

TOWNSHIP OF PALMYRA – ORDINANCE 1-05 - SUR

SEWER USE AND RATE ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, INDUSTRIAL WASTE PRETREATMENT FACILITIES, AND DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM OF THE TOWNSHIP OF PALMYRA, MICHIGAN; PRESCRIBING RATES TO BE CHARGED FOR THE USE OF SAID SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF PALMYRA ORDAINS: That the Township of Palmyra sewer use and rate ordinance be adopted to read in its entirety as follows:

1. INTRODUCTION

The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the Central Lenawee Sewage Disposal System which will interfere with the normal operation of the system or contaminate the municipal sludge;

(2) To prevent the introduction of pollutants into the Central Lenawee Sewage Disposal System which do not receive adequate treatment in the sewage treatment plant, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

2. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) “Alternate Discharge Limit” shall mean a limit: set by the Township in lieu of the promulgated national Categorical Pretreatment Standards, for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

(2) “Authorized Representative of Industrial User” may be (a) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(3) “BOD” (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20 C) expressed in milligrams per liter.

(4) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which received discharge 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.

(5) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

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

(7) "Chlorine Demand" shall mean the difference between the amount of chlorine added to the 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.

(8) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

(9) "Combined Wastestream" shall mean a wastestream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.

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

(11) "Composite Sample" shall mean a series of samples taken over a specific period of time and eventually combined into one sample whose volume is proportional to the flow in the waste stream.

(12) "Cooling Waters" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(13) "Debt Service Charge" means charges levied to customers of the wastewater system and which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified herein.

(14) "Drain Commissioner" shall mean the Lenawee County Drain Commissioner or County Agent thereof.

(15) “Dump” shall mean the unauthorized discharge to any sewer of a spill or waste which may result in a violation of this ordinance, or which is known to be a violation of this ordinance, especially pertaining to the violation of the System’s NPDES Permit and water quality standards, or which may adversely affect the public health, safety and environment.

(16) “Environmental Protection Agency” or “EPA” shall mean the U.S. Environmental Protection Agency, Administrator or other duly authorized official.

(17) “Federal Grant” means a grant in aid in construction of wastewater treatment works provided under the Clean Water Act.

(18) “The Federal Water Pollutant Control Act”; and the “Clean Water Act” are used interchangeably in this ordinance and refer to Public Law 92-500, as adopted in 1972 and amended by Public Law 95-217 in 1977, and any succeeding amendments.

(19) “Footing Drain” shall mean a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.

(20) “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(21) “Grab Sample” shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(22) “Holding Tank Waste” shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(23) “Incompatible Pollutant” shall mean any pollutant which is not a compatible pollutant.

(24) “Industrial Waste” shall mean the wastewater discharges from industrial, manufacturing, trade or business process, as distinct from their employees’ domestic wastes or wastes from sanitary conveniences.

(25) “Infiltration” shall mean that portion of groundwater which is unintentionally admitted to a sewer.

(26) “Integrated Facilities” shall mean industrial facilities with a combined waste stream.

(27) “Interference” shall mean the inhibition or disruption of the sewage treatment plant processes or operations which contribute to a violation of the Township NPDES Permit or reduce the efficiency of the sewage works. The term also includes prevention of sewage sludge use or disposal by the sewage works.

(28) “Laboratory Determination” shall mean measurements, tests, and analysis of the characteristics of water and wastes in accordance with the methods contained in ‘the latest edition of the time of any such measurement, test, or analysis of “Standard Methods for Examination of Water and Waste Water”, a joint publication of the American Public Health Association, the American Water-

works Association and the Water Pollution Control Federation, the methods contained in 40 CFR 136, or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division including procedures suggested by other parties and approved by the Management Committee. "Management Committee" shall mean a committee formed in accordance with the contract between the County of Lenawee and Palmyra Township dated May 1, 2002.

(29) "Management Committee" shall mean a committee formed in accordance with the contract between the County of Lenawee and Palmyra Township, dated May 1, 2002.

(30) "Major Contributing Industry" means any industrial user of the publicly owned pretreatment works that:

- (a) has a flow of 50,000 gallons or more per average work day;
- (b) has a flow greater than five percent of the flow carried by the municipal system receiving the wastes;
- (c) has in its waste, a toxic pollutant in toxic amounts as defined in the standards issued under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- (d) is found by the permit issuance authority in connection with the issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from the treatment works. All major contributing industries shall be monitored.

(31) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(32) "National Categorical Pretreatment Standard" shall mean any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

(33) "New Source" shall mean any source, the construction of which is commended after the adoption of this ordinance.

(34) "Normal Domestic Sewage" shall mean sewage with a concentration of: (1) 300 mg/l biochemical oxygen demand; (b) 300 mg/l of suspended solids; (c) 15 mg/l of phosphates; and (d) 20 mg/l of ammonia-nitrogen.

(35) "NPDES Permit" means a permit issued pursuant to the national Pollutant Discharge Elimination System prescribed in U.S. Public law 92-500.

(36) "Operation and Maintenance" means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the costs of replacement.

(37) "Owner" or owners of record of the freehold of the premises or lesser estate therein shall mean a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.

(38) "Person" shall mean any individual, firm, company, association, society, group, or corporation.

(39) "pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

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

(41) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

(42) "Premises" shall mean each lot or parcel of land, building, or premises having any connection to the sanitary Sewer System of the Township.

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

(44) "Pretreatment Requirements" shall mean any substantive or procedural requirement for treating of a waste prior to inclusion in the sewage works.

(45) "Pretreatment Standards" shall mean National Categorical Pretreatment Standards, Alternative Discharge Limits, or other federal, state, or local standards, whichever are applicable.

(46) "Properly Shredded Garbage" shall mean the wastes from the preparation cooking or dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 – inch in any dimension.

(47) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(48) "Replacement" means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other State and Federal regulations.

(49) "Revenues and Net Revenues" shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

(50) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.

(51) "Septic Tank Effluent" or "Effluent" shall mean sewage that has passed through a septic tank with the intent of removing grease and solids.

(52) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.

(53) "Sewage Treatment Plan" or "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(54) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(55) "Sewer" shall mean a pipe or conduit for carrying sewage.

(56) "Sewer Service Charge" means the sum applicable to the user charge, surcharges, and debt service charges.

(57) "Shall" is mandatory; "May" is permissive.

(58) "Significant Violation" shall mean 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).

(59) "Slug" shall mean 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 than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation.

(60) A "Spill" shall mean the sudden loss of a liquid pollutant from a containment vessel or containment area.

(61) "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(62) "State" shall mean the State of Michigan.

(63) "Storm Sewer" or "Storm Drain" shall mean a sewer which carries Storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(64) "Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting there from.

(65) “Supervisor” shall mean the Township of Palmyra Supervisor or Township agent thereof.

(66) “Surcharge” is the additional charge levied on an Owner who discharges wastewater having a strength in excess of that listed in the ordinance, to cover the cost of treating such excess strength wastewater.

(67) “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

(68) “System” shall mean the complete Central Lenawee Sewage Disposal System, including all sewers, pumps, lift stations, treatment facilities, and all other facilities, used or useful in the collections, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenance thereto and including all extensions and improvements thereto, which may hereafter be acquired.

(69) “Township” shall mean Township of Palmyra, Michigan and any agent thereof.

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

(71) “User” shall mean any person who contributes, causes, or permits the contribution of wastewater into the sewage works.

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

(73) “User Class” means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

(a) “Residential User” shall mean a user of the treatment works whose premises or building are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).

(b) “Industrial User” shall mean any user who discharges an “Industrial Waste” as defined in this ordinance.

(c) “Commercial User” shall mean an establishment listed in the Office of Management and Budget’s “Standard Industrial Classification Manual” (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

(d) “Institutional User” shall mean any establishment listed in the “SICM”, involved in a social, charitable, religious, or educational function which, based on a determination by the Township, primarily segregated domestic wastes or wastes from sanitary conveniences.

(e) “Governmental User” shall mean any Federal, State or Local government user of the wastewater treatment works.

(74) “Waters of the State” shall mean all streams, lakes, ponds, marshes, water-coursed, waterway, 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.

(75) “Equivalent Unit” or “Units” shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived there from and shall be defined or determined from time to time by the Township board after consultation with the consulting engineers for the Township and the county. Said determination of units shall be based upon the studies made relative to the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made and through experience gained by the Township and county in actual operation.

(76) “Trunkage Charge” shall mean the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the sewage disposal system and represents the charge to the premises for the cost of constructing the trunk sewer main facilities, lift stations, sewage treatment facility, and other public sewage system appurtenances located on public property by which sewage disposal services are immediately provided to the premises.

(77) “Availability Charge” shall mean the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the collection system by which sewage originating in structures on the premises is transported there from and treated in the public facilities of the system and represents the proportionate cost allocable to such premises for the sewage collection services made directly available to and on the premises and general benefit derived there from.

(78) “STEP System” shall mean a septic tank and effluent drain system into which a building sewer directly discharges and includes the service pipe connection to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

(79) “Grinder System” shall mean a grinder pump and controls, etc., into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

2A. ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ASTM – American Society for Testing and Materials

BOD – Biochemical Oxygen Demand

CFR – Code of Federal Regulations

COD – Chemical Oxygen Demand
CWA – Clean Water Act
EPA – Environmental Protection Agency
L – Liter
MDEQ – Michigan Department of Environmental Resources
mg – milligrams
mg/l – milligrams per liter
ug/l – micrograms per liter
NPDES – National Pollutant Discharge Elimination System
O&M – Operation and Maintenance
SIC – Standard Industrial Classification
SS – Suspended Solids
USC – United States Code
WPCF – Water Pollution Control Federation

3. MANAGEMENT COMMITTEE

There shall be formed a committee to be known as the Management Committee of the Central Lenawee Sewage Disposal System. It shall be the function of the Management Committee to perform the duties assigned to it by virtue of this ordinance and the other duties delegated to it by the Township Board. All actions of the Management Committee shall be subject to the terms of the contract between the County of Lenawee and the Township of Palmyra dated May 1, 2002.

4. SUPERVISION AND CONTROL

The operation and maintenance of the system shall be under the supervision and control of the Drain Commissioner subject to approval by the Management Committee. Said supervision and control shall be exercised pursuant to the terms of the contract between the County of Lenawee and the Township of Palmyra dated May 1, 2002. Further, the Drain Commissioner may employ such person or persons necessary for the operation and maintenance of the system.

5. ESTABLISHMENT OF RATES

The township of Palmyra has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Township Board of Palmyra may employ such person to persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

6. USE OF PUBLIC SEWERS REQUIRED

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful when sewer and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the Management Committee.

(3) It shall be unlawful when sewer and/or treatment facilities are available, to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the Management Committee or as hereinafter provided.

(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 any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Township of hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance and regulations supplementary hereto, connections shall be made within ninety (90) days after date of official notice to do so, except for the original connections to the sewer system, upon completion of construction which shall be made within one hundred eighty (180) days of completion or commissioning of the sewer system, provided that said public sewer is within two hundred (200) feet of the property line.

(5) Any person who shall fail to comply with the requirements of this Section within 180 days after receiving official notice to connect to the public sewer shall be billed the normal user charge and debt service charge as hereinafter set forth in Section 8 and Section 10 of this Ordinance.

7. BASIS OF CHARGES

All sanitary sewer service shall be charged for on the basis of water consumed, to the extent that such consumption reflects the return of water to the sanitary sewers as herein provided. No free sanitary sewer service shall be furnished to any person.

8. USER CHARGE

(1) The rates to be charged for services furnished by the system shall be from time to time recommended by the Management Committee and approved by resolution of the Township Board.

(2) All customers of the Township systems shall be charged a flat sewer service fee per equivalent unit per quarter. The flat fee shall be from time to time recommended by the management committee and approved by resolution of the Township Board. Equivalent units for the Township are attached hereto in Appendix "A".

(3) Surcharges – A surcharge shall be assessed upon any wastewater discharging into the system having any or all of the following properties.

- (a) A suspended solids concentration greater than 300 mg/l, maximum limit equals 1400 mg/l.
- (b) A BOD 5 concentration greater than 300 mg/l, maximum limit equals 940 mg/l.
- (c) A NH-3-N concentration greater than 1.0 mg/l, maximum limit equals 300 mg/l.
- (d) A COD Concentration greater than 600 mg/l.

(e) The rate of the surcharges provided above shall be established from time to time by Township Board Resolution. Surcharges will be issued of Oxygen Demand to the wastewater system in accordance with (b) or (d) above, but not for both.

(4) Stub and On-Lot Materials Cost:

(a) All costs and expenses incidental to the installation and connection of the building sewer, the septic tank and effluent pumping system or a grinder pump system and STWL service pipe to the public sewer for premises connecting to the public system after the original construction shall be borne by the owner. The owner shall indemnify the Township for or against and loss or damages that may directly or indirectly be occasioned by such installation.

(b) Any connection to the system which is done contrary to the provisions of this Ordinance and regulations supplementary hereto shall be unlawful and any person who shall connect to the system in an unlawful manner shall be required to uncover the unlawful connection at his own expense and the cost of any litigation necessary to insure proper connection to the system or to insure that the unlawful connection has been disconnected shall be borne by the property owner.

(5) Availability Charge: An availability charge shall be paid for each connection made by a premises adjacent to a System sewer line which has not been included in a special assessment district which included as part of the assessment an availability charge. No availability charge shall be due where the system sewer line adjacent to the connecting premises was constructed as part of a development or project in which private parties or the Township on behalf of and at the expense of private parties have constructed such sewer line. Such availability charge shall be at a rate to be established and adjusted from time to time by Township Board resolution.

(6) Trunkage Charge: A trunkage charge per unit shall be paid for each premises which has not been included in a special assessment district which included as part of the assessment a trunkage charge. Those premises which have previously paid a trunkage charge as part of a special assessment or on a cash or installment basis but which are later expanded, or where the use thereof is altered so as to increase the intensity of sewer use, shall pay an additional trunkage charge for such alterations or change of use. Such trunkage charge shall be due at the time a building permit is issued for such alteration, or if no building permit is required, at such time as the use is changed, on such terms as shall be specified from time to time by Township Board resolution. The trunkage charge shall be established and adjusted from time to time by the Township Board by resolution. The amount of the trunkage charge shall be determined by multiplying the trunkage charge times the number of units, determined on the basis of the schedule of equivalent unit factors.

9. METHOD OF CHARGING

All customers of the Township system whether residential or non-residential shall be charged for user charges by the Township at a flat rate as established by the Township resolution. System operation and maintenance fees shall not be waived.

10. DEBT SERVICE CHARGE

The debt service charge for all persons in the Township of Palmyra shall be charged per residential equivalent unit per quarter. The amount to be charged per residential equivalent unit shall be from time to time determined by the Management Committee and subject to approval by the Township of Palmyra Board. For purpose of the debt service charge all persons shall be charged pursuant to the equivalent unit factors, (for equivalent unit factors, See Appendix "A" attached).

11. SPECIAL RATES

Upon recommendations by the Management Committee the Township Board may be resolution fix special rates for sanitary sewer service for customers outside the Township, customers not having a metered water supply, customers using large quantities of water not discharged into the sanitary sewers, and in other cases where special considerations are applicable. These rates shall meet the Federal Water Pollution Control Act guidelines. All special rates shall be calculated in accordance with Federal regulations governing user charge systems.

12. SERVICE TO TOWNSHIP OFFICES

The township shall pay the same sanitary sewer rates for service to its offices as would be payable from a private customer for the same services.

13. BILLING

Billing and collection for sanitary sewer service shall be the responsibility of the Lenawee County Drain Commission. Bills will be rendered monthly on the 1st day of the month.

14. COLLECTION

The payment of charges for sanitary sewer service to any premises may be enforced by discontinuing at the expense of the premises owner the sanitary sewer service to such premises, and an action of assumpsit may be instituted by the Township against said premises owner. Any costs for reconnection of service following a discontinuance of service pursuant to this Section shall be at the expense of the premises owner. The charges for water service and sanitary sewer service, which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the Management Committee shall annually, at the first meeting in August of the Township Board report to the Township, all unpaid charges for such services furnished to any premises which, on the 31st day of July preceding have remained unpaid for a period of six (6) months. The Township Board may thereupon, after due notice to the owners of the premises so served assess the amount so found and the amount owed shall be collected in the same manner as general Township Taxes. In cases where the Township is properly notified for sanitary sewer service charges, no such service shall be commenced or continued to such premises until there has been deposited with the Township Treasure, a sum sufficient to cover twice the average monthly bill for such premises as estimated by the Township Treasurer. Where the collection of charges for sanitary sewer service may be difficult or uncertain, the Treasurer may require a deposit. Such deposits may be applied against any delinquent sanitary sewer service charges. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the owner of the premises making the same, where he shall discontinue receiving sanitary sewer service.

15. PENALTY FOR LATE PAYMENT

A penalty of ten percent (10%) of the amount of the bill shall be added for Sanitary Sewer Service which is not paid within thirty (30) days after the date set forth on said bill.

16. FISCAL YEAR FOR SYSTEM

The system shall be operated on the basis of a fiscal year commencing on the first day of January and ending on the 31st day of December.

17. USE OF PROCEEDS – REVISION OF RATES

The rates fixed by the Township are estimated to be sufficient to provide for the payment of any or all indebtedness, to provide for the expenses of administration and operation and such expenses of maintenance of such system as are necessary to preserve the same in good repair and working order, to build up a reasonable reserve for equipment replacement thereof. Such rates shall be fixed and revised, from time to time as may be necessary to produce these amounts. An independent public accounting firm shall prepare an annual audit. Based on the said audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

If any of the replacement funds are spent before the 20-year period and where the replacement funds are based on the sinking fund method, the annual cost must be reviewed to compensate for the loss in principal.

18. DESPOSITION OF REVENUES

(1) The revenues of the System which are derived from the collection of rates established by the Ordinance shall be set aside as collected and deposited in a separate depository account in a bank qualified to do business in Michigan in an account to be designated, CENTRAL LENAWEE SEWAGE DISPOSAL SYSTEM RECEIVING FUND (hereinafter referred to as the Receiving Fund) and said revenues in such account shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified.

(2) Out of the revenue in the Receiving Account, there shall be credited quarterly to a separate account, designated as the Operation and Maintenance Account, a sum sufficient to provide for the ensuing quarter of the current yearly budget for the administration and operation of the system, including billing, accounting, postage, and related costs and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(3) There shall be established a Replacement Account. The Replacement Fund shall be reviewed annually to determine that sufficient placement funds are in the account.

(4) There shall next be established and maintained a separate account designated as the Debt Retirement Account, which account shall be used solely and only for the purpose of paying the principal and interest on the bonds of the system as are now or may hereafter be issued, except special assessment bonds. Any tax revenues designated for use in retiring such bonds shall likewise be credited to this account as and when received. There shall be set aside from time to time in such account at least a sufficient amount to meet the principal and interest requirements accruing in the current fiscal year.

(5) After all such funds have been credited as provided above, any additional revenues shall be placed in a separate account designated as the Surplus Account. Money from the Surplus Account may be used to make up a deficit, to reduce rates, for purpose of construction, expansion, and improvement to the System and for any other sewage works purposes.

(6) In the event that monies in the Receiving Fund are insufficient to provide for the current requirement of the Operation and Maintenance Fund, any monies and/or securities in other funds of the System, except sums in Debt Retirement Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein. Any transfer of monies to the Operation and Maintenance Fund shall be made up through an increase in user charges to that proportionality of the rate system is maintained.

(7) Monies in any fund or account established by the provisions of this Ordinance may be invested in accordance with Act 66, Public Acts of 1977, and subject to the limitations provided in Act 94, Public Acts of Michigan 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(8) All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

19. PROCESS WASTE WATER

(1) It shall be unlawful to discharge to the waters of the state within the Township, or in any area under the jurisdiction of said Township and/or to the sewage works, any wastewater except as provided by an NPDES Permit and/or as authorized by the Township in accordance with the provisions of this ordinance.

(2) All industrial users proposing to connect to or to contribute to the sewage works shall submit information on the user, processes and wastewater to the Management Committee before connecting to or contributing to the sewage works. All existing industrial users connected to or contributing to the sewage works shall submit this information within thirty days after the effective date of this Ordinance. The information submitted must be sufficient for the 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:

- (a) Name, address location (if different from the address).
- (b) SIC number according to the Standard Classification Manual, Bureau of the Budget, 1972, as amended.
- (c) Wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:

- “Standard Methods for the Examination of Water and Wastewater”, American Public Health Association.
 - “Manual of Methods for Chemical Analysis of Water and Wastes”, United States Environmental Protection Agency.
 - “Annual Book of ASTM Standards, Part 31, Water”, American Society of Testing Materials, current edition.
- (d) Time and duration of contribution.
- (e) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Industries identified as significant industries or subject to the National Categorical Pretreatment Standards or those required by the Township must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (g) Description of activities, facilities and place processes on the premises, including all materials, which are or could be discharged.
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, 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.
- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards. The following conditions shall apply to this schedule:
- The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.
 - No increment referred to in paragraph (1) shall exceed 9 months
 - Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Management Committee, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Management Committee.
- (j) Each product produced by type, amount, process, or processes and rate of production.

- (k) Type and amount of raw materials process, average and maximum per day.
- (l) Number and type of employees, hours of operation of plant and proposed or actual hours of operation and pretreatment system.
- (m) Any other information as may be deemed by the Management Committee to be necessary to evaluate the impact of the discharge on the sewage works.

(3) Within six (6) months of the promulgation or revision of a Pretreatment Standard all affected users must submit to the Management Committee, the information required by paragraphs (h) and (i) of this section.

(4) Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations established by the Township. The Township may:

- (a) Limit the average and maximum wastewater constituents and characteristics;
- (b) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- (c) Require the installations and maintenance of inspection and sampling facilities;
- (d) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (e) Establish compliance schedules;
- (f) Require submission of technical reports or discharge reports;
- (g) Require the maintaining, retaining and furnishing of facility records relating to wastewater discharge as specified by the Township, and affording Township access thereto, and copying thereof;
- (h) Require notification of the Township for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (i) Require notification of slug discharges and accidental spills;
- (j) Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance;
- (k) Require the following applicable charges of fees in order to provide for the recovery of costs from users of the POTW for the implementation of the Pretreatment Program:
 - for reimbursement of costs of setting up and operating the Pretreatment Program;
 - for monitoring, inspections and surveillance procedures;
 - for reviewing accidental discharge procedures and construction;
 - for filing appeals;

- for consistent removal by the Township of pollutants otherwise subject to Federal Pretreatment standards;
- and others as the Township may deem necessary to carryout the requirements contained herein.

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

(5) Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the sewage works, any user subject to Pretreatment Standards and Requirements shall submit to the Management Committee a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified representative.

- (a) Any User discharging an industrial waste, or any new industrial source discharging into the sewage works, shall submit to the Township during the months of June and December, unless required more frequently in Pretreatment Standard or by the Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards of this Ordinance. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in Section 20(2)(e) of this Ordinance. At the discretions of the Management Committee and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Management Committee may agree to alter the months during which the above reports are to be submitted.
- (b) The 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. In such cases, the report required by Paragraph (a) of this section shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

(6) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Management Committee that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this

Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

The Township shall not transmit to any governmental agency or to the general public information accepted by the Township as confidential until and unless a ten-day notification is given to the User. Any such release of information shall be made in accordance with Section 403.14 of the Federal Register.

20. PRIVATE SEWAGE DISPOSAL

(1) Where a public sanitary sewer is not available under the provisions of Section 6 the building sewer shall be connected to an approved private sewage system.

(2) At such time as a public collection sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6, subsection 4, a direct connection shall be made to the public collection sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

(3) The type, capacities, locations, and layouts of private sewage disposal systems shall comply with all recommendations of the Department of Public Health of the State of Michigan, and shall be constructed and connected in accordance with the plumbing regulations of the Township. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. Interceptor tanks used to effluent sewer systems must be installed by licensed installers.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

(5) No statement contained in this Section shall be constructed to interfere with any additional requirements that may be imposed by the Lenawee County Health Department.

21. BUILDING SEWERS AND CONNECTIONS

(1) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a Connection Permit from the Township Board. No building sewer shall be covered until after it has been inspected and approved by the Township. The cost for this Connection Permit shall be established from time to time by resolution of the Township Board.

(2) All costs and expenses incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.

(3) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building.

(4) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township, to meet all requirements of this Ordinance.

(5) The building sewer shall be constructed of PVC, cast iron or ductile iron soil pipe, as approved by the Township. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to require such protection in the opinion of the Township.

(6) The size and slope of the building sewer shall be subject to approval by the Township, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall not be less than one quarter (1/4) inch per foot, unless otherwise permitted.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid paralleled to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with clean-outs accessible for cleaning.

(8) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Township and discharged to the building sewer.

(9) All joints and connections shall be made gastight and watertight. All joints shall be approved by the Township.

(10) The 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.

(11) Failure to comply with the provision of Section 22 shall, in addition to the other remedies available to the Township, result in the assessment of a penalty equal to two times the normal connection fee.

22. USE OF THE PUBLIC SEWERS

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater or roof water to any sanitary sewer.

(2) Storm water, groundwater, and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, if available, or combined sewers when a storm sewer is not available.

Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Water Resources Commission of the State of Michigan.

(3) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

- (a) Any liquid or vapor causing the temperature of the influent to the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (b) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
- (d) Any garbage that has not been properly shredded.
- (e) Solid or viscous substances capable of causing obstruction to flow in sewers or other interference with proper operation of the sewage works, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, paunch manure; or any other solid or viscous substance.
- (f) Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment and personnel or the sewage works. The pH of the wastes discharged into the sewer system must be within 6.5 to 10.0 limits.
- (g) Any waters or wastes containing a toxic or poisonous substance or of high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or storm water overflows or the effluent of the sewage treatment plant. Materials such as copper, zinc, and chromium shall be limited to the following quantities in a 24-hour composite sample of an industrial waste flow and the maximum concentration shall not exceed the following.

Ammonia as N	300	mg/l	Lindane	0.17	ug/l
Arsenic	0.2	mg/l	Mercury*	ND	
Beryllium	0.1	mg/l	Molybdenum	0.094	mg/l
5-day BOD	940	mg/l	Nickel	1.20	mg/l
Cadmium	0.03	mg/l	Phosphorus	15.0	mg/l
Chromium	4.60	mg/l	Silver	0.04	mg/l
Copper	0.71	mg/l	Suspended Solids	1,400	mg/l
COD	600.0	mg/l	TKN	40.0	mg/l
Cyanide	0.11	mg/l	Toluene	4,900	ug/l
di-n-butyl Phthalate	120	mg/l	Total Phenols	0.2	mg/l

Fats, Oil & Grease400 (food based)	mg/l	Triethylamine	3,300 ug/l
Fats, Oil & Grease100 (petroleum based)	mg/l	Zinc	3.06 mg/l
Lead	0.21	mg/l	

*non-detectable, less than 0.0002 mg/l

Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by the Management Committee.

Should any other substance, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by the Management Committee.

Should the Management Committee determine that the above limits can be raised without damage to the sewer system or the sewage plant or receiving waters and would not result in the sewage plant exceeding State or Federal limits and the industry will practice good waste control and the industry will treat the waste flow to the limits of the current technological limits and the industry present sufficient evidence that the limits can be increased, it may raise the above limits.

- (h) Any water, wastes, or slug loads containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials or causes interferences with the treatment process.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (j) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Management Committee in compliance with applicable State and Federal regulations. All users of radioactive material shall register with the Management Committee.
- (k) Any waters having a chlorine demand in excess of 15 parts per million by weight.
- (l) Any industrial waste that may cause a deviation from the NPDES Permit requirements, Pretreatment Standards, Federal or State regulations or Water Quality Standards.

(4) Upon the promulgation to 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 Township shall notify all affected Users of the applicable reporting requirements.

(5) Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Township prior to the User's initiations of the changes.

As required by Sections 403.8(f)(2)(vii) of the Federal Register, the Township shall annually publish in the major local newspaper a list of the Users which were significantly violating any applicable Pretreatment Requirements or Standards during the twelve previous months. The notifications shall also summarize any enforcement actions taken against the User(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or MDNR upon request.

(6) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national Categorical Pretreatment Standards, Alternative Discharge limits, or in any other pollutant-specific limitation developed by the Township or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in this Ordinance, upon prior written approval of the Management Committee.

(7) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Management Committee, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Management Committee 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 gastight and watertight.

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

(9) The admission into the public sewers of any water or wastes containing (a) 5-day BOD greater than 300 parts per million by weight; or (b) containing more than 300 parts per million by weight of suspended solids; or (c) containing any quantity of substances having the characteristics described in Section 23 Subsection (3); or (d) having an average daily flow greater than 25,000 gallons per day, shall be subject to review and approval by the Management Committee. When necessary in the opinion of the Township, the owner shall provide at his expense, such preliminary treatment as may be

necessary to reduce the 5-day BOD to 300 parts per million by weight; or to reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 23, Subsection (3), or control the quantities and rates of discharge of such waters or wastes or the right to empty such sewage shall be denied. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities, shall be prepared and submitted by a qualified engineer for approval of the Management Committee and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(10) Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds (a) 300 parts per million of 5-day BOD; or (b) 300 parts per million by weight of suspended solids; or (c) containing any quantity of substances having the characteristics described in Section 23, Subsection (3) and where such wastes are permitted to be discharged to the sewer system by the Management Committee, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Township. The cost any subsequent sampling and testing shall be borne by the industry or establishment whether owner or lessee. Tests shall be made by an independent laboratory.

The Township shall determine added charges. These charges shall be based on the cost operation, maintenance, administration, depreciation, amortization plus sufficient coverage for the sewage works.

(11) When required by the Management Committee, the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Management Committee. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(12) All measurements, tests, and analyses of the characteristics of waters and wastes to which references are made shall be determined in accordance with the latest addition of Standard Methods for the Examination of Water and Wastewater or Guidelines Establishing Test Procedures for the Analysis of Pollutants, Federal Register 40 CFR 136, published in the Federal Register on October 16, 1973, and succeeding amendments, and shall be determined at the monitoring facilities provided for in this Ordinance, or upon suitable samples taken of said facilities. 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 building sewer is connected.

(13) To determine sewage flow from any establishment, the Management Committee may use one of the following methods:

- (a) The amount of water supplied to the premises by the Township or a private water company as shown upon the water meter if the premises are metered; or
- (b) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources shall be metered, at the owner's expense by a meter approved by the Management Committee;

- (c) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the amount of sewage shall drain away from the building and in a direction approved by the Management Committee. In the case of existing construction the Management Committee may require the alteration of said improved surfaces if it finds that the existing condition is causing storm and surface waters to drain into any township sanitary sewer.

(14) In all cases of new construction, below-grade drainage, including, but not being limited to, footing tiles, sunken patios, and underground springs, such drainage shall be constructed in such a manner as to preclude their draining into any sanitary sewer. In the case of existing construction, the Management Committee may require the alteration of said drainage system if it finds that it is causing water to flow into the sanitary sewer system in such quantities as to cause flooding of property in the immediate area.

- (a) In all cases of new construction all footing drain discharge shall be deposited into the storm sewers or other storm water drainage facility in accordance with the State Plumbing Code, or upon the surface of the ground in those instances where no storm drainage facility is available.
- (b) Where such footing drain discharge is deposited upon the surface of the ground, the place of deposit shall be in that yard area that drains directly to a street, road or alley, or to that yard which contains a drainage easement, without crossing another parcel of land. Discharge of such water upon the surface of the ground shall be carried not less than five (5) feet from the foundation walls by means of splash blocks which shall be installed at the time of construction and shall not discharge upon surface of the ground within the street right-of-way or within twenty (20) feet thereof.

23. PROTECTION FROM DAMAGE

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

24. POWERS AND AUTHORITY OF INSPECTORS

(1) The Supervisor and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Supervisor or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties, the Supervisor or duly authorized employees of the Township shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Township employees and the Township shall indemnify the company against loss or damage to its property by Township employees and against liability claims and demands for personal injury or property damage

asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this Ordinance.

(3) The township shall inspect the facilities or any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, recorder copying or in the performance of any of their duties. The Township shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measure in force, which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

25. REPORTING SPILLS AND DUMPS

(1) If a spill occurs the Owner shall immediately notify the Wastewater Treatment Plant. The Township may then inspect the spill to evaluate the degree of hazard to the sewage works. The Township may rule upon the compatibility of the spill. The Owner shall withhold discharge of the spill before a ruling is obtained. Unauthorized discharge of any spill shall automatically constitute a dump.

(2) If a dump occurs, either advertently or inadvertently, the Owner shall immediately notify the Wastewater Treatment Plant to enable the Township to take any possible action for the protection of public health, treatment processes, and environment. A dump is a violation of this Ordinance and shall be subject to the provisions of Section 23, Subsection (10).

(3) Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge 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 Management Committee for review, and shall be approved by the Management Committee before construction of the facility. All required Users shall complete such a program within 90 days of notification by the Management Committee. If required by the Management Committee, a User who commences contribution to the sewage works after the effective day of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Management Committee. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the sewage works of this incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(4) Within five (5) days following an accidental discharge, the User shall submit to the Management Committee 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, fish kills, or any other damage to person or property; not shall such notification relieve

the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law. Failure to file a report shall be a separate violation of this Ordinance.

26. HEARING PROCEDURES

(1) In addition to any remedies provided elsewhere in this Ordinance, whenever the Management Committee has reason to believe that any Owner has committed or is committing a violation, it may serve upon the Owner a written notice stating the nature of the alleged violation, the amount of fine or damages assessed and describing the time for and the nature of required correction and payment.

(2) If the violation is not corrected as prescribed in the aforesaid notice, or charges paid, the Management Committee may issue an order to the User to appear for a hearing and show cause why service should not be terminated.

(3) The aforesaid notice and order to show cause shall be served upon the User by personal service, or in lieu hereof by certified mail, return receipt requested, to the User's last known address.

(4) The hearing shall be conducted by the Management Committee and Supervisor who shall render a written decision determining whether the user's service shall be terminated or recommending court action and stating reasons therefore. Admissibility of evidence at the hearing shall be within the discretion of the Supervisor.

(5) The Owner shall be entitled to be represented at the hearing in person or by an attorney at his own expense and shall be entitled to examine witnesses for the Township and present evidence on his own behalf. A record shall be made of the proceedings, but such record need not be verbatim.

(6) The User whose service is terminated without prior hearing may request such a hearing as described in Section 29, Subsection (4) and (5) above, to permit him to show why his service should not have been terminated and should be resumed. Such requests shall be granted, but service will not be resumed unless so ordered by the Supervisor.

27. COURT ACTION

(1) A violation of the provisions of this Ordinance shall be considered a public nuisance per se and any action authorized or permitted by law for the abatement of public nuisances may be instituted by the Township in regard to such violation.

(2) Whenever a person has violated any provision of this Ordinance, the Township may take any legal action necessary to recover damages sustained by the Township as a result thereof. Such damages shall include, but are not limited to, lost revenues from the Federal or State Government and any fines or other penalties, which are the result of the aforesaid violation.

(3) Any person who shall continue any violation of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00), or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment at the discretion of the Court, for each violation. Each day in which violation shall continue shall be deemed a separate offense.

(4) Whenever the Management Committee finds that a violation of this Ordinance is occurring and presents an emergency which threatens immediate, serious harm to any portion of the wastewater system which threatens to or does create an immediate health hazard, the user's wastewater service may be terminated by order of the Management Committee, pending further investigation and hearing.

(5) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both.

28. VALIDITY

(1) The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal or unconstitutional, by any court or competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause, or term, and they shall continue in full force and effect.

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

29. PUBLICATION

This Ordinance shall be published once, in full, in the Daily Telegram, a newspaper of general circulation within the boundaries of this Township and qualified under State Law to publish legal notices, after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and Township Clerk.

30. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption.

ORDINANCE DECLARED ADOPTED

DATE ADOPTED: July 29, 2004

James Isley, Supervisor

Richard E. Jackson, Clerk

Approved COPY of Complete Ordinance