

**HAMBURG TOWNSHIP  
ORDINANCE NO. 69F**

**WASTEWATER TREATMENT AND ADMINISTRATION ORDINANCE**

**Section 1.     Short Title**

This Ordinance shall be known and may be cited as Hamburg Township's Wastewater Treatment and Administration Ordinance.

**Section 2.     Purpose and Objectives; applicability**

- A.     This Ordinance sets forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment systems and direct dischargers to waters located in and flowing through the Township and enables the Township to comply with all applicable federal, state, and local laws and regulations relating thereto and to protect the health/welfare and environment of Hamburg Township residents.
  
- B.     The objectives of this Ordinance are:
  - 1.     To prevent the introduction of pollutants into waters located in and flowing through the Township, which would degrade the water quality, surrounding environment and/or use and enjoyment of the natural resources located in Hamburg Township, and to promote the stewardship of their resources.
  
  - 2.     To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge.
  
  - 3.     To prevent the introduction of pollutants into the wastewater system which will not receive adequate treatment in the POTW and which will pass through the wastewater system into receiving waters or the atmosphere or otherwise be incompatible with the wastewater system.
  
  - 4.     To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

### **Section 3. Definitions and Abbreviations**

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

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

“Authorized Representative of Industrial User,” means any of the following:

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

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

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

“Building Sewer” means a sewer conveying wastewater from the premises of a user to the Public Sewer.

“Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility needed for compliance with pretreatment standards.

“Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with sections 307(b) and (c) of the Clean Water Act, 33 U.S.C. §1317, which apply to a specific category of nondomestic users and which appear in 40 C.F.R. chapter I, subchapter N (1990), parts 405 – 471.

“Cesspool” means an underground pit into which household sewage or other untreated wastewater is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

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

“Chlorine Demand” means the difference between the amounts of chlorine available at the end of the contact time, expressed in milligrams per liter.

“Combined Sewer” means a sewer receiving both surface runoff (storm water) and sewage or wastewater.

“Commercial User” means any User of the Public Sewer other than a residential user or a person lawfully using a building or structure as a residence.

“Compatible Pollutant” means 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 applicable NPDES permit if the POTW was designed to treat such pollutants to a substantial degree.

“Composite Sample” means a collection of individual samples which are obtained at regular intervals, collected on a time-proportional or flow-proportional basis, over a specific time period and which provides a representative sample of the average stream during the sampling period.

“Connection Fee” means the charge imposed by the Township to grant permission to connect a building sewer, either directly or indirectly, to the Public Sewer. This fee represents the proportional cost attributable to each premise for making the Public Sewer available with sufficient capacity to service said premises.

“Control Manhole” means the structure installed on the building sewer or service connection pipeline to allow access for measurement and sampling of sewage discharging from industrial and commercial establishments.

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

“County” means the County of Livingston, Michigan, acting by and through its Drain Commissioner, the designated County Agency under Act 342 of the Public Acts of Michigan of 1939, as amended.

“DEQ” or “MDEQ” means the Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

“Direct Connection” means the connection of the building sewer directly to the Public Sewer.

“Direct Discharge” means the discharge of the treated or untreated wastewater directly to waters located in and/or flowing through the Township.

“Discharge” means any direct or indirect discharge of any waste, waste effluent, wastewater, pollutant, or any combination into any of the waters located in and/or flowing through the Township or upon the ground.

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

“EPA” or “USEPA” means the United States Environmental Protection Agency.

“Food Service Establishment” (“FSE”) means any place where food or beverage is prepared and served or consumed whether fixed or mobile, with or without charge, on or off the premises. FSEs will include, but not limited to restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with on-site food preparation, and ice cream parlors. Unless otherwise designated by the Township, the following will not be considered FSEs:

- a. Private homes where food is prepared specifically for personal consumption.
- b. Location of vending machines; or
- c. Temporary food service establishments, which are defined as operating at a fixed location for not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

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

“Grab Sample” means a sample that is taken from a wastewater stream on a one-time basis with no regard to the flow in the wastewater stream and without consideration of time.

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

“Grinder Pump System” means the device to which the Building Sewer connects and which grinds and pumps the sewage to the Public Sewer for transportation to the POTW, the publicly owned grinder pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned building sewer and the Public Sewer system.

“Health Department” means the Livingston County Health Department.

“Holding Tank Wastewater” means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

“Incompatible Pollutants” means any pollutant that is not a compatible pollutant.

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

“Indirect Discharge” means the discharge or the introduction of the nondomestic pollutants in the POTW regulated under Section 307(b) or (c) of the Act (33 USC 1317) into (including holding tank wastewater discharged into the system).

“Industrial Waste” means any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

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

“Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow.

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

“Inspection Fee” means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer, to cover the routine cost of inspecting and approving the physical connection of a building sewer and service connection to the Public Sewer, and the issuance of a connection permit.

“Inspector” means the person responsible for inspecting connections of building sewers and service connection to the Public Sewer as designated by the Township.

“Interference” means the inhibition or a disruption of the POTW treatment processes or operations that contribute to a violation of any requirement of the applicable NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.

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

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

“Major Contributing Industry” means any industrial user of the POTW that:

- a) Has a flow of 50,000 gallons or more per average workday,
- b) Has a flow greater than three percent of the flow carried by the municipality receiving the wastes;
- c) Has in its waste, a toxic pollutant in toxic amounts as defined in the standards under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- d) Is found by the permit issuance authority in connection with the issuance of a NPDES Permit to the POTW receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

“May” is permissive.

“MDPH” means the Michigan Department of Public Health or any successor governmental agency having similar regulatory jurisdiction.

“MUC” means the Hamburg Township Municipal Utilities Committee.

“National Categorical Pretreatment Standard or Pretreatment Standard” means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.

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

“National Prohibitive Discharge Standard or Prohibitive Discharge Standard” means any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

“Natural Outlet” means any outlet into a watercourse, pond, ditch, or other body of surface or groundwater.

“New Source” means any source, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards which will be applicable to such source, provided that:

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

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

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

“Nuisance” means any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence or Hamburg Township Ordinances including this Ordinance, as well as, any condition or circumstance where sewage or the effluent from any sewage disposal facility or toilet device is exposed on the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, of when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use, enjoyment or sale of adjacent and/or surrounding property.

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

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

“Owner (or Owners)” means the equitable and/or legal owner of fee simple interest of a freehold estate, or any trustee, personal representative, receiver, firm, corporation or entity legally acting on behalf of the equitable and/or legal owner.

“Pass Through” means a discharge which exits the POTW into waters located in or flowing through Hamburg Township in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit, franchise, or applicable local ordinance, including an increase in the magnitude or duration of a violation.

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

“pH” means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

“Pollutant” means any of various chemicals, substances, and refuse materials such as dredged spoil, incinerator residue, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes discharged into water.

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

“POTW Treatment Plant” means that portion of the POTW designed to provide treatment to wastewater.

“Pretreatment or Treatment” means 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 introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes and other means, except as prohibited by 40 CFR section 403.6(d).

“Pretreatment Requirements” means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.



“Private Sewer” means a sewer that is owned, operated and maintained by or on behalf of one or more individuals for the benefit of the owners.

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

“Public Sewer” means a sewer that is owned and operated by the Township, including all publicly owned service connections, sewers, trunk lines, lift or pumping stations, odor control facilities, waste water treatment plants or facilities, and any and all appurtenances thereto.

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

“Residential Equivalent Unit (REU)” means a standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A listing of the relative relationships between the various Users of the System is hereby determined by the Township as set forth in Appendix 1 Table of Unit Factors of Ordinance 69. The assignment of REU(s) to a particular user shall be determined from time to time by the Township based upon the use to which the User’s property is put. The assignment of the REU(s) for any use not enumerated in Appendix 1 Table of Unit Factors shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix 1 Table of Unit Factors as set forth in Ordinance 69. REU(s) shall be defined as one (1) REU is equivalent to One Hundred Fifty (150) gallons per day.

“Sanitary Sewage” means the waste discharged from toilets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar and garage floor drains, soda fountains, bars, refrigerator drips, air conditioners, drinking fountains and other domestic or commercial water wastes.

“Sanitary Sewer” means a public or private sewer that carries sewage and into which storm, surface and ground waters are not intentionally admitted.

“Seasonal Recreation Use” (“SRU”) means any non-residential building or structure the use of which depends on or is controlled by the season of the year and does not have nor will be authorized by the Township to have cooking facilities for the preparation of food. All applicants seeking SRU designation shall be required to specify the time period(s) of operation. Seasonal use shall not exceed more than three (3) months of operation in any calendar year.

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

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

“Service Connection” means the portion of the Public Sewer which extends either to or onto the parcel of land adjacent to the path of the Public Sewer, and includes the sewer main, tee/wye, valve, check valve, connector pipes, the sewer lead, the grinder pump system, electrical controls and connections at the electric meter (but not including the meter) and appurtenances, but not including the building sewer.

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

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

“Sewage Treatment Facility” means all facilities owned, operated, maintained or utilized for the collection, odor control, sampling, monitoring, pumping, treating and disposal of sewage, specifically including the treatment plant.

“Sewer” means a pipe or conduit carrying sewage and/or storm, surface and ground waters.

“Sewer Lead” means that portion of the service connection that connects to the sewer main located in the public right-of-way and extends therefrom to the property line.

“Sewer Service Charge” means the sum of the applicable connection fee, inspection fee, and user charge, surcharges and debt service charges.

“Shall” is mandatory.

“Significant Industrial User” means any industrial user discharging to a POTW who:

- a. Has a discharge flow of 25,000 gallons or more per average work day; or
- b. Has a flow greater than 3% of the flow of the wastewater treatment system to which he is a contributor; or
- c. Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or

- d. Is found by the Township, Michigan Department of Environmental Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system to which he is a contributor, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

“Significant Noncompliance” shall mean one or more of the following:

- a. Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;
- b. Technical review criteria violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a daily maximum limit or an average limit that the DEQ and/or the Township determines has alone or in combination with other discharges caused interference or pass-through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge.
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules.
- g. Failure to accurately report noncompliance; and
- h. Any other violation, or group of violations, which the DEQ and/or the Township determines as adversely affecting operation or implementation of the Township's pretreatment program.

“Slug Load” means any substance released in a discharge at a rate and/or concentration that causes interference to a POTW.

“Special Assessment District” means all Special Assessment Districts determined at any time by the Township Board within the Service District for the provision of sanitary sewer service by the Public Sewer.

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

“State” means State of Michigan.

“Storm Sewer or Storm Drain” means a sewer that carries storm, surface and ground waters, but excludes sewage and polluted industrial waste.

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

“Structure” means a building used or available for use for household, commercial, industrial, or other purposes that generates sewage.

“Superintendent” means the person designated by the applicable local government to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this ordinance, or his/her duly authorized representative.

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

“Supervisor” means the Supervisor of the Township or his/her authorized representative.

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

“Suspended Solids” means the solids that either floats on the surface of or are in suspension in water, sewage or other liquids.

“Township” means the Township of Hamburg, located in Livingston County, Michigan, and/or its duly authorized agent or representative.

“Toxic Pollutant” means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including, but not limited to, those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Clean Water Act, Section 307(a) (33 USC 1317) or other Acts, or included in the Critical Materials Register promulgated by the State.

“Trunk Line” means the main sewer line located under any street or within any street right-of-way that collects and transmits the sewage of the various properties served by the sewer system.

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

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

“U.S. EPA” or “EPA” means the United States Environmental Protection Agency.

“User” means any person who contributes, causes or permits the contribution of sewage into a Public Sewer.

“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.

“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 a treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings.
- b. Industrial User means a user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, and distinct from their employee’s domestic wastewaters or wastewaters from sanitary conveniences.
- c. Commercial User shall mean an establishment listed in the Office of the Management and Budgets Standard Industrial Classification Manual (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastewaters or wastewaters from sanitary conveniences and which is not a residential user or an industrial user.

- d. Institutional User shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function that based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences.
- e. Governmental User shall mean any Federal, State or Local government user of the wastewater treatment works.

“Wastewater” means the industrial or domestic wastewaters from dwellings, commercial building, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which enter the POTW.

“Watercourse” means a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.

“Waters” means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are located in the Township.

#### **Section 4. Franchise Required**

Any wastewater treatment system not owned by the Township which is operating in the Township shall be considered a public utility within the meaning of any constitutional or statutory provisions and shall be required to obtain, prior to site plan approval, a revocable franchise from the Township to engage in such operations and to build, construct, own or operate a wastewater treatment system in accordance with the Michigan Constitution and state law, including but not limited to Part 43 of P.A. 1994, No 451 (MCL 324.4301, et seq.). The expansion, modification, or alteration of any such system shall require a new franchise.

#### **Section 5. Point Source Discharges**

- A. The Township Board has found that the quality of waters located in the Township can be degraded due to the increasing amount of point source nutrient discharge into those waters. Therefore, as a matter of public health, safety, and welfare, and for the protection of lands and landowners adjacent or near these waters, does hereby prohibit an expansion or increase of surface water discharge containing nitrate nitrogen in excess of 200 parts per billion (micrograms per liter) or containing phosphorus in excess of 20 parts per billion (micrograms per liter) into waters located in and/or flowing through the Township. Any landowner making application to the Township for site plan approval for any development which may result in a direct point source discharge of wastewater to any lake, stream, drain, river, creek, wetland or other water body within the Township shall apply for and obtain from the Hamburg Township Board of Trustees a Point Source Discharge Permit prior to final site plan approval.

- B. The application for a Point Source Discharge Permit, together with the application fee established by the Board of Trustees shall be submitted to the Clerk of Hamburg Township. Said application shall be accompanied by all information required for site plan review together with a written opinion from a licensed civil engineer with knowledge and experience in the area of limnology and point source discharges, a limnologist, or other professional acceptable to the Township that the anticipated direct point source wastewater discharge from the site into any lake, stream, river, creek, drain, wetland or other water body within the Township will not contain nitrate nitrogen in excess of 200 parts per billion, contain phosphorus in excess of 20 parts per billion, and will not degrade the quality of the receiving or downstream waters. The Clerk upon receipt of said application shall forward the application to the Hamburg Environmental Review Board (H.E.R.B.) for their consideration and recommendation to the Township Board of Trustees. This recommendation shall state: 1) whether the requested discharge will exceed the limitations contained in Section 5, Paragraph A above, 2) whether the requested discharge will likely result in degradation to the receiving or downstream waters, 3) whether the issuance of a point source discharge will have any other adverse impacts to the environment, and 4) whether they recommend any limitations on the issuance of a permit, and 5) whether they recommend the issuance of a Point Source Discharge Permit. Upon receipt of the H.E.R.B. report, the Hamburg Township Board of Trustees shall consider the Point Source Discharge Permit request and either: 1) grant the permit, 2) grant the permit with conditions, or 3) deny the permit. In the event the Township Board of Trustees shall deny the Permit, they shall state the reasons why such permit is being denied.
- C. Where there are unnecessary hardships in the way of carrying out the strict letter of this section and where no alternative superior treatment technology, method and treatment, or discharge location is available, the Township Board may grant an exemption from this section. The request for exemption shall in be letterform to the Township Board, submitted to the attention of the Township Clerk. The request for exemption shall specify the reasons for the request in detail. The Township Clerk shall submit the request for exemption to the chairperson of H.E.R.B. and the Township Engineer for consideration by H.E.R.B. and the engineer. H.E.R.B. and the engineer shall make a recommendation as to the request for exemption to the Township Board. The Township Board shall approve or disapprove, in writing, the request for exemption following its receipt of the recommendation by H.E.R.B. and the Township Engineer. Approval of the exemption under this section must be secured prior to final site plan approval.

## **Section 6. Industrial Wastewater Pretreatment**

### **A. General discharge prohibitions.**

1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
  - a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21 (1990). At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any point in the system, be more than five percent nor shall any single reading be over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Township, state or EPA has notified the user is a fire hazard or a hazard to the system.
  - b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grain, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
  - c. Any wastewater having a pH of less than 5.0 or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.



- d. Any waters or wastes containing compatible or toxic pollutants which, singly or by interaction with other pollutants, exceed limitations established by the Township for the following reasons:
  - (i) To prevent treatment process pass through of pollutants that violate water quality standards of the receiving stream.
  - (ii) To prevent injury or inhibition of the treatment process or sludge handling facilities.
  - (iii) To prevent contamination of the wastewater sludge and interference with the sludge disposal process.
  - (iv) To comply with federal EPA categorical pretreatment standards.
  - (v) Constitute a hazard to humans or animals.
  - (vi) Create a toxic effect in the receiving waters of the POTW.

Toxic pollutants shall include, but are not limited to; any substance identified in the federal EPA priority pollutant and state critical materials lists.

- e. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance that may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- g. Any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- h. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plan resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).

- i. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.
  - j. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
  - k. Any wastewater that causes a hazard to human life or creates a public nuisance.
  - l. Any waters or wastes which may contain more than 100 milligrams per liter, by weight, of fat, petroleum, oil or grease, nonbiodegradable cutting oils, or products of mineral oil origin.
  - m. Any discharge which will violate any statute, rule, regulation, or ordinance of any public agency and/or local unit of government with jurisdiction, including the EPA.
  - n. Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - o. Any trucked or hauled pollutants, except at discharge points designated by the treatment works.
2. When the superintendent determines that a user is contributing to the POTW any of the substances enumerated in subsection 1 of this section in such amounts as to interfere with the operation of the POTW, the superintendent shall:
- a. Advise the user of the impact of the contribution on the POTW; and
  - b. Develop effluent limitations for such user to correct the interference with the POTW.

B. Federal categorical pretreatment standards.

1. *Generally.* All industrial users subject to the federal categorical pretreatment standards shall be subject to the rules, regulations, and requirements of 40 CFR 403.
2. *Federal standards supersede limitations under this ordinance.* Any existing or new federal categorical pretreatment standards shall immediately supersede the limitations imposed under this ordinance if more stringent. In such a case, the superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
3. *Deadline for compliance with categorical standards.*
  - a. Existing sources shall comply with federal categorical pretreatment standards within three years of the date the standard is effective, unless a shorter compliance time is specified in 40 CFR chapter I, subchapter N.
  - b. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to Section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable federal categorical pretreatment standard.
  - c. Existing sources which become industrial users subsequent to promulgation of an applicable categorical standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR 403.3(k).
  - d. New sources shall install and have in operating condition, and shall start up, all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time, not to exceed 90 days, new sources must meet all applicable pretreatment standards.
4. *Calculation of equivalent mass and concentration limits.*
  - a. When the limits in a federal categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

- b. Equivalent limitations shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

C. Modification of federal categorical pretreatment standards.

Where the wastewater treatment system achieves consistent removal of pollutants omitted by federal categorical pretreatment standards, the Township may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. Consistent removal shall be determined in accordance with 40 CFR 403.7(b).

- 1. When the limits in a categorical standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- 2. Equivalent limitations calculated in accordance with Paragraphs (c)(3) and (c)(4) of 40 CFR 403.6 shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and 40 CFR 403. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

D. State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Ordinance.

E. Dilution Prohibited.

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

F. Grease, oil, and sand interceptors.

- 1. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of wastewaters containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients.

Notwithstanding the foregoing, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township and shall be located so as to be readily accessible for cleaning and inspection. All grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil and sand interceptors shall be maintained in continuously efficient operation at all times by the owner of the building or premises from which such wastewaters emanate, or his authorized representative, at the expense of the owner.

- a. Residential users, who are found by the Township to have compromised their grinder pump by introducing grease into the can, shall be responsible for having the grease pumped out by a licensed septage hauler. All residential users will receive information via the Hamburg Township cable channel, Hamburg Township website, or informational newsletter on the proper use and management of household waste as it relates to grinder pumps and the Wastewater Treatment Plant.

## 2. Grease Interceptors for Food Service Establishments

- a. Unless otherwise authorized by the Township, all permitted FSEs shall install, operate and maintain an outdoor grease interceptor. The Township may issue a discharge permit to any FSE in the service area at its discretion. FSE discharge permits may include user-specific conditions, such as interceptor inspection and pump-out frequencies, that are more or less stringent than specified herein.
- b. General requirements for permitted FSEs shall be as specified herein, unless the Township determines that installation of an outdoor grease interceptor would not be feasible and authorizes the installation of an alternate pretreatment technology. The FSE bears the burden of adequately demonstrating to the Township that the installation of an outdoor grease interceptor is not feasible.
  - (i) For permitted FSEs initiating or modifying discharge after adoption of this Ordinance, the design for an outdoor grease interceptor shall be submitted to the Township for approval prior to submitting the building permit plans. The interceptor shall be installed, and deemed acceptable by the Township after inspection, prior to issuance of a certificate of occupancy.

- (ii) Permitted FSEs already discharging upon adoption of this Ordinance that are determined by the Township to have a reasonable potential to adversely impact the sewer system will be notified in writing of the obligation to install an outside grease interceptor and receive Township approval within 120 days. If an outdoor grease interceptor is not installed and approved after 120 days, the Township will levy a \$100 per day fine for all subsequent offenses. If after ninety (90) days of fines, Township approval is still not met, sewer service shall be disconnected. The user shall be responsible for all reconnection costs.
- (iii) Outdoor grease interceptors shall be constructed in accordance with design approved by the Township, and shall have a minimum of two compartments with fittings designed for grease retention. Sizing and installation shall conform to the current edition of the plumbing code used by the Township.
- (iv) Outdoor grease interceptors shall be inspected monthly at a minimum, or more often if dictated by site-specific conditions. Pump out of accumulated grease, water, and sludge shall occur quarterly at a minimum, or more often if the settled solids exceed a depth of six inches (6") of any interceptor compartment. If an FSE fails a monthly inspection, they shall receive \$100 per day fine until they are in compliance. If after ninety (90) days of fines, Township approval is still not met, sewer service will be disconnected. The user shall be responsible for all reconnection fees.
- (v) Outdoor grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning and removal of intercepted grease, but not in any part of the building where food is handled. The location of all outdoor grease interceptors are subject to approval by the Township.
- (vi) Outdoor grease interceptors shall be inspected monthly at a minimum, or more often if dictated by site-specific conditions. Pump-out of accumulated grease, water and sludge shall occur quarterly at a minimum, or more often if the settled solids exceed a depth of six inches (6") of any interceptor compartment.

Water removed during pump-out shall not be returned to the interceptor, and accumulated grease and sludge shall not be reintroduced into any drainage piping leading to the Township's sanitary sewer. The pump-out operation and disposal of the accumulated grease, water, and sludge shall only be by a licensed contractor. The Township shall be notified prior to any scheduled pump-out so the operation can be witnessed if desired.

- (vii) The FSE shall maintain a written record of inspections, pump-out, and maintenance of the outdoor grease interceptor for three (3) years. All such records shall be available for review by the Township's representative during all operating hours.
  - (viii) Outdoor grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc. which could reduce the effective volume for grease and sludge accumulation.
  - (ix) Sanitary wastes shall not be discharged to sewer lines serviced by outdoor grease interceptors without specific approval of the Township.
- c. Alternate pretreatment technology shall be defined as a device to trap, separate, and hold grease from wastewater and prevent it from being discharged into the Township's sanitary sewer. If the Township-authorized alternate pretreatment technology is other than indoor grease trap(s), the FSE shall submit design plans, installation details, and operation and maintenance procedures to the Township for approval. If the Township-authorized alternate pretreatment technology is indoor grease trap(s), the following requirements apply:
- (i) Indoor grease trap(s) shall be installed in all waste lines from sinks, drains and other fixtures or equipment where grease may be introduced into the Township's sanitary sewer. Trap(s) shall never be operated without the flow restrictor supplied by the unit's manufacturer.
  - (ii) No food waste disposal unit, dishwasher, or wastewater in excess of one hundred-forty (140) degrees Fahrenheit (60°C) shall be discharged into an indoor grease trap.

- (iii) Sizing and installation of the indoor grease trap(s) shall be discharged into an indoor grease trap.
- (iv) FSEs with authorized indoor grease trap(s) shall employ kitchen Best Management Practices (BMPs) for pre-cleaning of plates, pots, pans, etc. to minimize grease loadings to the drainage system.
- (v) Indoor grease trap(s) shall be inspected weekly at a minimum, or more often if dictated by site-specific conditions. Trap(s) shall be maintained in efficient operating condition at all times by removal of the accumulated grease.
- (vi) Disposal of accumulated grease shall be in an appropriate manner. Accumulated grease shall not be reintroduced into any drainage piping leading to the Township's sanitary sewer.

G. Spill prevention and operational upset.

Significant industrial users and all industrial/commercial users with the potential to discharge toxic substances or prohibited pollutants shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance, slug loadings and operational upset of pretreatment facilities.

1. *Planning and periodic review.* Every SIU within the authority of the Township shall within 180 days of enactment of this Ordinance or within 180 days of becoming a new discharger submit a report which reviews the potential for accidental discharges, operational upsets and slug loadings. If the potential for slug loading or other accidental discharge is determined by the Township, a plan shall be prepared according to 40 CFR 403.8(f)(2)(v). This plan shall be known as the slug discharge action plan and shall be submitted in accordance with the provisions of Section 6(M)(4) to the Township.
2. *Operation plans and facilities.* Facilities to prevent accidental discharge of prohibited materials, slug loadings and operational upsets shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township and the superintendent for review, and shall be approved by the Township and the superintendent before construction of the facility. The superintendent shall provide his comments in writing to the Township. All existing users shall complete such a plan by 180 days after the effective date of this Ordinance.



No user who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge and operational upset procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility necessary to meet the requirements of this Ordinance. Copies of the user's spill prevention control and countermeasure (SPCC) plan, the user's pollution incidence prevention plan (PIPP) and the user's slug discharge action plan shall be filed with the Township and with the superintendent.

3. Notice requirements.

- a. *Immediate notice.* In the case of an accidental discharge, slug loading, or operational upset, or any discharge that could cause problems to the POTW, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- b. *Written notice.* Within five days following an accidental discharge, slug loading, or operational upset, the use shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor 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.
- c. *Notice to employees.* A notice shall be permanently posted on the user's bulletin board of other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

H. Right of review by Township.

Admission into the Public Sewers of wastewaters containing any of the prohibited discharges in section 6(A) of this ordinance or having an average daily flow rate of 10,000 gallons or more shall be subject to review by the Township. All proposed discharges to the sanitary sewers shall be reviewed prior to connection.

The discharge of an existing user shall be subject to review if a change in the contribution is anticipated or at the request of the Township to demonstrate continued compliance with ordinance requirements. In support of this review, existing or potential users of the sewers shall provide all information necessary to complete the review. This information shall include, but is not limited to, the following:

1. File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
2. Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by products as those factors may affect waste control.
3. Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewers, natural watercourse, or groundwaters noted and described, and the waste stream identified.
4. Records and reports on the final disposal of specific liquids, solids, sludges, oils, solvents, radioactive materials, and other wastes.
5. In the case of existing discharges, sampling and test reports as may be required by the Township.

I. Township's right of revision.

The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 2 of this ordinance.

J. Fees.

1. It is the purpose of this section to provide for the recovery of costs from users of POTWs located in the Township for the implementation of the program established in this section. The applicable charges or fees shall be set forth within the Township's schedule of charges and fees.
2. The Township may adopt, through resolution, charges and fees that may include:
  - a. Fees for reimbursement of costs of setting up and operating the Township's pretreatment program.

- b. Fees for monitoring, inspections and surveillance procedures.
- c. Fees for reviewing accidental discharge procedures and construction.
- d. Fees for filing appeals.
- e. Fees for consistent removal by the Township of pollutants otherwise subject to federal categorical pretreatment standards.
- f. Fees for permit applications.
- g. Other fees as the Township may deem necessary to carry out the requirements contained in this Ordinance.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the applicable government.

K. Wastewater dischargers; compliance required.

- 1. It shall be unlawful to discharge any wastewater to a POTW or other natural outlets within the jurisdiction of the Township except as authorized in accordance with this Ordinance.
- 2. The discharge of all major contributing industries shall be subject to review by the Township as provided in Section 6(H) of this Ordinance. A wastewater discharge permit shall be obtained for any discharge from a major contributing discharger that is characterized by the Township as any one of the following:
  - a. A discharge from a significant industrial user as defined in 40 CFR 403.3(t).
  - b. A discharge with potential to cause violation of the applicable NPDES permit limitations or water quality standards of the stream receiving the effluent of the treatment works.
  - c. A discharge with potential to cause interference with the treatment process or wastewater sludge disposal procedures.
  - d. A discharge regulated by federal EPA categorical pretreatment standards.
  - e. A discharge from any pretreatment facility.

L. Wastewater discharge permits.

1. All significant industrial users and any industrial and commercial users, as required by the Township, shall obtain a wastewater discharge permit before connecting to or contributing to a POTW. All existing significant industrial users and any industrial and commercial users, as required by the Township, connected to or contributing to a POTW shall obtain a wastewater discharge permit.
2. *Application.* Users required to obtain a wastewater discharge permit shall complete and file with the Township an application in the form prescribed by the Township signed by the principal executive officer of the user and accompanied by an application fee as set forth in Section 6(H) of this Ordinance. New significant industrial users shall apply at least ninety-days (90) prior to connecting to or contributing to the POTW. In support of the application, the Township may require the user to submit, in units and terms sufficient for evaluation by the Township, the following information:
  - a. Name, address, and location of the user.
  - b. Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Federal Bureau of the Budget, 1972, as amended.
  - c. Wastewater constituents and characteristics, as determined by the superintendent. Sampling and analysis shall be performed in accordance with procedures and methods detailed by the EPA contained in 40 CFR 136, as amended. Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA. The permit application shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
  - d. Time and duration of discharges.
  - e. Average daily and instantaneous peak sewage flow rates, in gallons per day, including daily, monthly, and seasonal variations, if any.

All flows shall be measured, unless other verifiable techniques are approved by the Township.

- f. Site plans, floor plans, mechanical and plumbing plans, including non-contact water cooling systems, and details showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation.
- g. Description of activities, facilities, and plant processes on the premises, including all materials that are or may be discharged to the wastewater treatment facilities.
- h. Nature and concentration of any pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- i. Each product produced by type, amount, process or processes, and rate of production.
- j. Type and amount of raw materials utilized (average and maximum per day).
- k. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- l. Where additional pretreatment and/or operation and maintenance activities will be required to comply with applicable pretreatment standards, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. 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:
  - (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment referred to in this paragraph shall exceed nine (9) months.

- (ii) 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 Township and the superintendent including, at 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.
- m. A listing of all environmental control permits held by or for the user.
- n. Any other information required by 40 CFR Section 403.12 or any similar successor federal regulation.
- o. Any other information as may be deemed by the Township to be necessary to evaluate the permit application.

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

- 3. *Permit Modifications.* Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the timeframe prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by Paragraph B of this subsection, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standards. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections h and l of this section.
- 4. *Permit Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the Township. Permits may contain the following:

- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
  - b. Limits on the average and maximum wastewater constituents and characteristics.
  - c. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - d. Requirements for installation and maintenance of inspection and sampling facilities.
  - e. Specifications for self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sampling type, based on the applicable general pretreatment standards of 40 CFR 403, this Ordinance, categorical pretreatment standards, local limits, and state and local law.
  - f. Compliance schedules.
  - g. Requirements for submission of technical reports or discharge reports (see section 6(M)).
  - h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Township, and affording the Township access thereto.
  - i. Requirements for notification of the Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - j. Requirements for notification of slug discharges as per this Ordinance.
  - k. Other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance.
5. *Duration of Permit.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit.

The terms and conditions of the permit may be subject to modification by the Township during the term of the permit as limitations or requirements as identified in section 6(A) as may be modified or if other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6. *Nontransferability.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold to a new owner, new user or different premises.

M. Reporting requirements for permittee.

1. *Compliance Date Report.* Within 90 days following the date for final compliance by the user with applicable pretreatment standards or 90 days following commencement of the introduction of wastewater into the POTW by a new source, any user subject to pretreatment standards and requirements shall submit to the Township and the superintendent a report containing the information listed in 40 CRR 403.12(b)(4)–(6).
  - a. For industrial users subject to equivalent mass or concentration limits established by the Township, this report shall contain a reasonable measure of the user’s long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user’s actual production during the appropriate sampling period.
  - b. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the user and certified to by a professional licensed to practice in the State as described in Section 5(B).



2. *Baseline Monitoring Report.*

- a. Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Township and the superintendent a report which contains the information listed in 40 CFR 403.12(b).
- b. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Township and the superintendent a report which contains the information listed in CFR 403.12(b). New sources shall also include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

3. *Periodic Compliance Report.*

- a. Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after the commencement of the discharge into the POTW, shall submit to the Township and the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standard. In addition, this report shall include a record of all measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection (1) of this section, except that the Township and the superintendent may require more detailed reporting of flows. Flows shall be reported on the basis of actual measurement; provided, however, that where cost or feasibility considerations justify, the Township and/or the superintendent may accept reports of average and maximum flows estimated by verifiable techniques. The Township, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may agree to alter the months during which the reports required by this subsection are to be submitted.

- b. If sampling performed by an industrial user indicates a violation, the user shall notify the Township and the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township and the superintendent within 30 days after becoming aware of the initial violation unless the POTW samples the user's discharge.
  - c. All analyses shall be performed in accordance with procedures contained in 40 CFR 136 and amendments thereto or with any other test procedure approved by the Township, MEDQ or EPA. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR 136 does not include sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated and analytical methods or any other sampling and analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or the approval authorities.
  - d. If an industrial user monitors any pollutant more frequently than required by the Township, using the procedures prescribed in subsection 3(c) of this section, the results of that monitoring shall be included in the report.
4. *Slug loading.* A user shall notify the POTW immediately of all discharges that could cause problems at the POTW, including, but not limited to, any slug loading of the prohibitions in Section 6(A), and 40 CFR 403.5(b).
5. *Reporting Requirements for all Industrial Users.*
- a. Reporting requirements for industrial users subject to federal categorical pretreatment standards are outlined in subsection (3) of this section.
  - b. Significant non-categorical industrial users shall submit to the Township and the superintendent at least once every six months, on dates specified by the Township, a description of the nature, concentration, and flow of the pollutants required to be reported by the Township. All sampling and analysis will be in accordance with all applicable State and Federal regulations.
  - c. The Township and the superintendent have the authority to require appropriate reporting from significant industrial users. Reporting requirements will be determined on a case-by-case basis.

- d. All reports shall be based on sampling and analysis performed in the period covered by the report.
  - e. All industrial users shall notify the POTW, the EPA Region V waste management division director, the MDEQ, and the Township in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Reporting requirements shall be in accordance with 40 CFR 403.12(p).
  - f. All industrial users shall promptly notify the POTW and the Township in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection 3(c) of this section and 40 CFR 403.12(p).
  - g. All users with existing SPCC plans, PIPPs or slug discharge action plans as described in section 6(G) shall submit these plans to the Township and the superintendent by June 1 of each odd-numbered year for review along with proposed changes and other such information as requested by the Township or the control authority required to conduct such a review.
6. *Annual Reports.* Each person issued a wastewater discharge permit shall submit a signed annual discharge report to the Township and the superintendent. The Township may require a permit holder to submit more frequent reports if in its judgment the wastes discharged are possibly in violation of this Ordinance. The report shall include, but not be limited to, nature of process, volume, rates of flow, mass emissions, production quantities, hours of operation, personnel or other information that relates to the generation, handling and discharge of wastes. The report may also include the chemical constituents and quantity of liquid or gaseous material stored on site. If insufficient data has been furnished, other information will be provided upon request.
7. *Signatory Requirements for Reports.* Any industrial user submitting a report required by this section shall include the following certification statement as set forth in 40 CFR 403.6(a)(2)(ii):

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.

The report shall be signed by an authorized representative (corporate officer, general partner, proprietor, or duly authorized representative, as noted in 40 CFR 403.12(1)).

N. Bypass; notice.

1. Bypassing is prohibited and the Township and/or the superintendent may take enforcement action against a user for a bypass unless:
  - a. Such bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
  - b. There was no feasible alternative to the bypass. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent bypass which occurred during periods of equipment downtime or preventive maintenance; and
  - c. The industrial user submitted proper notice of the bypass.
2. The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed under subsection 1 of this section.
3. An industrial user shall submit oral notice of an anticipated bypass that exceeds pretreatment limits to the Township and the superintendent within 24 hours from the time the user becomes aware of the bypass. A written submission as described in 40 CFR 403.17(c) shall also be provided within five days of the time the user becomes aware of the bypass.

O. Monitoring facilities.

1. When required by the Township and/or the superintendent, each user shall provide and operate, at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge. Each monitoring facility shall be situated on the user's premises, except that, where such a location would be impractical or cause undue hardship on the user, the Township may concur with the facility being constructed in the right-of-way area provided that the facility is so located that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility,

sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

2. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

P. Inspection and sampling

1. *Access.* The Township and/or the superintendent may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are within compliance. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, MDEQ and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities under this Ordinance.
2. *Sampling and Inspection.* The Township, superintendent, MDEQ and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
3. *Annual Sampling.* The Township shall at its discretion conduct annual, or more frequent if required, independent compliance sampling of effluents generated by users identified as SIUs.

Q. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this section and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to 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 and the superintendent for review, and shall be acceptable to the Township and the superintendent 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 operation shall be reported to and be acceptable to the Township and the superintendent prior to the user's initiation of the changes.

R. Confidential information.

All 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 without restriction, unless the user specifically requests the information be classified confidential on the basis of proprietary processes. When information is classified as confidential, the Township Clerk shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing proprietary processes, except that confidentiality shall not extend to waste products discharged to the waters of the state. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority by request.

S. Enforcement; Violations & Penalties

1. *Affirmative Defense.* A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions in section 6 and 40 CFR 403.5(a)(2).
2. *Injunctive Relief.* The Township shall obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTWs shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$500 per day for each violation by industrial users of pretreatment standards and requirements.
3. *Emergency Suspension of Service or Permit.*
  - a. The Township and/or the superintendent may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Township and/or the superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the POTW to violate any condition of its NPDES permit.

- b. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township and/or the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and upon concurrence with the superintendent. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township and the superintendent within 15 days of the date of occurrence.
4. *Revocation of Permit.* Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:
  - a. Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
  - b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
  - c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
  - d. Violation of conditions of the permit.
5. *Notification of Violation.* Whenever the Township finds that any user has violated or is violating this Ordinance, its wastewater discharge permit, or any prohibition, limitation or requirements contained within, the Township shall serve or cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the discharger shall respond personally or in writing to the Township, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.
6. *Show Cause Hearing.*

- a. The Township may order any user that causes or allows conduct prohibited by subsection L4 of this section to show cause before the Township or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Township or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the user to show cause before the Township or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail not less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a user.
- b. The Township Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:
  - (i) Issue in the name of the Township Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (ii) Take the evidence
  - (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township Board for action thereon.
- c. At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- d. After the Township Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that such devices or other related appurtenances are properly operated. Further orders and directive as are necessary and appropriate may be issued.



7. *Judicial Proceedings.* Following the entry of any order by the Township with respect to the conduct of a user contrary to the provisions of subsection 4 of this section, the Township attorney may, following the authorization of such action by the Township commence an action for appropriate legal and/or equitable relief in the appropriate local court.
  
8. *Publication of Violations.*
  - a. The Township shall annually publish in the newspaper a list of users that, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. The notification shall also summarize any enforcement actions taken against the users during the same 12 months.
  
  - b. For purposes of this subsection, an industrial user is in significant noncompliance if its violation meets either one or more of the criteria listed in 40 CFR 403.8(f)(2)(vii) or which:
    - (i) Remains uncorrected for 30 days after notification of noncompliance,
    - (ii) Resulted in the Township exercising its right to suspend service pursuant to subsection (c) of this section, or
    - (iii) Resulting in emergency suspension under §.3of this section.
  
9. *Right of Appeal.* Any user or any interested party shall have the right to request in writing an interpretation or ruling by the Township on any matter covered by this Ordinance and shall be entitled to a prompt written reply. If such inquiry is by a user and deals with matters of performance or compliance with this section for which enforcement activity relating to an alleged violation is the subject, receipt of a user’s request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this section may be taken in accordance with local and state law.
  
10. *Operations Upsets.* An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards.
  - a. For the purposes of this section, “*upset*,” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
  - (i) An upset occurred and the user can identify the cause(s) of the upset.
  - (ii) The facility was at the time being operated in a prudent and workmanlike manner in compliance with applicable operation and maintenance procedures.
  - (iii) The user submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days).
    - A description of the indirect discharge and cause of noncompliance.
    - The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue.
    - Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- c. In any enforcement preceding the user seeking to establish the occurrence of an upset shall have the burden of proof.

## 11. *Violations; Penalties*

- a. *Violation or Noncompliance with Section or Wastewater Discharge Permit.* Any user who is found to have violated an order of the Township or who willfully or negligently failed to comply with any provision of this section or any orders, rules, regulations and permits issued under this section shall be guilty of a misdemeanor and, upon conviction thereof, be fined an amount up to \$500 and/or imprisonment for up to 90 days at the discretion of the court. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

- b. *Falsifying Information.* Any person who knowingly makes 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, or a wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, be fined an amount up to \$500 and/or imprisonment for up to 90 days at the discretion of the court.

T. Adjustments to categorical standards.

Any industrial user may seek an adjustment in the categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water. The Township may allow a credit therefore in accordance with 40 CFR 403.15.

U. Removal credits.

A credit may be allowed for the reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the operation of the treatment system. Removal as used in this section shall not mean dilution of a pollutant in the POTW. The Township may allow a credit in accordance with 40 CFR 403.7.

V. Records retention.

All users subject to this Ordinance shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the user in connection with its discharge. A record which pertains to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Township pursuant to this section shall be retained and presented by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## **Section 7. Use and Charges for Wastewater Treatment Plant.**

### **A. Use of Public Sewers Required.**

1. Except as otherwise provided herein, no person shall construct, maintain, or use any cesspool, septic tank, seepage pit, toilet device, sub-surface disposal field, privy, privy vault, sewage disposal facility, or any other facility or device intended or used for the disposal of sewage unless the same is not dangerous to public health and public sanitary sewer system capacity is unavailable and is specifically permitted and approved by the Township, Livingston County Health Department, and, where appropriate, the DEQ and/or MDPH.
2. 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 the Township, any human or animal excrement, garbage, or other objectionable waste unless such deposits are in compliance with Township ordinance.
3. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this section.
4. *Mandatory Connections*
  - a. *New and existing structures located within sewer special assessment districts (SSAD).* Any existing structure located within a special assessment district created for the purpose of building and/or maintaining a sanitary sewer shall connect to the available sanitary sewer within twelve (12) months after publication by the Township of a legal notice of the availability of the sanitary sewer in a newspaper of general circulation in the Township and/or by individual notice. Connection for any new structure must be made prior to the time the structure is occupied.
  - b. *Existing structures not located within sewer special assessment districts (SSAD).* Any existing structure shall connect to the sanitary sewer after publication by the Township of a legal notice of the availability of the sanitary sewer in a newspaper of general circulation in the Township and/or by individual notice. For purposes of this section, a sanitary sewer shall be considered to be available when it is located not more than four hundred feet (400') at the nearest point from the structure. All existing structures shall connect upon the earlier of the occurrence of the following three events:

- (i) In the case where existing on-site sewage disposal systems were installed and a permit was issued by the Livingston County Health Department, DEQ, and/or MDPH, fifteen (15) years from the date of the said permit.
    - (ii) In the case where on-site sewage disposal exists for which no permits were issued by the LCHD, DEQ, and/or MDPH, connections must be made immediately.
    - (iii) Whenever any modifications to or replacement of any on-site sewage disposal systems that requires the issuance of a permit through LCHD, DEQ, and/or MDPH.
  - c. *New structures not located within sewer special assessment districts (SSAD).* Any new structure shall connect to the available public sanitary sewer when the structure is located not more than four hundred feet (400') from the nearest point from the available sanitary sewer. All connections must be made prior to the time the structure is occupied.
  - d. If any structure in which sewage originates has not been connected to an available sanitary sewer within the applicable time periods specified herein, then the Township shall require the connection to be made in accordance with Section 12754 of Part 127 of Public Act No. 368 of 1978, as amended (MCL 127.12754). In so proceeding, the Township shall have the rights and remedies provided for therein, shall have the right to begin billing for sewer operations and maintenance, as well as the rights and remedies provided by this Ordinance.
5. An existing on-site building sewer may be used in connection with a new building and premises only where it is found, on inspection by the Township, to be of adequate construction, size, and location, and is not otherwise required to be connected to an available public sanitary sewer according to the terms of this Ordinance.
6. Connection to or extension of an existing sanitary sewer shall not be permitted if it is determined that the receiving sewer or treatment plant cannot handle the additional influent flow.

B. Private Sewage Disposal; Permit; Fee.

1. If a house, building, or other premises used for human occupancy, employment, recreation or other purposes is not required to be connected to a sanitary sewer, then the building sewer shall be connected to a private sewage disposal system permitted and approved by the Township, Livingston County Health Department and, where appropriate, the DEQ and/or MDPH. Private sewage disposal systems shall not allow surface water discharge.
2. At such time as a Public Sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the Public Sewer in compliance with all terms and conditions of state statutes or pertaining Township ordinances.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
4. At such time as a connection is made to a sanitary sewer, all private sewage disposal facilities shall be disconnected and abandoned. All abandoned septic tanks, cesspools, and seepage pits shall be pumped out as necessary and filled with sand or other suitable backfill material approved by the state and local agencies within fifteen (15) days of connection to the Public Sewer.
5. The provisions of this section shall not be construed to preclude additional requirements that may be imposed by the DEQ, MDPH, Health Department, or Township.

C. Building Sewers and Connections.

1. No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Township pursuant to this ordinance.
2. An inspection fee and a connection fee per unit as established by the Township Board shall be paid to the Township Treasurer whenever an application is filed to connect any building sewer to a Public Sewer. Application shall be made on the form by the Township. The inspection fee shall be deposited in the sewer enterprise fund. The payment of inspection and connection fees as stated in Section 7(H) shall be made when a building permit is obtained in conjunction with the connection.

3. All costs and expenses incident to the installation, connection and maintenance of the building sewer up to and including its point of connection to the Public Sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly be caused by installation, connection, or maintenance of the building sewer.
4. A separate and independent building sewer shall be provided for every building; except that, where one building stands at the rear of another 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, at the discretion of the Township, be extended to the rear building and the whole considered as one building sewer.
5. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the state and the Township. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.E.F. Manual of Practice No. 9 shall apply.
6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
7. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain that, in turn, is connected directly or indirectly to a public sanitary sewer.
8. The connection of the building sewer into the Public Sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the state and the Township, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.E.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the Township before installation.

9. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Township or its authorized representative. No backfill shall be placed until the work has been inspected and approved by the Township.
10. All excavations for building sewer installations 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.

D. On-Lot Easement Requirements.

Prior to the approval and issuance of a Service Connection permit, the applicant will be requested to have executed by the Owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate, maintain, repair and replace the Sewer Connection to be installed on the premises.

1. If the applicant provides such easement, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with this Ordinance.
2. If the applicant, for any reason declines to provide said easement, then the permit shall be issued at the discretion of the Township, together with an appropriate bill of sale conveying from the Township to the Owner title to all components comprising the Service Connection. Following installation of the Service Connection by the Owner (which installation is subject to inspection by the Township in accordance with the terms of this Ordinance), the Owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection in accordance with Section 7(F) below.
3. An owner or his or her successor may, at any time following the installation of a Service Connection on a premises for which no easement was provided to the Township prior to the issuance of a permit, grant the appropriate easement to the Township. The Township shall accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the Township has inspected the Service Connection and is satisfied that the Service Connection is in good working order, reasonable wear and tear excepted.

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



responsibility for operation, maintenance and repair and replacement of the Service Connection upon:

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

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

- 4. Section 7(D) shall not apply to any premises for which the installation of the Service Connection was made by a contractor engaged by a Developer or the Township pursuant to any Agreement addressing all sewer issues or any future supplement or amendment thereto, it being the assumption in these circumstances that the Owner granted an appropriate easement through the development project's Master Deed and Bylaws prior to said installation.

E. Use of Public Sewers.

- 1. No person shall discharge or cause to be discharged to any sanitary sewer any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water, or industrial process water. Discharge of backwash from water conditioning devices shall not be discharged into the sanitary sewer system. No footing drain, roof downspout, areaway drain, or other source of surface water or groundwater shall be connected to a sanitary sewer. All footing drain water shall be discharged to storm sewers or dry wells. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or uncontaminated industrial process water shall only be permitted when authorized and approved by the DEQ and the Township in accordance with this Ordinance.
- 2. No person shall discharge or cause to be discharged into any sanitary sewer any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the DPW field superintendent.

3. No person shall discharge or cause to be discharged into any sanitary sewer materials that exert or cause unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate. All commercial users shall be required to utilize a potassium based softening agent; salt or sodium based regenerates are prohibited.
  
4. The property owner, or an approved contractor hired by the owner, must disconnect all backwash discharge lines, including but not limited to water softeners, air conditioning units, water processing or conditioning equipment, storm drains etc., from the building sewer. The following are some (not all) methods of disposing of water softener discharge:
  - a. Run the discharge line to the outside and let the water run onto the ground.
  - b. Install a below-ground infiltration basin (drywell): Bury a container in the ground, fill it with stone or sand, and run the discharge line to the container. Drill holes in the container to allow the water to seep into the surrounding soil. A sump pump tub, which ranges in size from 15 to 24 inches in diameter to 2 to 4 feet in depth, is an example of a container that could be used.
  - c. Convert an existing septic tank: Pump out and clean your existing septic tank, break holes in the bottom of the tank and fill the tank with stone. Disconnect and plug the outlet pipe to the tile field to prevent groundwater from flowing back into the tank.
  
5. If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics which in the judgment of the Township and/or the superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township and/or the superintendent may:
  - a. Reject the wastes.
  - b. Require pretreatment to an acceptable condition for discharge to the Public Sewers.

- c. Require control over the quantities and rates of discharge.
- d. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges.

If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.

- 6. Where the preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Construction, Repair and Maintenance.

- 1. Application. Any person desiring to connect to the POTW shall file a written application to the Township Clerk and pay the applicable permit and inspection fees established by resolution of the Township Board.
- 2. Permit Required. No person in the Township shall connect to a Public Sewer unless the proposed connection has first been approved by the Township or its designated representative and the applicable fees have been paid. Such applications shall be addressed to the Township and shall be made on forms provided by the Township and shall contain the following: street name, house number, lot number, the name of the plumber or contractor, the names of the applicant and the owner, and any other pertinent information which may be required by the Township. A complete application must be made, the applicable fees paid, and approval obtained from the Township at least seventy-two (72) hours before the time a connection is to be made. Connection permits will be issued to Builders if the prospective lessee or owner consents in writing to the obtaining of such permit by the Builder.
- 3. Public Sewer connections shall be installed in accordance with the applicable building code and the regulations of this Ordinance and upon the payment of the required charges and fees.
- 4. The owner of building or premises, or his authorized representative, shall be responsible, at his own cost, for the installation, connection and maintenance of the building sewer for such building or premises up to and including its connection with the Public Sewer.

5. Owner Related Sewer Repairs. The Owner and, where appropriate, his authorized representative, shall indemnify and hold the Township, its officers, agents, employees, and representatives free and harmless from any liability or responsibility for all injury, loss or damage that may result directly or indirectly from any damages resulting from the Owner's negligence or misuse of the HTSSS as follows:
- (i) Costs incurred by the Township resulting from increasing numbers of sewer emergency calls for owner related sewer repairs, including but not limited to, building sewer pipe blockages, shut-off power breakers.
  - (ii) The Township shall otherwise be authorized to recoup all costs and expenses associated with sewer emergency calls for Owner related operation and/or maintenance services.
  - (iii) If the Township provides repairs or services, the Owner shall be responsible for the full and prompt reimbursement to the Township for all Township DPW staff time, costs, labor, and/or materials incident to said operation and maintenance plus a 10% administration fee.

Pursuant to the authorization to charge Owners for costs and expenses incurred in providing services for owner related sewer repairs the following collection procedures shall apply:

- a. The DPW field superintendent shall prepare an invoice outlining the charges, including labor, materials, and a 10% administrative fee, resulting from DPW staff services provided for owner related sewer repairs. Upon approval, the invoice shall be forwarded to the property owners with a copy filed with the Utilities Coordinator.
- b. Invoices for owner related sewer repairs shall be due and owing within 30 days from the date of issuance of the billing statement. If payment is not made within the allotted time a reminder letter shall be sent stating the bill is past due and that failure to submit payment within 30 days may result in the shut-off of sewer service.
- c. Upon receipt of the invoice, the Owner may report any disagreements or objections related to the invoice to the Utilities Director within 7 days of delivery of the billing statement.
- d. The Utilities Director shall investigate the owner disputed charges with the DPW personnel to determine if charges are correct and will stand as billed or if a reduction or amendment of the fees is warranted.

If the charges are reduced or amended a new invoice will be issued to the Owner.

- e. If the Owner is not satisfied with the determination made by the Utilities Director they shall have the right to appeal the sewer repair charges to MUC. The Utilities Director shall forward all documentation to MUC for their review and recommendation to the Board of Trustees.
- f. If the Township Board of Trustees determines that the Owner is responsible for the sewer repair costs, the Owner shall reimburse the Township for said expenditures immediately. Failure to pay the invoice for Owner related charges may result in sewer service being shut-off. The Owner shall be responsible for all cleanup costs or expenses associated with the sewer service disconnection, and will be subject to and must pay all costs relating to any startup of the system associated with the re-activation of sewer service.
- g. Any unpaid charges or costs for such repairs, operation or maintenance may, at the option of the Township Board, be added to the ad valorem tax bills of the property benefitted by the said Township repairs or services.

G. Township Liability Exemption; Indemnification.

- 1. The Township shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the user that all connected equipment remains in good working order. No claim shall be made against the Township by reason of the breaking away of any service supply lines, pipes, appurtenances, or for any other interruption of the wastewater disposal and treatment.
- 2. The user and, where appropriate, his authorized representative, shall indemnify and hold the Township, its officers, agents, employees, and representatives free and harmless from any liability or responsibility for all injury, loss, or damage that may result directly or indirectly from the installation, connection or maintenance of the building sewer.

H. Rates and Charges

1. Connection Fee

- a. Before an initial connection is made or additional usage resulting from building alterations or change in building usage is added to a Public Sewer, a fee known as the sewer connection fee shall be

paid to the Township Treasurer. The connection fee shall be established by Township Board resolution referred to as "Appendix I Table of Unit Factors" of Ordinance 69. REU(s) shall be defined as one (1) REU is equivalent to One Hundred Fifty (150) gallons per day.

- b. In addition to the Connection Fee, the Owner of the premises shall be liable for the costs and expenses of acquiring and installing the Service Connection pursuant to Township specifications on file at the Township.
- c. Subject to the provisions of Section 7(H)(1)(d)(REU computation provision), those parcels located in a sewer special assessment district and subject to a full special assessment on the special assessment roll shall be deemed to have paid the connection fee and, if applicable, the cost of acquiring and installing the service connection.
- d. Determination of Residential Equivalency Unit
  - (i) A single-family residential building shall constitute a dwelling unit and shall be charged a minimum connection fee of one REU. Premises other than a single-family residential unit shall pay a connection fee based upon the number of REUs assigned to such premises by Appendix 1 Table of Unit Factors.
  - (ii) Upon connection to the system, a non-residential user shall have a water meter, of the size and type approved by the Township, installed on the user's water supply. The user shall purchase the meter through the Township. The cost of both the meter and the installation shall be paid for by the user with the installation to be made by the user and approved by the Township. Wiring the meter to an electronic touchpad shall be included as part of the water meter installation and will also be subject to Township approval. User will have 30 days to comply with this Ordinance after receiving notice from the Township. Users who fail to receive Township approval for their water meter installation shall receive a written warning for their first offense. The Township will levy a \$100 per day fine for all subsequent offenses. If, after ninety (90) days of fines, Township approval is still not met, sewer services shall be disconnected. The user shall be responsible for all reconnection costs.

After two (2) years of meter readings have been obtained, the REUs assigned to the premises, in accordance with this Section, shall be recalculated based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, for the twenty four (24) month period and the denominator which shall be one hundred and eight (**108**) thousand gallons. The resulting number of REUs shall be multiplied by the requisite connection fee, direct or indirect, to determine any adjusted connection fee for the premises. The number of REUs shall not be less than the number of REUs originally assigned and the original connection fees will not be adjusted. The subsequent operation and maintenance (O & M) rate shall be adjusted to the new REU allocation.

The Township may enter into an agreement with a non-residential user to pay additional connection fees in installments pursuant to the terms of a written agreement to be entered between the Township and said user(s) providing for annual installment payments to the Township for a period of time not to exceed fifteen (15) years or extend beyond the period of debt retirement, whichever is earlier, with interest on the unpaid balance at a rate not more than one percent (1%) higher than the average rate of interest on the bonds sold for the initial construction of the System. Said agreement shall be executed and the first installment shall be payable prior to the issuance of a service connection permit pursuant to Section 7(F), above. All subsequent installments shall be paid according to the terms agreed upon by the parties.

- (iii) For any subsequent enlargement, addition, extension or improvements to any structure or change of use of the building, the Township may require a review and redetermination of the REUs for that structure. Upon finding by the Township after such REU review and redetermination that additional connection fees are required, the owner shall immediately pay the required additional fees.
- (iv) All SRU buildings and/or structures shall pay a connection fee based upon the number of REUs assigned to such premises as set forth by Appendix 1 Table of Unit Factors. All SRUs shall be charged a minimum connection fee of at least one REU. No food service facilities, i.e., kitchens,

cooking areas, etc. will be allowed in a building or structure designated as seasonal recreational use.

- (v) Upon connection to the HTSSS, all SRU buildings shall have a water meter, of the size and type approved by the Township, installed on the user's water supply. The user shall purchase the meter through the Township. The cost of both the meter and the installation shall be paid for by the user with the installation to be made by the user and approved by the Township. Wiring the meter to an electronic touchpad shall be included as part of the water meter installation and will also be subject to Township approval. User will have 30 days to comply with this provision after receiving notice from the Township. If after ninety days, Township approval is still not met, sewer service shall be disconnected. The user shall be responsible for all reconnection costs.

Water meters shall be read on a quarterly basis by the DPW staff during the peak seasonal use times for the property utilizing the electronic touchpad on the outside of the building. After two (2) years of peak seasonal use meter readings have been obtained, based upon the intended seasonal recreation use, the REUs assigned to the premises, in accordance with Ordinance #69, shall be re-determined based on said meter readings.

Upon review and determination that additional connection fees are required based upon the water meter readings, the owner shall immediately pay the required additional fees. The number of REUs shall not be less than the number of REUs originally assigned, and the original connection fees will not be adjusted.

- (vi) Non-residential users, including seasonal recreation use buildings and structures, upon connection to the sewer system shall be required to install a Duplex (Model 2014-93) grinder pump station. All users shall have a grinder pump station, of the size and type approved by the Township, installed on the user's premises. The user shall purchase the grinder pump station through the Township. In the event that the hook-up to the HTSSS can be made by connecting into an existing curb stop with check valve, the property owner shall have the option to hire a Township approved contractor to complete the sewer connection, provided the contractor used is on the Township's approved



list of who can qualify for training, at the contractor's own expense, with the Township Engineer and DPW Field Superintendent. If it is determined by the DPW Field Superintendent and Township Engineer that the sewer connection will require tapping into a live sewer main or transmission line, the user will be required to hire a Contractor from the Township's approved list that is authorized and approved by the DPW Field Superintendent and the Municipal Utilities Committee. Contractors performing live main sewer taps shall be required to uphold all insurance and warranty assurances as established by the Township.

- (vi) Permitted SRUs already connected to the Hamburg Township Sanitary Sewer System (HTSSS) upon adoption of this Ordinance that currently have a Simplex (Model 2010-93) grinder pump station will be reviewed by the Hamburg Township Municipal Utilities Committee. If it is determined by the DPW staff that the water meter readings in a peak quarterly period do not exceed one (1) REU for water usage for the property a Simplex grinder pump station shall be deemed acceptable and the SRU will not be required to convert to a Duplex grinder pump station. If it is determined that actual water usage does exceed one (1) REU during peak seasonal usage the SRU will be required to install a Duplex grinder pump station at the user's expense.

e. *Administrative Appeal of Sanitary Sewer REU Determination*

Except for REU allocations which are a part of a proposed or established Special Assessment District, every property owner has a right to an administrative appeal of the initial Sewer Residential Equivalent Unit (REU) determination and allocation made by the Township Board. Appeals of such determination or allocation shall be submitted to the Municipal Utilities Committee (MUC). Only owners of property affected by such a determination or allocation have standing to file the Appeal. Any action taken by MUC is advisory in nature and shall be re-submitted to the Township Board for a final determination as provided below:

- (i) The Appeal must be by an owner, or an owner's authorized agent, within 30 days from the date of the initial Township Board REU determination or allocation for which the appeal is filed. The appeal must be based on certified Engineer's letter of review of the determination or

allocation stating the reasons why the determination or allocation is being disputed as well as any other documentation that is relative to the appeal including the current REU schedule, evidence of actual maximum usage, metering where appropriate or required, the economic life of the Sanitary Sewer System, the uses or classes of uses involved, the history of the use of the property in the community and similar communities together with any rates, policies or fees of similar communities, and any and other data deemed relevant to make a recommendation or determination, all of which must be submitted with the application for appeal. Failure to file a timely appeal will result in the Owner's acquiescence to the REU allocation and the owners shall be deemed to have consented to the allocation.

- (ii) Upon receipt of the application for appeal, MUC shall fix a hearing date for the appeal. The date shall be scheduled within 60 days from the date of the filing of the notice of appeal. The hearing shall comply with the Open Meeting Act. MUC shall make its recommendation no later than 90 days after the appeal has been filed. However, MUC may extend the time required for the recommendation up to 60 days by a decision of a majority of the members of MUC. The extension must be based upon good cause shown and any decision for such an extension shall state the reasons the extension was granted.
- (iii) Minutes of all such meetings shall be recorded and state the grounds for each recommendation made by MUC, including any evidence and data considered and a brief summary of all findings of fact and conclusions made by MUC. Claims of economic hardship shall not be considered by MUC in making its recommendation.

The recommendation shall be forwarded to the Township Board of Trustees for final approval of the REU allocation and any issues relating thereto.

- (iv) The recommendations of MUC shall be submitted to the Township Board which shall make a final decision on the REU determination and allocation for which the appeal was filed. This decision may confirm, reverse or modify the original determination or allocation. This Township Board may also impose additional conditions relating to the said REU determination and allocation. The action taken by the

Township Board is final. Any appeals from the decision must be made to a Court with proper jurisdiction.

- (v) Upon any enlargement, addition, expansion or improvements to any structure or property, or change of use of the building, the Township may require a new review and determination of the REU's. In the event the Township determines additional REU's are in order, additional connection fees and any costs or expenses related to the REU determination shall be paid in full upon Township approval of said enlargement, addition, expansion or improvement.

f. Hardship Deferment

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

- (i) The owner(s) of the premises shall, under oath, complete a hardship application, provided by the Township Board, and file said application, together with all file information and documentation reasonably required by the Township, with the Township Board not less than sixty (60) days prior to the due date of any connection fee. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.
- (ii) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- (iii) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or

additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.

- (iv) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the connection fee, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Township Clerk so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-termination upon the occurrence of any one of the following events:
  - a. A change in the financial status of any applicant that removes the basis for financial hardship;
  - b. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
  - c. A death of any of the applicants.
- (v) Upon a determination of the Township Board deferring all or part of the connection fee, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, guaranteeing payment of the deferred amounts upon the occurrence of any of the events set forth in Section 7(H)(1)(e)(iv) above. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

2. User Charges

User charges shall be charged to each user serviced for the privilege of discharging sanitary sewage and industrial wastes into the wastewater treatment system according to one of the following methods:

- a. Where a meter is installed, one hundred percent (100%) of metered (owner shall install at his expense) water consumption.
- b. Where no meter is installed in accordance with the REU rate established by the Board by resolution and according to the number of REUs established in Appendix 1 Table of Unit Factors of Ordinance 69.
- c. Establishment of Rates
  - (i) In accordance with the provisions of Ordinance No. 69, user charge rates shall be established by the Township Board. The Township Supervisor may present to the Township Board appropriate user charge rates during budget preparation to ensure that adequate revenues are generated to pay the costs of operation, maintenance, and replacement for the sewage treatment facility so that the system continues to provide for the proportional distribution of operation, maintenance and replacement costs among users and user classes.
  - (ii) User rates shall be established by the Township Board by a separate rate resolution for user charges based on water meter flow or sewer meter flow. Surcharge rates for high strength users shall also be established.
  - (iii) In the event the Township Board shall alter any rate, the Township Clerk shall cause each user to be notified, by publishing such notice in a newspaper of general circulation in the Township, of the separate rate being charged for operation, maintenance and replacement costs of the sewage treatment facility.

3. Debt Service Charges

- a. Debt service charges, if applicable, shall be developed and established by the Township Board in accordance with Ordinance 69.
- b. The Township may review the debt service charges annually and revise the charges and rates as necessary to ensure that adequate revenues are generated to pay the costs of the debt service for the wastewater treatment plant.
- c. In the event the Township Board shall alter the rate, the Township Clerk shall cause each user to be notified by publication in a

newspaper of general circulation in the Township of the separate rate being charged for debt service for the wastewater treatment plant.

4. *Service Charges Constitute Lien on Property*

Charges for wastewater treatment plant operation and maintenance service shall constitute a lien on the property served. On or before March 1 of each year, the officer in charge of collection of such charges shall prepare a certified statement of all charges then six (6) months past due and unpaid. The Treasurer shall then place such charges on the next general tax roll and such charges shall be collected as part of the general Township taxes.

5. *Discontinuing Service; Shutoff, Turn-on Charges*

The Township shall have the right to discontinue wastewater treatment plant service for nonpayment of the service charges or for refusal of the owner or occupant of premises to install a meter. Where the owner or occupant of premises subject to the installation of a meter refuses to install a meter, the Township may, at the discretion of the Township Supervisor, if wastewater service is not discontinued during a particular period of time, charge a flat rate for wastewater service as established by the Township, and if such sum is not paid, it shall constitute a lien on the premises and shall be added to the tax rolls. If wastewater service is shut off pursuant to the terms of this division, a shutoff charge and a turn-on charge as established by the Township shall be collected in addition to the amount of the delinquent wastewater service charge before the wastewater service is turned on.

**Section 8. Violation – Penalties & Enforcement.**

- A. In addition to the other penalties as provided in this Ordinance, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction therefore shall be fined no more than five hundred (\$500) dollars for each such conviction, or shall be punished by imprisonment for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution. Each day upon which such violation occurs shall constitute a separate offense.
- B. Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Township Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation.

All costs, fees, and expenses in connection with such action shall be assessed as damages against the violation.

**Section 9. Savings Clause**

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 10. Repealer**

Ordinance Number 65, Sewer Usage and Administration Ordinance, effective May 1, 1996, and its amendments are hereby repealed in its entirety.

**Section 11. Severability**

The various parts, paragraphs, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 12. Adoption and Effective Date**

This Ordinance is hereby declared to have been adopted by the Hamburg Township Board at a meeting thereof duly called and held on the 21<sup>st</sup> day of April, 2009, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.


**CERTIFICATION**

I, Matthew Charles Skiba, duly elected Clerk of Hamburg Township, Livingston County, Michigan, do hereby certify that the foregoing Hamburg Township Wastewater Treatment and Administration Ordinance was adopted at a regular meeting of the Hamburg Township Board held on April 21<sup>st</sup>, 2009 at which the following members were present:

Ayes: Hohl, Skiba, Evon, Menzies, Semprevivo, Dolan, Hahn

Nays: None

Abstain: None

  
Matthew Charles Skiba, Township Clerk

Date passed: April 21, 2009

Publication date: May 13, 2009

Effective date: May 13, 2009

# **HAMBURG TOWNSHIP**

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## **SCHEDULE 1**

### **CURRENT RATES AND CHARGES FOR THE RESPECTIVE SEWER DISTRICTS IN THE SYSTEM**

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**REVISIONS HIGHLIGHTED IN BOLD**



**APPENDIX 1  
TABLE OF UNIT FACTORS**

Usage	Residential Equivalent Unit Factor
Auto Dealer – Sales and/or Service	1.00/premise + 0.40/1000 ft <sup>2</sup>
<b>Auto Repair/Collision Body Shop</b>	<b>1.00/premise + 0.40/1000 ft<sup>2</sup></b>
Bakery	1.25/1000 ft <sup>2</sup>
Bank	0.25 per employee station
Bar	2.00/1000 ft <sup>2</sup>
Barber Shop	1.00/shop + 0.10/chair
Beauty Shop	1.00/shop + 0.10/booth
<b>Bed and Breakfast</b>	<b>1.00/premise + 0.20/guest</b>
Boarding House, Boarding School, Dormitory, Fraternity or Sorority House, etc.	1.00/premise + 0.20/bedroom
Bowling Alley and/or Restaurant	0.16/alley (bar and/or restaurant to be computed at its respective residential equivalent)
Car Wash – Do It Yourself	1.00 per stall
Car Wash – Automatic Non-Recycled	10.00/single production line
Car Wash – Automatic....Recycled	5.00/single production line
Churches	0.20/1000 ft <sup>2</sup>
Cleaners (pick-up only)	1.00/shop
Cleaners (pressing facilities)	1.25/press
Convalescent Home	0.22/bed
<b>Country Club/Health Center</b>	<b>1.50/1000 ft<sup>2</sup></b>
Day Care Center	1.00/premises + 0.25/1000 ft <sup>2</sup>
Drug Store, Dime Store (with fountain service)	1.0 + 0.1 per seat
Factory (exclusive of industrial waste)	0.50/1000 ft <sup>2</sup>
<b>Fire Station (volunteer)</b>	<b>1.00/location</b>
<b>Fire Station (full time)</b>	<b>0.20/fire fighter 24hrs.</b>
<b>Florist</b>	<b>1.10/1000 ft<sup>2</sup></b>
Fraternal Organization (with bar and/or restaurant)	1.00/hall (bar and/or restaurant to be computed at its respective residential equivalent)
Funeral Home	1.50/1000 ft <sup>2</sup>
<b>Garden Center (nursery)</b>	<b>1.10/1000 ft<sup>2</sup></b>
<b>Government Offices</b>	<b>0.40/1000 ft<sup>2</sup></b>
<b>Grocery Stores and Markets</b>	<b>1.10/1000 ft<sup>2</sup></b>
Hospital	1.10/bed
Hotel, Motel, Rooming House (with bar and/or restaurant)	0.4 per bedroom (bar and/or restaurant to be computed at its respective residential equivalent)
Laundry (self serve)	0.34/washer
<b>Library</b>	<b>0.53/1000 ft<sup>2</sup></b>

Usage	Residential Equivalent Unit Factor
Marina	0.10/slip (over 25 feet in length) 0.06/slip (under 25 feet in length)
Office Building (general)	0.40/1000 ft <sup>2</sup>
Office Building (medical, dental, clinic, etc.)	1.0 + 0.5 per exam room
<b>Pet Shop</b>	<b>1.10/1000 ft<sup>2</sup></b>
Post Office	1.00/1000 ft <sup>2</sup>
<b>Printing Shop</b>	<b>0.50/1000 ft<sup>2</sup></b>
Public Institute	0.75/1000 ft <sup>2</sup>
Residential	
Condominiums	1.00/per unit
Mobile Home, Trailer Park	1.00/unit
Multiple Family Residence (three or more Units in one structure)	0.75/unit
Single Family Residence	1.00/unit
Two-Family Residence (Duplex)	1.00/unit
<b>Restaurants (fast food)</b>	<b>7.00/location</b>
Restaurant (meals and bar)	2.50/1000 ft <sup>2</sup> (excluding restrooms, public areas not in regular use and unfinished areas)
Restaurant (meals only)	1.50/1000 ft <sup>2</sup> (excluding restrooms, public areas not in regular use and unfinished areas)
Retail Store	1.00/premise + 0.10/1000 ft <sup>2</sup>
School	1.00/classroom
Service Station + Repair Area	0.25/pump + 0.40/1000 ft <sup>2</sup>
Snack Bar, Drive-in	1.50/1000 ft <sup>2</sup>
Supermarket, Grocery Store	1.10/1000 ft <sup>2</sup>
Swimming Pool	<b>3.00/1000 ft<sup>2</sup></b>
Theater – Drive-in	0.04 per car space (plus snack bar, which is measured separately)
Theater – Indoor	0.04 per seat (plus snack bar, which is measured separately)
Travel Trailer Parks and Campgrounds	0.20/site (plus waste disposal station c calculated separately)
Utility Sub-Station	0.10/1000 ft <sup>2</sup>
Warehouse or Storage Building	0.10/1000 ft <sup>2</sup>
Waste Disposal Station (for Travel trailers)	2.00/station
Veterinary Facilities and Kennels	1.00 + 0.10 per kennel

Notwithstanding the foregoing, each connecting customer shall be considered to be at least one (1.00) residential equivalent unit.