for Polychlorinated Biphenyls, unless higher levels are appropriate due to matrix interference.

(4) The total phenols limit is based on the discharge of any or all of the following phenolic compounds: 2-Chlorophenol, 4-Chlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2-Methylphenol, 3-Methylphenol, 4-Methylphenol, 2-Nitrophenol, 4-Nitrophenol, and Phenol. Discharge of other phenolic compounds is prohibited except as specifically authorized by the Director

(5) The Director shall annually review the quantities of industrial pollutants listed above which are discharged or proposed to be discharged in the sewage works. The Director shall recommend any revisions to these limits necessary to insure that the NPDES Permit, Federal Pretreatment Standards and Water Resources limits are met and to insure that the industrial

discharge will not interfere with the treatment process of sludge disposal. At such time as the previously cited limits are changed by the Township or YCUA, the unit authorizing such change shall notify the remaining units of such change.

(6) The local discharge limitation for mercury is established at the level of detection in accordance with the following:

(a) There shall be no detectable amounts of mercury discharged to a Township or YCUA sanitary sewer. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/l for Mercury, unless higher level are appropriate due to matrix interference.

(b) The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

(i) A demonstration that the laboratory conducting the analysis is capable of achieving the level of detection of 0.2 ug/l in reagent water;

(ii) A demonstration that the level of detection of 0.2 ug/l cannot be achieved in the effluent; and

(iii) A demonstration that an attempt has been made to resolve the matrix interference(s)

(c) In cases where the true matrix interference(s) can be demonstrated, a discharge-specific level of detection will be developed in accordance with the procedure in 40 CFR 136. Discharge specific levels of detection will be incorporated into the wastewater discharge permit of the non-domestic User.

(d) To ensure that the maximum allowable mercury loading to the POTW is not exceeded, YCUA may require any non-domestic User with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required if the non -domestic User has not violated the local limit for mercury, but YCUA or Township has determined that a reasonable potential for such violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the non-domestic User has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

(i) A written commitment by the non-domestic User to reduce all non-domestic discharges of mercury to levels below the level of detection within three (3) years of the MRP's original approval date;

(ii) Within sixty (60) days of notification by YCUA or Township that a MRP is required, the non-domestic User shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;

(iii) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified level of detection within three (3) years;

(iv) A program for quarterly sampling and analysis of the non-domestic discharge for mercury in accordance with EPA method 245.1;

(v) A demonstration of specific, measurable and /or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified level of detection. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury, discharges are already near level of detection), the demonstration should incorporate the following:

a. Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds).

b. Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by EPA Federal Register. The results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location.

c. Loading calculations wherein the Non-Domestic User calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

(vi) A semi-annual report on the status of the mercury reduction efforts. At a minimum, these reports shall: identify compliance or noncompliance with specific reduction commitments in the MRP; summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; provide all applicable analytical data; provide an evaluation of effectiveness of actions taken to date; provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer; and proposed for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts; and

(vii) Any other conditions that YCUA or Township deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

(e) Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator.

(f) A MRP may be evaluated for adequacy at any time by YCUA or Township. If such an evaluation determines that the Mercury Reduction Plan is inadequate or the non-domestic User has not complied with its approved MRP, the non-domestic User will be notified. Failure to comply with the MRP requirement constitutes non-compliance.

YCUA or Township will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

(g) A non-domestic User may request a release from MRP requirements if all samples of the discharge for a period of one year are less than the specified level of detection; the non-domestic User has complied with the minimum monitoring frequency of quarterly sampling events; and YCUA or Township deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. YCUA or Township shall notify the non-domestic User of any release from MRP requirements in writing.

(h) If the MRP requirement is waived by YCUA or Township, the non-domestic User remains subject to the local limitation for mercury in accordance with the requirements of this Ordinance.

(i) Re-discovery of mercury in the non-domestic User discharge subjects said User to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

(7) Implementation of Best Management Practices or Best Management Practices

(a) The Director may require any User to develop and implement Best Management Practices (BMP) to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants, or other substances from the User's premises to the POTW, as determined necessary by the Director.

(b) In addition, the director may require a User to develop and submit a Best Management Practices Plan (BMPP), including an enforceable implementation schedule, for review and approval by the Director. The BMPP shall be submitted within 30 days after notification by the Director or as otherwise required by a User permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the POTW. The BMPP shall be available for inspection at all times at the User's premises. At a minimum, a User's BMPP shall contain all of the following elements, as determined necessary by the Director, at a level of detail and in units and terms as determined necessary by the Director to adequately evaluate the plan:

(i) A statement of the purpose and objectives of the plan.

(ii) A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the User's discharge and to minimize waste generation.

(iii) A description of the options available to the User to control accidental spillage, leaks and drainage.

(iv) A description of best available or practicable control technologies available for the User's specific circumstances.

(v) A detailed facility layout and site diagram showing points of entry into the POTWs.

(vi) A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.

(vii) A description of operating and maintenance processes and procedures.

(viii) An inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.

(ix) A description of employee training programs, policies and procedures; continuing education programs; and participation.

(x) A description of the User's documentation, including record keeping and forms.

(xi) A description monitoring activities.

(xii) An information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.

(xiii) A certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loads, or non-customary discharges of regulated substances, directly or indirectly to the POTW.

(xiv) Such other information, documents or diagrams as required by the Director, including, but not limited to, any of the information required under this Ordinance, the Act, or State Law.

(c) The BMPs or BMPP required of a User or approved for a User shall be incorporated in a User Permit issued to the User. If the User already has a User Permit, the existing permit shall be modified to incorporate the BMP requirements. If the User does not currently have a User Permit, a permit shall be issued for that purpose.

(d) The Director may require revisions to a User's BMPP if the Director determines that the Plan contains elements that are inadequate, or as otherwise determined necessary by the Director to ensure compliance with applicable requirements of this Ordinance, the Act or State Law. Review of a BMPP by the Director shall not relieve the User from the responsibility to modify its facility as necessary to comply with this Ordinance, the Act or state law.

(e) The User reports to the Director must include Best Management Practices compliance information. The User reports must be certified and signed by the User's authorized representative.

(f) The User shall retain all documentation associated with Best Management Practices for a period of at least three (3) years from the date of an activity associated with the practices. This period may be extended by the YCUA or Township at any time.

Section 7: Sampling, Measurements, Tests and Analyses. All measurements, tests, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (2007). Where 40 CFR part 136 (2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA, Township or other parties, approved by the EPA. In the event that no special facilities have been required, samples

shall be taken at the nearest downstream manhole in the public sewer to the point at which the sanitary lateral is connected.

Section 8: Surcharge for Discharges of Unusual Strength.

(1) If the character of the wastewater from any manufacturing or industrial plant or any other building or premises exceeds the limits for compatible pollutants established in Section 6 of this Article, or shall be such as to impose any unreasonable burden upon the users of the System or upon the sewage works or the POTW in excess of the maximum limit prescribed in this Ordinance, then an additional charge shall be made over and above the regular rates, or the Township/Director shall require that such sewage be treated by the person , firm, or corporation responsible therefore being emptied into the sewer or the right to empty such sewage shall be denied if necessary, to protect the System or any part thereof.

(2) Surcharges required shall be computed as the weight of excess compatible pollutant in pounds multiplied by the cost per pound specified in the applicable Township rate ordinance. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by the User at an independent laboratory or at the YCUA Wastewater Treatment Plant.

(3) Any wastewater discharged into the sewage works having a compatible pollutant in excess of those prescribed in Section 6 of this Article shall be permitted by the Director provided payment by the industrial concern for the full cost of treating such excess constituents in the wastewater is made and acceptance of the waste does not cause violation of EPA guidelines, NPDES requirements, the Act or the State Act.

Section 9. Special Agreements authorized. With respect to compatible pollutants only, no statement contained in this Article shall be construed as preventing any special agreement between the Director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefore by the industrial concern, provided such agreement shall not violate EPA guidelines or NPDES requirements and provided user charges and surcharges as provided in the Ordinance are agreed to in the agreement.

Section 10. Dilution of Discharge. No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standard, Alternative Discharge limits, or in any other pollutant-specific limitation developed by the YCUA, Township or State.

Section 11. Accidental Discharges.

1. Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance, the Act or State Act. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. All required Users shall

complete such a program within 90 days of notification by the Director. If required by the Director, a User who commences contribution to the sewage works 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 Director. 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, the Act or State Act. In the case of any discharge, whether accidental or not, that could cause problems to the YCUA, WWTP or the POTW, including slug loadings by the User, it is the responsibility of the User to immediately telephone and notify the YCUA of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2. Within five (5) days following any discharge, accidental or not, that could cause problems to the YCUA, the WWTP or POTW, including any slug loadings by the User, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works or POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance, the Act or State Act, or other applicable law. Failure to file a report shall be a separate violation of this Ordinance.

3. Slug Control Plan

   (a) Each Significant Industrial User shall prepare and implement an individualized slug control plan when in the opinion of the Director a slug control is required. Existing Significant Industrial Users that do not have a YCUA approved slug control plan shall provide an approvable slug control plan to the Director within ninety (90) days of being notified by YCUA or Township that a slug control plan is required. New sources that are Significant Industrial Users shall submit a slug control plan to the Director for approval before beginning to discharge. Upon written notice from the Director, Users that are not Significant Industrial Users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the Director for approval as specified in the notice. Slug control requirements must be included in the SIU Control Mechanism (Industrial User's Permit).

   (b) All slug control plans shall contain at least the following elements:

      (i) A description of discharge practices, including non-routine batch discharges;

      (ii) A description of stored chemicals;

      (iii) The procedures for immediately notifying the Director of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this Ordinance, and procedures for follow-up written notification within five (5) days of the discharge;

(iv) The procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

(c) If a User has submitted to the Director plans or documents pursuant to other requirements of local, state or federal laws and regulations which meet all applicable requirements of the Ordinance, the Director may in its discretion determine that the User has satisfied the slug plan submission requirements of this Section.

(d) Significant Industrial Users must immediately notify the Director of any changes at their facilities affecting their slug control plan or spill/slug potential.

(4) Secondary Containment Requirements

(a) Each User when in the opinion of the Director is required must provide and maintain at the User's sole expense secondary spill containment structures (including diking, curbing or other appropriate structures) adequate to protect all floor drains from accidental spills and discharges to the POTW of any pollutants or discharges regulated by this Ordinance, the Act or State Law.

(i) The containment area shall be constructed so that no liquid polluting material can escape from the area by gravity through the sanitary lateral, drains, or otherwise directly or indirectly into the POTW.

(ii) The containment or curbing shall be sufficient to hold not less than ten percent (10%) of the total volume of the tanks or containers within the secondary containment structure or provide a capacity of one hundred percent (100%) of the largest single tank or container within the secondary containment structure, whichever is larger, unless a lesser containment area or alternate control measures are approved in advance by the Director.

(iii) The containment structure must accommodate "squirt distance". Containers within the containment structure must be able to be placed sufficiently back from the edge of the structure so if punctured, the resulting leak will be contained

(iv) The containment structure must be designed or operated to prevent run-on or infiltration, rain or other liquids into the secondary containment system unless the containment system has sufficient excess capacity to contain run-on, infiltration, rain, or other liquids. Excess capacity when such prevention is not provided in the system must be sufficient to contain rain precipitation from a 25-year, 24-hr rainfall event.

(v) The containment structure shall be constructed with chemical-resistant water stops in place at all joints (if any) to be free of cracks or gaps.

(vi) The containment structure shall be designed and installed to completely surround the tank or containers and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) or containers (i.e., capable of preventing lateral as well as vertical migration of the material).

(vii) All floor drains found within the containment area must be plugged and sealed.

(b) Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.

(c) Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.

(d) Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the POTW.

(e) Detailed plans showing facilities and operating procedures to provide the protection required by this Ordinance shall be submitted to the Director for review, and shall be approved by the Director before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the Director.

(f) No new source shall be permitted to discharge to the POTW until emergency containment facilities have been approved and constructed as required by this Ordinance.

(g) The Director may order a User to take interim measures for emergency containment as determined necessary by the Director under the circumstances.

Section 12. Determination of Sewage Flow. To determine the sewage flow from any establishment, the YCUA or Township may use one of the following methods:

1. The amount of water supplied to the premises by the public water system as shown upon the water meter if the premises are metered, or
2. If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources may be metered at the source or metered at its point of discharge prior to entry into the public sewer, or
3. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied in 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 Utilities Department from the water, gas or electric supply, or metered at its point of discharge prior to entry into the public sewer, or
4. The volume 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 their own expense in accordance with the terms and conditions of the permit issued by the YCUA or Township pursuant to this Ordinance, or

5. A figure determined by the YCUA by any combination of the foregoing or by any other equitable method.

Section 13. Disposal at Sewage Treatment Plant. Waste from industrial sewage disposal systems shall be disposed of at the Sewage Treatment Plant or at any other refuse or disposal site approved by the Director. No waters or wastes described in Article V, Section 4, shall be disposed of at the Sewage Treatment Plant.

Section 14 Bypass

1). An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. If an Industrial User knows in advance of the need for bypass, it shall submit prior notice to the Director, if possible at least ten (10) days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Director within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including the exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

2). Bypass is prohibited and the Director may take enforcement action against an Industrial User for bypass unless:

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c) The Industrial User submitted notice as required under this Section. The Director may approve an anticipated bypass, after considering it adverse effects, if the Director determines that it will meet the three conditions listed in this subsection.

Section 15. Report of Violation. If the results of any sampling performed by the User indicates that any violation of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act has occurred, the User shall notify the Township and YCUA within 24 hours of becoming aware of the violation and shall repeat the sampling and pollutant analysis and shall submit, in writing, the results of this repeat analysis within thirty (30) days after becoming aware of the

violation. A written follow up report shall be filed by the User with the Township and YCUA within thirty (30) days of a User becoming aware of the violation. The report shall specify the following:

1) A description of the violation, the cause thereof, and the violation's impact on the User's compliance status.
2) Duration of the violation, including exact dates and times of the violation and if not corrected, the anticipated time the violation is expected to continue.
3) All steps taken or intended to be taken to reduce, eliminate and prevent reoccurrence of such violation.

Section 16. Notification of Authorities upon Discharge of Hazardous Waste. All Industrial Users shall notify the Township, YCUA, the EPA regional waste management division Director and the EGLE/DNR in writing of any discharge to the Township and the YCUA of a substance that would be a regulated hazardous waste under any federal statute if disposed of otherwise. Such notice shall be given in accordance with CFR 403.12(p).

Article VI. Water Use

Section 1. Connections to Service. Connections to water service shall be made by the Department or designee upon payment of a required connection fee as established by the Township. No User shall have authority to turn water service on or off except as specifically authorized by the Department.

All Users shall have approved meters installed to Township specifications and requirements. Water meters shall be sized according to the regulations of the Department to serve the premises adequately. Meters shall be installed by and remain the property of the Township. Existing meters improperly sized according to the requirements of this Ordinance shall be replaced by the Department, and a fee for replacement and installation of the new meter shall be charged. Upon proper installation of a meter by the Township, the meter or any connections to the meter shall not be replaced, altered, relocated or otherwise tampered with in any manner without the express written approval of the Superintendent or authorized representative.

A consumer may request that a meter be tested. If a properly installed meter is found to be defective at no fault of the User, the Department will replace it at no charge to the User.

Section 2. Access to Meters. The Department shall have the right to shut off the supply of water to any premises where the Department has been denied access to or is otherwise not able to obtain access to the meter of a premises served by the Township water utility. The Department and any employee or agent of the Department with authority shall at all reasonable hours have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the meters. No person shall hinder, obstruct or interfere with such employee in the lawful discharge of their duties in relation to the care and maintenance of such water meters. A suitable area shall be reserved for the installation of the water meter

and shall be readily accessible for inspection and reading purposes. The meter shall be mounted not less than 24 inches above the floor for a residential connection.

Section 3. Damage to Facilities. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Township Utility System. Damages or costs to the Township because of failure to protect and secure a meter from the environment or other possible causes of damage shall be reimbursed to the Township by the owner or tenant in possession of the premises. Any damages sustained to the water and sewer structures, appurtenances or equipment shall be paid by the owner of the property on which such damage occurs to the Township on presentation of a bill therefore, and failure to pay such bills is a violation of this Ordinance subject to penalties as provide in Article VIII, and the water may be shut off and shall not be turned on until all charges have been paid to the Township. Intentional damage may result in the perpetrator being charged criminally in a court of competent jurisdiction.

Section 4. Temporary Water Use Restrictions.

(a) Temporary emergency sprinkling restrictions:

(1) Whenever the Supervisor receives notification from YCUA that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the Supervisor or designee shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the Township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.

(2) Whenever the Supervisor receives notification from the YCUA that provisions in subsection (a)(1) of this Section are not sufficient, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the following emergency regulations shall apply in the Township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.

(3) The Supervisor and YCUA shall, within 24 hours of notification, cause these regulations to be posted at the Township office and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the Township, and may cause such announcement to be further declared in newspapers of general circulation, posting to the Township Webpage or other recognized providers when feasible. The regulations shall become effective immediately after notice of enforcement of this section is posted at the Township offices. Upon notification from the YCUA that the emergency regulations are no longer necessary, or when conditions within the water

system of the Township are deemed satisfactory by the Supervisor or designee, the Township shall cause a public announcement lifting the water restrictions.

(4) It shall be the responsibility of the Township to enforce the provisions of the section.

(b) Penalty. Any person who violates any provision of this Section or any emergency regulation prescribed pursuant to this Section shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine as prescribed by the Township. Repeat offenders under this Section shall be subject to increased fines as prescribed by the Township. Each day of violation shall be deemed a separate violation.

Section 5. Cross Connections with Public Water Supply System

(a) Protection of Public Water Supply. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner indicating "Water Unsafe for Drinking" unless such water outlet is from a drinking water well approved by the County Health Department.

(b) Adoption of Cross Connection Rules. The Township of Augusta adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R.325.440 of the Michigan Administrative Code.

(c) Inspections. It shall be the duty of the Augusta Township Utilities Departments to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspection(s) based on potential health hazards involved shall be as established by the Township Utility Department, YCUA and as required or authorized by the Michigan Department of Public Health.

(d) Right of Entry. The Supervisor or other duly authorized employees or representatives of the Augusta Township utility department, and the Director shall have the right to enter at any reasonable time any property served by a connection to the public water supply system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, an owner, lessee or occupant of any property so served shall furnish to the inspector any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access when requested shall be deemed a violation of this Ordinance and evidence of the presence of cross connections or other improper installation and use of the system.

(e) Discontinuance of Service. The Supervisor may suspend water service after notice to any property wherein any connection is in violation of this Section, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the

public water supply system. Water service to such property shall not be restored until it is confirmed that the cross connection(s) or other improper installation and use has been eliminated in compliance with the provisions of this Ordinance.

(f) This Ordinance does not supersede the State plumbing code, but is supplementary to such code.

Section 6. Shut off Policy.

(a) Right to Shutoff for Non-Payment of Charges. The Township shall have the right to shut off its water and/or sewer service to any premises for which charges for sewer and/or water remain unpaid for a period of thirty (30) days after they are due. Charges shall be due on the date for payment set forth on the water and/or sewer bill.

(b) Notice. If any billing statement remains unpaid for thirty (30) days, a shut-off notice shall be sent by first class mail to the customer of the service. A shut-off notice fee established by the Township Board shall be added to the delinquent account. Notice shall also be sent to the last known address of the property owner and to the service location address if those addresses are different than the address on file for the customer.

(c) Shutoff and Charges. Fourteen (14) days after the shut-off notice is sent as provided for in this Section, and if payment in full has not been received or satisfactory arrangements for payment have not otherwise been made, the property will be posted and the water service may be shut off after 24 hours. A work order to shut off service will also be initiated and a shut-off fee established by the Township Board will be generated and added to the delinquent account. This shut-off fee shall be applied to the account even if actual shut off does not occur. Once the shut off work order has been generated the entire current account balance, including the shut-off fee and the notice fee must be paid in full in order for water service to remain "on" or to be reinstated.

(d) Service Restoration. No water service that has been discontinued may be restored until all sums due and owing, including late fees, notice fees, and shut-off fees are paid in full. An additional service restoration (turn on) fee established by the Township Board will be charged to the account and appear on the next scheduled bill to cover the cost to turn water service back on pursuant to the customer's request to do so; provided, however, that whenever the Township is asked to turn water service on at times other than during the Township's regular business hours, this fee may be increased based on time and material costs.

(e) Timing of Service Shutoffs and Turn On. Under typical circumstances, all turnoffs of service shall occur between 8:00 AM and 1:00 PM, and shall not take place on a Friday, weekend, legal holiday, day before a legal holiday, or on a day when the billing office or Township Hall is not open. Under typical circumstances, all turn-ons shall occur during regular business hours. The Township Board and/or the Supervisor may authorize water service to be turned on at other times (for example: weekends, holidays, evenings, etc.) for extenuating circumstances.

(f) Shutoff for Emergency, Illegal Use or Violations. The Township retains the right to take whatever action it deems necessary in its sole discretion in response to an emergency or other situation requiring action (for example; a water line break). A customer or occupant who interferes with or fails and/or refuses to allow inspections as provided in this Ordinance is subject to service shutoff upon a 7 day notice to customer in the manner provided for in subsection b of this Section. Notice, shutoff and turn on charges shall be assessed to the customer whenever shutoff is initiated for violation of the Ordinance. No notice will be given to an owner/occupant of property in the event the water is shutoff due to unauthorized usage, a dangerous condition, and/or a request for disconnection or abandonment of service. The Township may also shut off the water in any main to make repairs or extensions or for any other necessary purpose at any time without notice to customers.

(g) Hardship. If prior to the scheduled water shut-off, the customer contacts the Township billing office, demonstrates a hardship basis as specified in the Township's payment plan policy for delinquent charges, and makes a cash down payment acceptable to the Township for the delinquent bill, the Township billing office may agree to a payment plan. All plans must include the payment dates and payment amounts. The Township reserves the right to terminate a payment plan approved under this subsection and to issue a second shut-off notice and proceed to terminate service in the event (a) the Township does not receive timely payment in accordance with the payment plan schedule, (b) the customer otherwise defaults regarding the payment plan, or (c) the customer violates this Ordinance or any rules or regulations adopted pursuant to this Ordinance. Upon termination of a payment plan the entire amount owed on the account, plus applicable charges and fees (including a second shut-off fee) must be paid in full prior to water service being restored and the payment plan option will not be available for a period of one year.

(h) Health Emergencies. In the case of a demonstrated medical emergency, the Township may delay the shut-off of water service. A demonstrated medical emergency shall include receipt by the Township of a written certification from a physician that states the name and address of the person with medical emergency, and a statement that the person has a medical condition that would be seriously aggravated by lack of the water service. The statement shall include a statement regarding onset and duration of the medical emergency. An oral declaration of these matters by a physician shall be accepted; however a written confirmation must be received by the Township within seven (7) calendar days of the oral declaration. The water shut off will resume if payment in full of the entire amount owed, plus applicable charges and fees, has not been made to the Township by the end of the medical emergency period. The medical emergency extension will delay water shut off for no more than 30 days. If more time is required then the customer must seek addition extension from the Township Board or Supervisor through a written request and explanation delivered to the Township in person or by certified mail.

(i) Fees and Charges Non-waivable. All fees and charges assessed under this Section are not waivable except as approved by the Township Supervisor or Board.

ARTICLE VII – RATES, FEES, CHARGES AND COLLECTION

Section 1. Purpose. The purpose of this Article is to provide for the recovery of costs for operation, maintenance, improvements and enforcement from Users of the public water and sewer system and the POTW. The applicable charges and fees established by the Board and Township shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by YCUA Board action.

Section 2. Establishing Water and sewer rates and fees. Water and sewer rates and fees shall be established annually by resolution of the Township Board based upon 100 cubic feet of water use and capacity of the user's connection to the system. Water use shall be measured by water meters installed and controlled by the Department. Each premises shall be charged a fee for water use at the rate established by the Township Board.

The establishment of rates and fees for service shall be based upon an estimate sufficient to provide payment for all of the following: the cost and expense of administration, operation and maintenance of the system necessary to preserve the same in good repair and working order; to comply with Federal and State Safe Drinking Water Acts and related regulations; to provide for the payment of interest and principal of bonds authorized and at such times as the same become due and payable; and to recover a proportionate share of the annual use (wear and tear) of the system assets based on the original value and the useful life of the system assets.

The charges for water and sanitary sewer use in effect when this section is adopted shall continue in effect until revised by the Township Board. The following factors shall be considered when establishing the rates and fees:

(1) YCUA charges. YCUA rate charges to the Township for water and sanitary sewer service.

(2) Operating costs. A proportionate share of the Township's net cost of operating the system.

(3) Wear and tear expense. A proportionate share of the annual use (wear and tear) of the system assets based on original value and useful life of system assets.

(4) Time periods to be considered. To help reduce year-to-year fluctuations in establishing service rates, the Township Board may consider the use, operating costs and wear-and-tear expenses for up to five of the preceding years.

(5) Capacity Use or Capital Improvement. A certain portion of the cost recovery of operating, maintaining and rebuilding the system as determined by the Township Board using appropriate engineering standards.

Section 3. Connection fees. A connection fee shall be charged for every: (a) new connection to the system, and (b) new connection to a building or other improvement connected to the system. Connection fees shall vary based on the size of new connection to the system. Each connection size shall be assigned a residential equivalent user number based on appropriate industry

standards. Connection fees shall be established annually by Township Board resolution taking into consideration the following factors:

(1) YCUA charges. YCUA water or sewer connection charges to the Township.

(2) Equity buy-in component. An equitable portion of system value which may include the value of assets the Township reasonably anticipates will be added to the system during the next five years. The equity buy-in component for each new connection shall be computed by dividing an appropriate equitable portion of system value by the number of residential equivalent users of the system, and multiplying that quotient by any new connection's residential equivalent user number.

(3) Connection size. The required size of each new connection shall be determined by the Department based on the equivalent residential units of the proposed use and applicable engineering standards.

Section 4. Installation of new connections. New connections shall be approved by the Department upon payment of the required connection fee.

Section 5 – Tap-in Fees

Tap-in fees. Tap-in fee cost recovery shall include all costs for physically tapping into the water or sewer system including an administrative fee, permit fee and inspection fee.

Expansion. The owner of any premises within the Township who shall expand the use or change the nature of the use of any premises subsequent to the calculation and imposition of the initial connection charge as provided by this Article shall be assessed an additional connection charge in accordance with this Ordinance, as amended, in the event it is determined that the expansion or change in use results in an increase of the premises' REU factor.

Section 6. Billing. Existing Customers. Water and sanitary sewer rates shall be billed to each parcel or premises on a periodic basis during each operating year and shall represent charges for the period immediately preceding the date of the bill based upon meter readings. If any meter shall fail to register properly, the Department shall estimate the consumption and bill accordingly. The bills shall be due and payable within 30 days from the date of issuance. All bills not paid when due shall be deemed delinquent, and a ten percent (10%) penalty shall be added and become due as a part of the bill.

Interest shall be assessed against the unpaid balance each month. Said interest to be the same interest charged on unpaid tax bills.

The Township may send a combined bill for water rates and sanitary sewer rates, and funds received by the Township in payment of such combined billing shall be applied first to penalty and interest charges, then to sewer rates and then to water rates.

New Customers. Connection fees shall be billed and shall be prepaid at the time of application for zoning approval for the new connection is made to the Township.

Section 7. No free water or sanitary sewer service. No free water or sanitary sewer service shall be furnished by the Township to any person, firm, entity, public or private corporation, or public agency or instrumentality.

Section 8. Outside service. The rates for water and sanitary sewer service to a parcel or premises located outside of the Township boundaries shall be as provided by Township Board resolution. The Township shall not provide water or sanitary sewer service outside of its boundaries except under a written agreement approved by the Township Board (outside service agreement).

Section 9. Irrigation meters. Users of the Township public water supply system will be permitted to install separate irrigation water meters to avoid being charged a sanitary sewer rate for water used in irrigation systems and not returned to the sanitary sewer system in accordance with this Ordinance.

Section 10 Sanitary Charges for parcels without water service. Where sanitary sewer service is provided to a single-family residential parcel or premises that is not served by the Township public water supply system, the sanitary sewer rate for such parcel or premises shall be based on the estimate of average gallons of water flow per day for a single family residence using engineering standards and billed on the number of estimated residential user equivalents at the location.

Section 11. Fire lines. Separate fire suppression water lines and fire hydrant systems for purposes of proper fire protection shall be installed to serve each parcel or premises other than a single-family residence in accordance with applicable provisions of the Fire Code and standards and specifications adopted by the Township Fire Department and the Township Utilities Department. Fees for connection of fire lines shall be established by the Township Board and shall include any required YCUA connection charges, charges for meters and material costs, and charges for Township installation and inspection.

Section 12. Hydrant use. Except for firefighters during an emergency, no person other than an authorized agent of the Township shall open or use any fire hydrant without first securing a written permit from the Department. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the Township. Any water drawn through the hydrant is subject to rates and fees as approved by resolution of the Township Board as amended from time to time.

Section 13. Connection fees; tap fees, rates; review and revision. All fees and rates shall be determined annually by resolution of the Township Board. The Township Board shall make such rules, orders and regulations as it deems advisable and necessary to assure the efficient

management of the system and shall make such adjustment to the rates and connection fees each year as shall appear proper under the circumstances.

Section 14. Collection; liens. The Department is authorized to enforce the payment of rates and connection fees for water and sanitary sewer services by discontinuing the water or sanitary sewer service to a parcel or premises delinquent in payment of such rates or connection fees in the manner and upon such notice as provided for in this Ordinance. In addition, the Township may institute a civil action against the delinquent water or sanitary sewer service user to recover unpaid charges. When the water service to any parcel or premises is turned off to enforce the payment of service charges, the water service shall not be started again until all delinquent charges have been paid, including a turn-on charge in such amount as shall be established by the Township Board.

The charges for water and sanitary sewer service which, under the Revenue Bond Act of 1933 (MCL 141.101 et seq.), are made a lien on a parcel or premises to which it is furnished are hereby recognized to constitute such lien. The Township Treasurer shall at least annually report to the Township Board all unpaid charges for service which have remained unpaid for a period of six months. The Township Board may then, after due notice to the owners of a delinquent parcel or premises, assess the amount so found to be due as a tax against such parcel or premises. The tax shall be certified to the Township Assessor, who shall place it on the next tax roll of the Township. The charges so assessed shall be collected in the same manner as general Township taxes. In cases where a tenant is responsible for the payment of charges, and when the Township is properly notified in accordance with the Revenue Bond Act of 1933 (MCL 141.101 et seq.) (the notice to include a true copy of the lease, if there is one), then the charges shall not become a lien against the premises from and after the date of said notice. In the event of such notice, water and sewer service to the premises shall not be continued or started until there has been deposited with the department of a sum as established by the Department. A similar deposit may also be required by the Department in cases where the person applying for services has a delinquent utility account or has had services shut off in the last 180 days because of nonpayment at another location. Such deposits shall be applied against any delinquent water and sanitary sewer service charges. If the deposit satisfies the delinquency, water or sewer service shall not be discontinued. No deposit shall bear interest. Each deposit, or any remaining balance, shall be returned to the person making the deposit when water service is discontinued or when any eight successive bills have been paid with no delinquency, except in the case where notice of tenant responsibility for service has been provided under this section.

Section 15. Revenues and Accounting. The revenues collected by operation of the system shall be set aside in a separate utility fund or funds for which proper books and records shall be kept. The funds shall be accounted for in the manner required by state law. The Township will cause an annual audit by a recognized independent certified public accountant of such books of record and accounts for the preceding operating which shall be made available to authorized public officials on request. In conjunction with the audit, there shall be an annual review of the sewer

and water charge system for adequacies meeting expected expenditures for the following year. The System shall be operated on the basis of an operating year commencing April 1 and ending March 31, the following year.

Section 16. Other fees. The Township Board may, by resolution, adopt other water and sewer service related fees, including those for:

(1) Meter and material costs. The cost of accessories, radio units, and turning on and off such equipment.

(2) Inspection/installation charge. The cost of installation and inspection of any connection, and appurtenances.

ARTICLE VIII – VIOLATIONS AND PENALTIES

Section 1. Civil Penalty and Damages. In addition to and not in derogation of the enforcement process described in Section 11 of Article II of this Ordinance, and except as otherwise provided elsewhere in this Ordinance, any person who shall violates any provision of this Ordinance, a permit, or an order issued under this Water and Sewer Use Ordinance shall become liable to the Township for and may be subject to a civil fine assessment of $1000.00 per violation, per day, plus any costs, damages and expenses, direct or indirect, incurred by the Township or YCUA in connection with the violation. Each day on which a violation continues shall be deemed a separate and distinct violation.

Section 2. Criminal Penalty. Any person who violates any provision of this Ordinance that is listed below shall be guilty of a misdemeanor, and upon conviction is subject to a fine of not more than $500, exclusive of any civil fine assessment or other costs, damages and expenses, or by imprisonment for not more than ninety (90) days, or both. Misdemeanor violations include:

(a) intentional or negligent unpermitted discharge;

(b) falsification of a monitoring report or the making of any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance;

(c) improper sampling, with any evidence of an intent to falsify or mislead;

(d) except as otherwise authorized, failure to install monitoring equipment after a deadline established by an order issued under this Ordinance;

(e) tampering with or knowingly rendering inaccurate any meter, monitoring device, equipment or methods required under this Ordinance;

(f) intentional or negligent recurring violation of a compliance schedule in a permit or a violation of a compliance schedule in an order issued under this Ordinance; or

(g) negligent or intentional illegal discharge that causes harm to person or property.

Section 3. Municipal Civil Infraction and Nuisance Per Se. In addition to other remedies provided for herein, a violation of this Ordinance may proceed upon issuance of a municipal civil infraction citation or in the circuit court for injunction relief or abatement of a violation. Upon a finding of responsible for a municipal civil infraction under this Ordinance, the violator shall be subject to a fine of not less than $200.00 nor more than $1,000.00, in the court's discretion, and shall pay the Township's enforcement costs which may include all expenses, direct and indirect, which the Township incurs in connection with enforcement.

All orders, directives, legal and/or equitable actions, which are necessary and appropriate to enforce this Ordinance, the Act and State Act shall be carried out by YCUA and/or the Township. Nothing contained in this section shall preclude the Township or YCUA from instituting, maintaining or joining any legal and/or equitable actions to enforce this Ordinance, the Act and State Act.

ARTICLE IX – REPEALER, SEVERABILITY, SAVINGS AND EFFECTIVE DATE

SECTION 1. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

SECTION 2. REPEAL. All Augusta Township ordinances or provisions of such ordinances that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed. This Ordinance specifically repeals Augusta Township Ordinance No. 3 of 1984, the Augusta Township Water and Sewer Use Ordinance, as amended.

SECTION 3. SAVINGS CLAUSE. The repeal provided herein shall not abrogate or affect any offense committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution occurring prior to the effective date hereof.

SECTION 4. PUBLICATION AND EFFECTIVE DATE. The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the 10th day of December 2019 and was ordered given publication in the manner required by law.

First Reading: November 26, 2019

Second Reading/Passage: December 10, 2019

Publication Date: December 22, 2019

Effective Date: December 22, 2019

_____

Belynda Domas, Clerk
Charter Township of Augusta

_____

Brian Shelby, Supervisor
Charter Township of Augusta

CERTIFICATE

I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2019-06, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on December 10, 2019, after said ordinance had previously been introduced at a Regular Meeting of the Board held November 26, 2019, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Domas moved for the adoption of said Ordinance, and that Member Burek supported said motion.

I further certify that the following Members voted for adoption of said Ordinance; Adams, Burek, Domas, Howard, Ortiz, Shelby and No Members voted against adoption of said Ordinance and that the following Members were absent or abstained from voting on the adoption of said Ordinance as indicated; Chie.

I further certify that after its passage notice of the Ordinance was published in the Ann Arbor News on December 22, 2019, with complete text of Ordinance at the Township Clerk's office and on the Website in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

_____

Belynda Domas, Clerk
Charter Township of Augusta

Dated: _____, 2019

APPENDIX A

Residential Equivalent User/Unit Table

This table sets forth the number of Residential Equivalent Units (REU) to be assigned to a premises based upon the meter size installed and for use of the premises. The table was developed by the American Water Works Association (AWWA) for the purpose of determining an equitable distribution of costs among system customers for use of a public water and sewer system.

Meter Size	AWWA (capacity)	Factor based on 5/8
5/8 inch or Single-Family Homes	20	1.00
3/4 inch	30	1.50
1 inch	50	2.50
1-1/2 inch	100	5.00
2 inch	160	8.00
3 inch	300	15.00
4 inch	500	25.00
6 inch	1,000	50.00
8 inch	1,600	80.00
10 inch	2,300	115.00
12 inch	4,300	215.00