

The following Zoning Amendment Ordinance was adopted at the Holland Charter Township Board meeting held on August 3, 2017.

ORDINANCE NO. 574

UTILITIES CHAPTER AMENDMENT ORDINANCE

AN ORDINANCE to amend certain portions of the Utilities Chapter of the Code of Ordinances of Holland Charter Township, Ottawa County Michigan, by amending Chapter 34 of the Holland Charter Township Code to regulate and control the use of public and private sewers, sewer systems and drains; to regulate and control discharge of waters and wastes into that portion of the public sewer system connected to the Zeeland Clean Water Plant; to provide for the health, safety and general welfare of the people of Holland Charter Township; to provide for the administration of this Ordinance; and to provide for conflicts with other ordinances and regulations.

THE CHARTER TOWNSHIP OF HOLLAND, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment to Chapter 34, Sec. 34-73. That Sec. 34-73 of the Holland Charter Township Code is amended by adding the following definitions to be inserted in alphabetical order, to read as follows:

HAWWTP Service Area means the area encompassed by any and all user premises that are connected to and/or discharge wastewater to the Holland Area Wastewater Plant System.

ZCWP Service Area means the area encompassed by any and all user premises that are connected to and/or discharge wastewater to the Zeeland Clean Water Plant System.

Section 2. Amendment to Chapter 34, Sec. 34-73. That Sec. 34-73 of the Holland Charter Township Code is amended by restating the following definitions to read as follows:

Administrative Committee means the administrative committee established pursuant to the HAWWTP Contract.

Contract means the 2017 Restated Holland Area Wastewater Treatment Facilities Operation Contract with an effective date of July 1, 2017 or any subsequent amendment or replacement agreement thereto with regard to the HAWWTP Service Area (the "HAWWTP Contract"), and the Zeeland Area Clean Water Plant Contract dated July 1, 2014 or any subsequent amendment or replacement agreement thereto with regard to the ZCWP Service Area (the "ZCWP Contract").

Plant means:

- (1) With regard to the HAWWTP Service Area, the Holland Area Wastewater Treatment Plant, as improved and enlarged pursuant to the contract dated February 1, 1978, between Ottawa County, Park Township, Holland Township and Holland City and a contract dated as of June 13, 1978 between Allegan County, Fillmore Township, Laketown Township and Holland City, and as further improved and enlarged pursuant to a contract dated as of June 1, 1994 between Ottawa County, Holland City, Holland Township, Park Township, Laketown Township, Fillmore Township and Zeeland Township, and as it may be further improved and enlarged; and
- (2) With regard to the ZCWP Service Area, the Zeeland Clean Water Plant, as improved and expanded pursuant to the Zeeland Area Clean Water Plant Contract dated July 1, 2014, among the City of Zeeland, Holland Charter Township and Zeeland Charter Township, and as it may be further modified, improved, and/or expanded from time to time.

Publicly owned treatment works (POTW) means the treatment works as defined in section 212 of the act, including any devices and systems used in the monitoring, testing, storage, treatment, recycling and reclamation of municipal sewage and industrial waste which are connected to or part of the Holland Area Wastewater Treatment Plant (for the HAWWTP Service Area) or of the Zeeland Clean Water Plant (for the ZCWP Service Area). The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in section 502(4) of the act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Superintendent means the Superintendent of the Holland Area Wastewater Treatment Plant for the HAWWTP Service Area, and the Superintendent of the Zeeland Clean Water Plant for the ZCWP Service Area, or their authorized representative.

Section 3. Amendment to Chapter 34, Sec. 34-92. That Sec. 34-92 of the Holland Charter Township Code shall be amended to read as follows:

Except as otherwise provided in Section 34-148(a)(3) regarding the ZCWP Service Area only, no person shall discharge or cause to be discharged to any sanitary sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process water. No footing drain shall be connected to a sanitary sewer. All footing drain water shall be discharged to storm sewers or dry wells. Stormwater 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. For purposes of this section, the term "uncontaminated industrial process water" shall mean water which has 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.

Section 4. Amendment to Chapter 34, Sec. 34-102(b). That Sec. 34-102(b) of the Holland Charter Township Code shall be amended to read as follows:

Any person adversely affected or aggrieved by a decision of the township supervisor under Sec. 34-102(a) may appeal to the township board for variance from such provision.

- (1) If a petition to review is not filed within 30 days of being notified of the need to comply with a provision or requirement, the failure to file such a variance request shall be deemed a waiver of any and all administrative appeal rights.
- (2) In its petition, the appealing party shall state the basis for its appeal, the reasons in support of its request and any alternative relief which the aggrieved party seeks.
- (3) The enforcing body shall:
 - a. Deny the appeal;
 - b. Grant the appeal; or
 - c. Grant the appeal with additional conditions.
- (4) The enforcing body's decision shall be made within 30 days of receiving the appeal request.
- (5) The decision of the enforcing body shall be the final administrative action for purposes of judicial review.

Section 5. Amendment to Chapter 34, Sec. 34-148(a)(3). That Sec. 34-148(a)(3) of the Holland Charter Township Code shall be amended to read as follows:

- (3) No person shall discharge or cause to be discharged to any public sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process water, provided that persons in the ZCWP Service Area may seek review by the Township and the superintendent for authorization to discharge uncontaminated cooling water and/or unpolluted process water. Such review will be on a case-by-case basis. If the discharge of uncontaminated cooling water or unpolluted process water is a significantly large flow, or for some other reason is a concern to the Township or the ZCWP superintendent, the discharger may be required to discharge the uncontaminated cooling water in accordance with all applicable law into such sewers as are specifically designated as storm sewers, or natural outlets. No footing drain, roof downspout, areaway drain or other source of surface water or groundwater shall be connected to a public sewer. All footing drain water shall be discharged to storm sewers or dry wells. Stormwater 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 unpolluted industrial process water to natural outlets shall only be permitted when authorized and approved by the DEQ or other agencies or authorities with jurisdiction.

Section 6. Amendment to Chapter 34, Sec. 34-148(b)(3). That Sec. 34-148(b)(3) of the Holland Charter Township Code shall be amended to read as follows:

- (3)
 - a. With regard to the HAWWTP Service Area, any wastewater exhibits a pH of less than 6.0 or greater than 11.0 standard units;
 - b. With regard to the ZCWP Service Area, any wastewater which exhibits a pH of less than 6.5 or greater than 9.5 standard units; or
 - c. With regard to both service areas, any wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

Section 7. Amendment to Chapter 34, Sec. 34-148(b)(8). That Sec. 34-148(b)(8) of the Holland Charter Township Code shall be amended to read as follows:

- (8) Any trucked or hauled pollutants, except at discharge points and as otherwise designated by the control authority. Discharge of trucked or hauled pollutants in the ZCWP Service Area is prohibited.

Section 8. Amendment to Chapter 34, Sec. 34-148(b)(10). That Sec. 34-148(b)(10) of the Holland Charter Township Code shall be amended to read as follows:

- (10) Any of the following toxic pollutants: (a) those pollutants listed on the current critical materials register prepared pursuant to Section 66 of the Water Resources Commission Act (MCLA Section 323.1 et seq) by the Michigan Water Resources Commission or its successors, and (b) those pollutants identified by the control authority as a "toxic pollutant" pursuant to this Chapter 34, as it may be amended from time to time.

If a pollutant is specifically allowed by the control authority, section 34-148(b)(14) or categorical pretreatment standards, then the above paragraph does not apply.

Section 9. Amendment to Chapter 34, Sec. 34-148(b)(14). That Sec. 34-148(b)(14) of the Holland Charter Township Code shall be amended to be renumbered as Sec. 34-148(b)(14.1) and further amended to read as follows:

- (14.1) With regard to the HAWWTP Service Area, any wastewater having effluent characteristics in excess of:

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Organics	
Acetone	640
Benzene	0.32
Methyl Ethyl Ketone	640
Chloroethane	3.6
Chloromethane	2.3
Chloroform	1.2
Dibromochloromethane	0.18
1, 4-Dichlorobenzene	0.38
1, 1-Dichloroethane	16

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
1, 1-Dichloroethylene	1.4
cis-1, 2-Dichloroethylene	2.9
trans-1, 2-Dichloroethylene	2.9
Diethyl Ether	12
Ethyl Benzene	0.87
Lindane	0.00076
4-Methyl-2-Pentanone	0.2
Methylene Chloride	1.3
Styrene	0.64
Tetrachloroethylene	0.68
Toluene	3.5
1, 1, 1-Trichloroethane	2
Trichloroethylene	0.68
1, 2, 4-Trimethylbenzene	0.74
Xylenes, Total	1.5
Phenols, Total	2.5
Metals	
Arsenic	0.098
Cadmium	0.093
Chromium	3.7
Copper	1.1
Cyanide, Amenable	0.22
Lead	0.66
Lithium	2.6
Mercury	See section 34-148(b)(15.1)
Molybdenum	0.27
Nickel	1.5
Selenium	0.18

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Silver	0.25
Zinc	4.6
Compatibles	
Chlorides	2300
Grease and Oil (Non-Polar Fraction)	70

Section 10. Amendment to Chapter 34, Sec. 34-148(b)(14.2). That the Holland Charter Township Code is amended by adding a subsection, to be numbered Sec. 34-148(b)(14.2), which subsection reads as follows:

(14.2) With regard to the ZCWP Service Area, any wastewater having effluent characteristics in excess of:

TABLE 1 (ZCWP)		
PROHIBITED POLLUTANTS		
Parameter	Ordinance Limitation	
	Daily Maximum	Monthly Average
Ammonia Nitrogen	100.0 MG/L	100.0 MG/L
Arsenic	0.30 MG/L	0.30 MG/L
Cadmium	0.35 MG/L	0.073 MG/L
Chromium (Hexavalent)	0.59 MG/L	0.21 MG/L
Chromium (Total)	3.0 MG/L	1.4 MG/L
Color	200.0 P.C.U.	200.0 P.C.U.
Copper	0.67 MG/L	0.19 MG/L
Cyanide (Available)	0.42 MG/L	0.047 MG/L
Flash Point (Closed Cup)	Not Less Than 150 degrees F	Not Less Than 150 degrees F
Grease & Oil (Freon Extractables)	100.0 MG/L	100.0 MG/L
Lead	1.5 MG/L	0.51 MG/L
pH	Not Less Than 6.5 Nor Greater Than 9.5 S.U.	Not Less Than 6.5 Nor Greater Than 9.5 S.U.
Mercury *	Less Than 0.2 UG/L	Less Than 0.2 UG/L
Molybdenum	42 MG/L	2.5 MG/L
Nickel	1.1 MG/L	1.1 MG/L
Selenium	0.73 MG/L	0.031 MG/L
Silver	0.75 MG/L	0.12 MG/L
Temperature	Not Less Than 32 degrees F Nor Greater Than 150 degrees F	Not Less Than 32 degrees F Nor Greater Than 150 degrees F
Zinc	0.71 MG/L	0.71 MG/L
1,4-Dichlorobenzene	3.0 MG/L	0.079 MG/L
2,4,6-Trichlorophenol	2.4 MG/L	0.10 MG/L

TABLE 1 (ZCWP)		
PROHIBITED POLLUTANTS		
Parameter	Ordinance Limitation	
	Daily Maximum	Monthly Average
Pentachlorophenol	1.4 MG/L	0.17 MG/L
Toulene	15 MG/L	1.3 MG/L
MG/L = Milligrams Per Liter P.C.U. = Platinum Cobalt Units S.U. = Standard Units * See Section 34-148(b)(15.2)		

Section 11. Amendment to Chapter 34, Sec. 34-148(b)(15). That Sec. 34-148(b)(15) of the Holland Charter Township Code shall be amended to be renumbered as Sec. 34-148(b)(15.1), and the introductory paragraph and subparagraph a. shall be amended to read as follows; the remainder of that Section shall remain unchanged:

- (15.1) a. With regard to the HAWWTP Service Area, there shall be no detectable amounts of mercury discharged into the POTW. The local discharge limitation for mercury is established at the method detection limit (MDL) in accordance with the following.

Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The MDL, developed in accordance with the procedure specified in 40 CFR 136 shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

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

1. A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/L in reagent water;
2. A demonstration that the MDL of 0.2 ug/L cannot be achieved in the effluent; and
3. A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136.

Discharge-specific MDLs will be incorporated into the wastewater discharge permit of the nondomestic user.

Section 12. Amendment to Chapter 34, Sec. 34-148(b)(15.2). That the Holland Charter Township Code is amended by adding a subsection, to be numbered Sec. 34-148(b)(15.2), which subsection reads as follows:

(15.2) With regard to the ZCWP Service Area, discharges of Mercury shall be below detection as described. Monitoring for Mercury shall be in accordance with the following test methods:

The discharge of Mercury above the quantification level of 0.2 ug/l shall represent an exceedance of the local limit. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1, unless Method 1631 is required by the City. The quantification level shall be 0.2 ug/l for Method 245.1 or 0.5 ng/l for Method 1631, unless higher levels are appropriate due to sample matrix interference. In the event of a Mercury limit exceedance, the user shall develop a Mercury reduction plan, which must include elements deemed necessary by the superintendent. Once the Mercury reduction plan is approved by the superintendent, the user must implement the plan in order to progress toward compliance with Mercury limits. Elements of a Mercury reduction plan may include monitoring and reporting according to a specific schedule, as deemed necessary by the superintendent.

Section 13. Amendment to Chapter 34, Sec. 34-148(b)(16). That Sec. 34-148(b)(16) of the Holland Charter Township Code shall be amended to read as follows:

(16) a. With regard to the HAWWTP Service Area, any wastewater containing more than the maximums of the substances specified in Table 2 (HAWWTP), unless permitted by special discharge allocation under section 34-149.

TABLE 2 (HAWWTP)			
COMPATIBLE POLLUTANTS			
	Daily Maximum mg/l		Daily Maximum pounds per day
Biochemical Oxygen Demand (BOD)	1000*	and	40*
Chemical Oxygen Demand (COD)	see note 1	and	see note 1

TABLE 2 (HAWWTP)			
COMPATIBLE POLLUTANTS			
	Daily Maximum mg/l		Daily Maximum pounds per day
Total Suspended Solids (TSS)	1400*	and	100*
Total Phosphorus (TP)	40*	and	1*
Grease & Oil (Polar Fraction)	150*	and	5*
* or as approved by the Michigan DEQ in accordance with the control authority's approved procedures, with any change in such approved amounts being effective upon publication by the control authority in a daily newspaper of general circulation in the Holland area.			
1. COD daily maximum mg/l and pounds will be calculated using the influent COD/BOD ratio times the BOD daily maximum mg/l and pounds.			

- b. With regard to the ZCWP Service Area, any wastewater containing more than the maximum of the substances specified in Table 2 (ZCWP).

TABLE 2 (ZCWP)	
Parameter	Daily Average (mg/l)
5-day Biochemical Demand (BOD ₅)	1,100
Chemical Oxygen Demand (COD)	4,000
Suspended Solids	1,300
Phosphorus, Total	15
Ammonia Nitrogen	100

- c. In addition to the limits in the applicable Table 2, any discharge that, in the judgment of the control authority, would contribute a significant amount of these substances, regardless of mg/l concentration, shall be prohibited except by special discharge allocation.

Section 14. Amendment to Chapter 34, Sec. 34-150. That Sec. 34-150 of the Holland Charter Township Code shall be amended to read as follows:

Sec. 34-150. Surcharges.

- (a) With regard to the HAWWTP Service Area: All nondomestic users of the POTW shall pay a surcharge for the discharge of sewage or waste containing more of the pollutant as referenced in Table 4 (HAWWTP),

with the exception that a surcharge can be made for either BOD₅ or COD, whichever is the greater dollar cost, but not for both.

TABLE 4 (HAWWTP)	
Pollutant	Surcharge Above (mg/l)
BOD ₅	250 mg/l
COD	500 mg/l
Total Suspended Solids	250 mg/l
Phosphorus	5 mg/l
Grease and Oil (Polar Fraction)	50 mg/l*
* Surcharges for grease and oil (polar fraction) will be applied only if a user has received a Special Discharge Allocation for grease and oil (polar fraction). Any users discharging above 50 mg/l may be required to submit grease trap maintenance records.	

- (b) With regard to the ZCWP Service Area, as a condition of allowing a user to discharge extra strength wastes that exceed the parameters in Table 4 (ZCWP), the superintendent may impose a surcharge fee in addition to regular charges.

TABLE 4 (ZCWP)	
Pollutant	Surcharge Above (mg/l)
5-day Biochemical Demand (BOD ₅)	250 mg/l
Chemical Oxygen Demand (COD)	500 mg/l
Suspended Solids	200 mg/l
Phosphorus, Total	5 mg/l
Ammonia Nitrogen	18 mg/l

- (c) Surcharge rates shall be established periodically by the control authority. To determine the amount of the surcharge for any particular user, the control authority shall collect samples at a predetermined frequency and apply the surcharge rate to the analytical results of such samples. In the alternative, with the prior approval of the control authority, the user may utilize an independent company to take such samples, at the user's expense, under conditions and standards determined to be acceptable by the control authority. The surcharge shall be calculated and billed at a frequency determined by the control authority. Any surcharge billing not paid when due shall be a violation of this section.

Section 15. Amendment to Chapter 34, Sec. 34-165. That Sec. 34-165 of the Holland Charter Township Code shall be amended to read as follows:

No person shall discharge or cause to be discharged to a sanitary sewer, either directly or indirectly, any nondomestic waste that creates a stoppage, plugging, breakage, reduction in sewer capacity or any other damage or loss to any public sewer, the POTW or the control authority. The person causing such discharge shall indemnify the entity(ies) that own and/or maintain the damaged sewer or facility and the control authority for any additional sewer maintenance expenses, or any other resulting costs or expenses, including attorney fees, caused by such a discharge.

Section 16. Amendment to Chapter 34, Sec. 34-168. That the Holland Charter Township Code is amended by adding a new Section, to be numbered Sec. 34-168, which Section reads as follows:

Sec. 34-168. ZCWP Service Area Local Discharge Limits.

- (a) In addition to the local discharge limits and all other requirements set forth in this Subdivision III, Division 2, Article II, Chapter 34, any user in the ZCWP Service Area (i.e., connected to the ZCWP) shall also be subject to and shall comply with the pretreatment requirements, monitoring requirements, local discharge limits and standards, and other requirements as are set forth in the Zeeland City Ordinance No. 819, as amended and as it may be further amended from time to time (the "Zeeland City Ordinance"), but only if and to the extent there is a conflict between the local requirements in this Subdivision and those in the Zeeland City Ordinance. As such, the Zeeland City Ordinance is incorporated into this ordinance by reference, and in the case of any conflict between the provisions of this Subdivision and the Zeeland City Ordinance, the Zeeland City Ordinance shall control. Copies of the Zeeland City Ordinance are on file with the Township Clerk, the Zeeland City Clerk, and are available to the public.
- (b) The Township shall by resolution designate the City of Zeeland, acting by and through its employees and agents, as "Control Authority" (as defined and used herein) with regard to dischargers to the ZCWP system that are located in the Township, including, without limitation, administration of requirements regarding establishment of local discharge limits; development, issuance and administration of local industrial discharge permits; wastewater monitoring; and enforcement. However, the Township shall and does reserve the right and authority to administer and enforce its Ordinances with regard to matters pertaining to connections to the Township's wastewater collection system (except as may be limited by Industrial Pretreatment Program requirements under applicable state and federal law), protection of the Township's wastewater collection system

and appurtenances, collection of rates and charges imposed by the Township, and other matters necessary to protect the health, safety and welfare of the Township and its residents.

Section 17. Amendment to Chapter 34, Sec. 34-190(a). That Sec. 34-190(a) of the Holland Charter Township Code shall be amended to read as follows:

- (a) Any aggrieved person in the HAWWTP Service Area, including a nondomestic user, may petition the administrative committee to reconsider the terms of a local wastewater discharge permit (referred to as "permit" for purposes of this section) within 30 days of the issuance of such permit.

Section 18. Amendment to Chapter 34, Sec. 34-191(a). That Sec. 34-191(a) of the Holland Charter Township Code shall be amended to read as follows:

- (a) Nondomestic users shall provide and maintain in a safe and proper condition, at their own expense, facilities to allow the authorized representatives of the control authority, EPA or the state to inspect, sample or measure flows from wastewater subject to the provisions of this division at a location specified or approved by the control authority.

Section 19. Effective Date. This Ordinance was approved and adopted by the Township Board on August 3, 2017, after introduction and a first reading on July 6, 2017, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective on August 9, 2017, or as otherwise provided in the Chapter. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Terry Nienhuis, Supervisor

Michael Dalman, Clerk

CERTIFICATE

I, Michael Dalman, Clerk for the Charter Township of Holland, Ottawa County, Michigan, do hereby certify that the foregoing "Utilities Chapter Amendment Ordinance" was adopted at a regular meeting of the Township Board held on August 3, 2017. The following members of the Township Board present at the meeting: Nienhuis, Dalman, Bush, Becker, Church, Nykamp and TeSlaa. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with all members of the Board voting in favor and no members of the Board voting in opposition. A Notice of Adoption of the Ordinance was published in the *Holland Sentinel* on August 9, 2017, and the Ordinance has been published on the Township's website.

Michael Dalman, Clerk