

*The following Zoning Amendment Ordinance was adopted at the Holland Charter Township Board meeting held on November 21, 2019.*

ORDINANCE NO. 601

SEWER SYSTEM AND WATER SYSTEM AMENDMENT ORDINANCE

AN ORDINANCE to amend the Code of Ordinances, Charter Township of Holland, Michigan, by restating Chapter 34, Article II, Sewer System, and by restating Article III, Water System, to regulate and control the discharge of waters and wastes into the public sewer system and to regulate and control the provision of water through the public water system; and to provide for the health, safety and general welfare of the people of Holland Charter Township.

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

Section 1. Restatement of Chapter 34. Chapter 34 shall be restated in its entirety as follows:

**CHAPTER 34**

Chapter 34 - Utilities

ARTICLE I. - IN GENERAL

Secs. 34-1—34-30. - Reserved.

ARTICLE II. - SEWER SYSTEM

DIVISION 1. - GENERALLY

Sec. 34-31. - Definition.

Sec. 34-32. - Connection to the system.

Sec. 34-33. - Legislative findings.

Sec. 34-34. - Connection charges.

Sec. 34-35. - Sewer service charges.

Sec. 34-36. - Billing and enforcement.

Sec. 34-37. - Fiscal year.

Sec. 34-38. - Financial records.

Sec. 34-39. - Metering.

Sec. 34-40. - Disruption of service.

Sec. 34-41. - Rules and regulations.

Sec. 34-42. - Standard construction requirements.

Sec. 34-43. - Violation; penalties.

Secs. 34-44—34-70. - Reserved.

DIVISION 2. - SEWER USE REGULATIONS

Subdivision I. - In General

Sec. 34-71. - Rules of construction.

Sec. 34-72. - Abbreviations.

Sec. 34-73. - Definitions.

Sec. 34-74. - Discharge of sewage.

Sec. 34-75. - Septic tanks.

Sec. 34-76. - Mandatory connection.

Sec. 34-77. - Industrial waste.

Sec. 34-78. - Use of a private sewage disposal system.

Sec. 34-79. - Disconnection of private sewage disposal facilities.

Sec. 34-80. - Maintenance of sewage disposal facilities.

Sec. 34-81. - Additional requirements.

Sec. 34-82. - Connection to public sewer.

Sec. 34-83. - Permit for connection.

Sec. 34-84. - Building sewer requirements.

Sec. 34-85. - Old building sewers.

Sec. 34-86. - Specifications.

Sec. 34-87. - Elevation.

Sec. 34-88. - Building sewer connection.

Sec. 34-89. - Inspection.

Sec. 34-90. - New construction.

Sec. 34-91. - Excavations.

Sec. 34-92. - Stormwater.

Sec. 34-93. - Sanitary operation required; compliance with law.

Sec. 34-94. - Prohibited waste discharge.

Sec. 34-95. - Interceptor devices; when required; requirements.

Sec. 34-96. - Emergency provisions.

Sec. 34-97. - Protection from damage.

Sec. 34-98. - Compliance with chapter, state law, etc.

Sec. 34-99. - Unlawful disposal of wastes.

Sec. 34-100. - Discharge into storm drain or natural drain prohibited; exception.

Sec. 34-101. - Determination of unsanitary conditions; notice.

Sec. 34-102. - Request for variance.

Secs. 34-103—34-115. - Reserved.

#### Subdivision II. - Violations; Penalties, Sanctions and Remedies

Sec. 34-116. - Nuisance.

Sec. 34-117. - Municipal civil infraction.

Sec. 34-118. - Misdemeanor.

Sec. 34-119. - Administrative remedies.

Sec. 34-120. - Judicial remedies.

Sec. 34-121. - Supplemental enforcement remedies.

Sec. 34-122. - Recurring offense.

Sec. 34-123. - Each day a separate offense.

Sec. 34-124. - Liens.

Sec. 34-125. - Liable for costs.

Sec. 34-126. - Construction of chapter.

Sec. 34-127. - Order of additional requirements.

Sec. 34-128. - Right of appeal.

Secs. 34-129—34-145. - Reserved.

#### Subdivision III. - Use of Public Sewers; General Pretreatment Requirements

Sec. 34-146. - Purposes.

Sec. 34-147. - Right of revision.

Sec. 34-148. - General discharge prohibitions.

Sec. 34-149. - Special discharge allocation.

Sec. 34-150. - Surcharges.

Sec. 34-151. - Pretreatment requirements.

Sec. 34-152. - Dilution prohibition.

Sec. 34-153. - Spill prevention and slug control plans.

Sec. 34-154. - Notification.

Sec. 34-155. - Posting of emergency notification number; employee training.

Sec. 34-156. - Records.

Sec. 34-157. - Analytical requirements.

Sec. 34-158. - Confidential information.

Sec. 34-159. - Right of entry.

Sec. 34-160. - Existing and new source compliance deadlines.

Sec. 34-161. - Equivalent mass and concentration limits.

Sec. 34-162. - Net/gross calculation.

Sec. 34-163. - Removal credits.

Sec. 34-164. - Improper use of sewers; discontinuance of service.

Sec. 34-165. - Indemnification for additional sewer maintenance expenses.

Sec. 34-166. - Accidental discharges.

Sec. 34-167. - Wastewater discharge permits.

Sec. 34-168. - ZCWP service area local discharge limits.

Secs. 34-169—34-185. - Reserved.

Subdivision IV. - Permit and Monitoring Requirements; Bypass and Upset Provisions

Sec. 34-186. - Permit contents.

Sec. 34-187. - Duration of permit; application for reissuance.

Sec. 34-188. - Permit modifications.

Sec. 34-189. - Transferability.

Sec. 34-190. - Appeals.

Sec. 34-191. - Monitoring.

Sec. 34-192. - Bypass.

Sec. 34-193. - Upset provisions.

Secs. 34-194—34-210. - Reserved.

Subdivision V. - Reporting

Sec. 34-211. - Baseline report for categorical dischargers.

Sec. 34-212. - Compliance date report.

Sec. 34-213. - Periodic compliance reports.

Sec. 34-214. - Reserved.

Sec. 34-214.1. - Self-monitoring.

Sec. 34-214.2. - Sampling and analysis procedures and methods.

Sec. 34-214.3. - Laboratory utilized by industry conducting self-monitoring to be approved by control authority; quality control documentation required.

Sec. 34-214.4. - Monitoring and analysis in support of self-monitoring requirements.

Sec. 34-215. - Requirements for significant industrial users.

Sec. 34-216. - Requirements for nonsignificant industrial users.

Sec. 34-217. - Hazardous waste notification.

Sec. 34-218. - Signatory requirements.

Secs. 34-219—34-235. - Reserved.

Subdivision VI. - Delegation

Sec. 34-236. - Resolution of township board.

Secs. 34-237—34-270. - Reserved.

ARTICLE III. - WATER

- Sec. 34-271. - Definition.
- Sec. 34-272. - Connection to the system.
- Sec. 34-273. - Legislative findings.
- Sec. 34-274. - Connection charges.
- Sec. 34-275. - Water rates.
- Sec. 34-276. - Billing and enforcement.
- Sec. 34-277. - Fiscal year.
- Sec. 34-278. - Application to connect.
- Sec. 34-279. - Financial records.
- Sec. 34-280. - Prohibition of cross connection.
- Sec. 34-281. - Work in right-of-way.
- Sec. 34-282. - Water customers outside the township.
- Sec. 34-283. - Meters.
- Sec. 34-284. - Service line maintenance.
- Sec. 34-285. - Repair or replacement of meter, meter horn or angle valve.
- Sec. 34-286. - Damage to system facilities.
- Sec. 34-287. - Fire hydrant use or obstruction.
- Sec. 34-288. - Water emergency orders.
- Sec. 34-289. - Rules and regulations.
- Sec. 34-290. - Disruption of service.
- Sec. 34-291. - Standard construction requirements.
- Sec. 34-292. - Violation; penalties.

Footnotes:

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**Editor's note**—Ord. No. 465, § 1, adopted December 18, 2003, amended Div. 1, in its entirety, to read as set out in §§ 34-31—34-43. Subsequently, Ord. No. 497, § 1, adopted September 7, 2006, amended Div. 1, in its entirety. See also the Code Comparative Table.

Sec. 34-31. - Definition.

When used in this article, the word "system" means all sewer lines, lift stations, pumping facilities, sewer collection facilities and their appurtenances which the township has or shall have possession of and operating responsibility for, whether owned by the township or not, either now in existence in the township or hereafter acquired or constructed in the township, together with all works, plants, instrumentalities and properties used or useful in connection therewith in collecting sewage and transmitting and conveying such collected sewage to sewage treatment facilities, and all extensions, enlargements and improvements thereto in the township.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-32. - Connection to the system.

Connection to the system, directly or indirectly, and the discharge of sewage into the system, shall only be in compliance with this chapter 34, article II.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-33. - Legislative findings.

The following legislative findings are made:

(1) Sewage disposal. The township board finds that public sanitary sewer systems are essential in order for businesses, industries, farms, schools, government agencies, charitable organizations, and persons to operate in or live in the township and also are essential to the health, safety, and welfare of the people of the township. Septic tank disposal systems are subject to failure due to soil conditions and other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare, presents a potential for ill health, transmission of disease, mortality, and economic blight, and constitutes a threat to the quality of the surface and subsurface waters of the township.

(2) Method of measuring use. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the most precise method of measuring the sanitary sewage discharged to the system by a system customer is to utilize the metered public water usage, a standard use factor based on similar uses, a metered well water supply, or a sewage meter.

(3) Continuity of service. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that in order to provide and continue to

provide sanitary sewage disposal to all users of the system, with capacity adequate for all types of use, it is necessary from time to time to complete repairs, maintenance, reconstruction, and replacement of the system.

(4) Purpose of charges. The charges, rates, and fees for connection to the system and the discharge of sewage to the system are established pursuant to this chapter for the purpose of recovering the cost of the construction, reconstruction, replacement, maintenance, repair, and operation of the system and the cost of compliance with all applicable federal and state laws and related rules and regulations, and to provide for the payment of principal and interest on any bonds sold or other indebtedness incurred to finance the construction, reconstruction or other costs of the system. These charges, rates, and fees shall be assessed and be payable in accordance with the provisions of this chapter and shall apply to all users of the system. The charges, rates, and fees authorized by this chapter shall be established so as to recover costs from the system users in reasonable proportion to the cost of serving those users.

The township administrative staff, in consultation with the township rate consultant and township engineers, as necessary, shall periodically review the charges, rates, and fees of the system. The results of this review shall be periodically reported to the township board with recommendations for adjustments, if any.

(5) Proportionality, fairness, and benefits of rates and fees. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the fairest and most reasonable method of providing for system costs is to charge each user, based in all cases on the amount of the sanitary sewer discharge, for the costs of: (i) sewage disposal; (ii) ongoing repair, replacement, and reconstruction of the system; and (iii) operation, administration, and maintenance costs of the system.

(6) Sewer service charges. The township administrative staff, in consultation with the township rate consultant and the township engineers, have reviewed various methods of apportioning the costs for the sewer service provided by the system. Based on this investigation, and on the advice of the township rate consultant and the township engineers, the township board finds that to ensure the stability and viability of the system for the benefit of its users, the fairest and most accurate way to apportion system costs is to charge each user: (i) connection charges when a user's property is first connected to the system; (ii) a monthly readiness-to-serve charge for each property connected to the system; and (iii) a commodity charge. The township board finds that the charges, rates, and fees authorized in this chapter fairly and accurately apportion the system fixed and variable costs among the users of the system and that the connection charges, monthly readiness-to-serve charges, and the commodity rate provide actual benefits to system users in the form of ready access to sewer service that would not be available if those charges were not imposed.

(7) Cash reserve. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that it is necessary to maintain a cash reserve for the timely replacement of system assets and to maintain the financial stability of the system.

(8) Frontage charges. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the frontage charge component of the connection charge is intended to require the premises owner to pay the actual cost of the acquisition, construction and completion of the system sewer line which adjoins the connecting premises and a portion of the cost of system sewer line that must be constructed past frontage that is non-assessable (intersections, exempted corner lot frontage, non-buildable land, etc.) in order to provide sewer service to the connecting premises. It is impossible to build a sewer line in segments so that sewer line is constructed in front of a particular premises only at such time as that premises owner desires to connect to the system. Instead, system extensions of sewer line will sometimes be made past premises that have no present need for sewer service from the system in order to extend the system to serve the sewer service needs of properties further upstream. When these premises that do not need sewer service from the system at the time the system sewer line extension is constructed, decide later to connect to the system, it is necessary to establish a frontage charge that fairly reflects the original cost of the sewer line extension plus the cost of capital, the time value of money, from the construction date to the connection date. To provide for this, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board has determined that it will establish periodically, on a township-wide basis, the current cost to construct sewer system extensions (without oversizing but including non-assessable frontage) and charge those premises that connect to a system sewer line extension the current sewer line per front foot extension cost.

(9) Trunkage charges. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the trunkage charge component of the connection charge that is charged upon connection to the system should reflect the investment of the existing sewer customers in the system, and that connection to the system provides an actual benefit to each new user equal to or greater than the amount of this charge. Further, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the trunkage charge to be paid by each premises connecting to the system should be based on the size of the public water meter or private well water meter because the size of the water meter reflects the sewage discharge to the system. For those premises not connected to the public water system that do not have a private well water meter, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the table of residential equivalent unit factors, a single-family residence being one unit, incorporated as a part of this chapter in the Schedule A appended to this division, with possible adjustment for various factors as provided in this chapter, fairly and reasonably computes, to the extent reasonably possible, the sewer discharge to the system by various types of sewer customers not connected to the public water system.

(10) Laterals and service charges. The township board finds that the sewer lateral fee and the other miscellaneous special sewer service charges and fees represent the approximate actual cost of the lateral and each such service.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-34. - Connection charges.

The following charges and fees shall apply to all connections to the system:

(1) Lateral fee.

a. If there is an existing sewer lateral, and if a lateral fee has not been paid or assessed against the premises to be served, a lateral fee, as provided in a township board resolution adopted from time to time, for the installation and use of an existing sewer lateral line from the sewer line to the property line, shall be payable by each premises connecting to the system, provided that no lateral fee shall be payable where the sewer lateral to be utilized was constructed as part of a development or project in which private parties or the township on behalf of and at the expense of private parties have constructed the sewer lateral except that if the township has a contractual reimbursement obligation with respect to such sewer lateral, then a lateral fee shall be payable. If there is no existing sewer lateral, then the premises owners, or a third party on their behalf, shall construct and complete the sewer lateral at their sole expense in accordance with all township ordinances, construction standards, and other requirements.

b. The lateral fee may be paid in cash at the time an application to connect is made or, in the alternative for an existing dwelling only, in installments. If paid in installments, the lateral fee may be paid in 20 equal consecutive annual principal installments.

Each installment shall be due and payable before June 1 of each year. The first installment shall be payable before the first June 1 following the date on which the application to connect is received by the township. Interest on the unpaid balance shall be due and payable annually on each principal installment date. Interest shall commence on the first day of the first month following the month in which the application to connect is received by the township.

If the sewer lateral line to be utilized was constructed with the proceeds of bonds, the interest rate per annum shall be the average interest rate on the bonds, rounded to the nearest one hundredth of one percent, plus one percent. If the sewer lateral line to be utilized was not constructed with the proceeds of bonds, then the interest rate shall be eight percent per annum. If connection is made to a portion of the system not constructed with the proceeds of the sale of bonds which is then later financed with the sale of bonds, then the interest rate per annum shall then be adjusted to the average interest rate of the bonds, rounded to the nearest one hundredth of one percent plus one percent.

If a decision is made to pay the lateral fee in installments, the lateral fee may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted. All prepayments shall be applied to the installments payable in inverse order of their due date. If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent for each month or fraction of a month that any amount remains delinquent.

If paid in installments, the unpaid balance of the lateral fee and all interest and penalties thereon shall constitute a lien on the premises served.

(2) Frontage charge.

a. Those premises adjacent to a system sewer line which either have not been included in a special assessment district to pay any part of the cost of such line, or have been included in a special assessment district but have not been assessed for the frontage on the sewer line which will provide sewer service to the connecting premises, shall pay a frontage charge, provided that no frontage charge shall be made where: (i) the entire frontage of the subject premises was previously assessed the frontage charge; or (ii) the system sewer line adjacent to the connecting premises was constructed as part of a development or project in which private parties or the township on behalf of and at the expense of private parties have constructed such sewer line except that if the township has a contractual reimbursement obligation with respect to such sewer line, then the frontage charge shall be payable. This frontage charge shall be calculated as is provided in a township board resolution adopted from time to time.

b. The assessable frontage for each premises shall be measured at the edge of the street/road right-of-way. Except in the case of a corner lot as provided in this subsection, all premises shall be assessed for their full frontage regardless of whether the sewer line extends across the entire width of the premises, including those premises that do not have road frontage. All premises to be assessed under this subsection (2) shall be assessed for a minimum of 100 feet of frontage. In the case of lands zoned AG- Agricultural, the maximum frontage assessment shall be for 350 feet; frontage that is deferred pursuant to this provision shall pay a frontage charge at the then current rate when an application is made to connect a premises that includes some or all of the deferred frontage to the system. Corner lots shall be assessed on both street frontage sides but shall receive an exemption of up to 150 feet on the long side. Notwithstanding the provisions of this subsection, on application from the owner or other interested party of the affected premises, the frontage charge may, by action of the township board by resolution, be waived, all or in part, when special or unusual circumstances exist. The township board may require the owner of the premises and/or interested party to execute and deliver to the township such agreements, in recordable form, financial guarantees, or other assurances as the township board shall determine to be reasonably necessary.

c. The frontage charge may be paid in cash at the time an application to connect is made or, in the alternative for an existing dwelling only, in installments. If paid in installments, the frontage charge shall be paid in 20 equal consecutive annual principal installments.

Each installment shall be due and payable before June 1 of each year. The first installment shall be payable before the first June 1 following the date on which the application to connect is received by the township. Interest on the unpaid balance shall be due and payable annually on each principal installment date. Interest shall commence on the first day of the first month following the month in which the application to connect is received by the township.

The interest rate per annum for connections to all portions of the system constructed with the proceeds of bonds shall be the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent. The interest rate for connections to all portions of the system not constructed with the proceeds of bonds shall be eight percent per annum. If connection is made to a portion of the

system not constructed with the proceeds of the sale of bonds which is then later financed with the sale of bonds, then the interest rate per annum shall then be adjusted to the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent.

If a decision is made to pay the frontage charge in installments, the frontage charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted. All prepayments shall be applied to the installments payable in inverse order of their due date. If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent for each month or fraction of a month that any amount remains delinquent.

If paid in installments, the unpaid balance of the frontage charge and all interest and penalties thereon shall constitute a lien on the premises served.

(3) Trunkage charge.

a. Those premises which have not been included in a special assessment district, which included as part of the assessment a trunkage charge, shall pay a trunkage charge.

b. Those premises included in a special assessment district and which are connected to the public water system, where the trunkage charge component of the special assessment was determined based on a smaller size public water system meter or well water meter than is actually utilized, shall pay a trunkage charge. This trunkage charge shall be equal to the difference between the current trunkage charge for the size of the public water system meter or well water meter utilized to determine the special assessment and the current trunkage charge for the size of public water system meter or well water meter which is actually being installed. Those premises included in a special assessment district and who are not connected to the public water system and do not have a well water meter, where the trunkage charge component of the special assessment was determined on the basis of a smaller number of trunkage units than will actually be the case at the time of connection, shall pay a trunkage charge. This trunkage charge shall be equal to the difference between the number of trunkage units utilized to determine the special assessment and the number of trunkage units determined at the time of connection, multiplied times the trunkage charge per unit.

c. Those premises which have previously paid a trunkage charge as part of a special assessment or as part of a connection charge, and which are already connected to the system, but which request a larger public water system meter or a larger well water meter, shall pay a trunkage charge. This trunkage charge shall be equal to the difference between the current trunkage charge for the size of meter that is presently installed and the current trunkage charge for the requested larger meter.

Those premises which have previously paid a trunkage charge as part of a special assessment or as part of a connection charge, and which are already connected but are not served by the public water system and do not have a well water meter, shall pay an additional trunkage charge if they are expanded or the use thereof is altered so as to increase the intensity of sewer use. The additional trunkage charge shall be for the expansion or alteration of use. Those premises not served by public water and which do not have a well

water meter which were assessed for trunkages as an unimproved parcel, but which are later improved, shall pay a trunkage charge for such improvements. The trunkage unit rate shall be the rate at the time a building permit is issued for the expansion or alteration of use or for improvements to an unimproved parcel or, if no building permit is required, at such time as the premises are expanded or the use thereof is altered so as to require the payment of an additional charge or improvements are made at an unimproved parcel. The amount of the trunkage charge shall be determined by multiplying the trunkage unit rate times the number of trunkage units, for the particular improvement, expansion or alteration of use.

d. The trunkage charge shall be as provided in a township board resolution adopted from time to time. The trunkage charge shall only apply to the domestic water meter and shall not apply to a sprinkling water meter. If paid in installments, the unpaid balance of the trunkage charge and all interest thereon shall constitute a lien on the premises served.

e. The number of trunkage units for premises not connected to a public water system and which do not have a well water meter shall be determined by the township based on the schedule of unit factors contained in Schedule A appended to this division and such other factors as the township determines as reasonable and appropriate, such as documented historical metered water use by similar facilities in the township and documented historical metered water use for similar facilities located outside the township.

f. The trunkage charge shall be payable at the time that an application to connect to the system is made. If the premises are already connected to the system and are connected to the public water system, the trunkage charge shall be payable at the time a larger water meter is requested. If the premises are already connected to the system and are not connected to the public water system, the trunkage charge shall be payable at the time a building permit is issued for the expansion or alteration of use which requires the payment of an additional trunkage charge or, if no building permit is required, at such time as the premises are expanded or the use thereof altered so as to require the payment of an additional trunkage charge.

g. The trunkage charge may be paid in full at the time an application to connect is made or, in the alternative for an existing dwelling only, in installments. If paid in installments, the trunkage charge shall be paid in 20 equal consecutive annual principal installments.

Each installment shall be due and payable before June 1st of each year. The first installment shall be payable before the first June 1 following the date on which the application to connect is received by the township. Interest on the unpaid balance shall be due and payable annually on each principal installment date. Interest shall commence as of the first day of the first month following the month in which the application to connect is received by the township.

The interest rate per annum for connections to all portions of the system constructed with the proceeds of bonds shall be the average rate on the bonds, rounded to the nearest 100th of one percent, plus one percent. The interest rate for connections to all portions of the system not constructed with the proceeds of bonds shall be eight percent per annum. If connection is made to a portion of the system not constructed with the proceeds of the sale of bonds which is then later financed with the sale of bonds, then

the interest rate per annum shall then be adjusted to the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent.

If a decision is made to pay the trunkage charge in installments, the trunkage charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted. All prepayments shall be applied to the installments payable in inverse order of their due date. If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent for each month or fraction of a month that any amount remains delinquent.

If paid in installments, the unpaid balance of the trunkage charge and all interest and penalties thereon shall constitute a lien on the premises served.

(4) Agreement. At the time of each application to connect to the system, and also at the time any additional trunkage charges become payable as provided in subsection (3) of this section, if any portion of the lateral fee, frontage charge or trunkage charge will be paid over time, as a condition precedent to connection and/or use of the system, the owner of the premises to be served shall sign an agreement in recordable form with the township stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served. If any installment of a lateral fee, frontage charge or trunkage charge or any interest or penalties thereon is not paid in a timely manner, the township shall have the right to discontinue sewer service to the premises and also, if the premises are connected to a public water supply, the right to turn off the water service to the premises. Sewer service and/or water service shall not be restored to the premises until all amounts then due and payable are paid in full.

(5) Tax bill collection. If any lateral fee, frontage charge and/or trunkage charge or any interest or penalties thereon, is delinquent for three months or more, then on or before September 1 of each year, the township superintendent shall certify the delinquent amount to the township supervisor, who shall enter the lien on the next tax roll against the premises to which water connection has been provided, and the charges shall then be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for taxes.

(Ord. No. 497, § 1, 9-7-2006; Ord. No. 515, § 1, 9-3-2009)

Sec. 34-35. - Sewer service charges.

Sewer charges for each premises connected to the system shall be as provided in a township board resolution adopted from time to time; provided, however, that when the township has contracted with another unit of government to operate all or part of the system on a retail basis, sewer charges shall be established for the portion of the system operated under contract between the township and such other unit of government as provided in that contract.

The readiness-to-serve charge shall be assessed if the premises is connected to the system for any part of a billing month. For purposes of determining water usage for purposes of computing the commodity charge,

the average of three consecutive winter billing months (billing months starting not earlier than November 1 and ending no later than April 1) shall be utilized for one- and two-family residences.

For single-family and two-family premises not connected to a public water supply, each living unit shall be deemed for billing purposes to be occupied by a three or more person household unless a signed statement on a form provided by the township is filed with the township in which the sewer customer states that the premises in question are occupied by a one or two person household, as the case may be, in which case billing shall then be at the applicable one or two person household rate. If the number of persons in the household increases, the sewer customer shall promptly notify the township in writing. A new statement shall be filed each time the identity of the sewer customer changes and, if this statement is not filed, the three or more person per household rate shall then apply. The township shall have the right to require at any time that a sewer customer who has previously provided a statement provide a new updated statement; if such updated statement is not provided on request, then the three person household rate shall then apply. As and when a statement is filed, the billing rate shall be adjusted as soon as the township is reasonably able to change its billing records.

No free service shall be furnished by the system to the township, to any person, or to any public agency or instrumentality. The township shall pay for sewer service supplied to it or any of its departments or agencies at the charges established pursuant to this section from time to time.

Sewer charges shall also be imposed for industrial surveillance, capacity allocation, and for excess discharge as is authorized by division 2 of this article.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-36. - Billing and enforcement.

(a) Charges for sewer service shall be billed monthly. Monthly bills shall usually be mailed within 25 days after the water meter is read for those sewer customers who are connected to public water and once each month for those sewer customers not connected to public water. Monthly sewer bills shall be due and payable as follows:

(1) Bills dated on or before the fourth day of the month shall be due on or before the 20th day of the month;

(2) Bills dated after the fourth day of the month, but on or before the 12th day of the month, shall be due on or before the first day of the next month; and

(3) Bills dated after the 12th day of the month shall be due on or before the tenth day of the next month.

If a bill payment deadline falls on a Saturday, Sunday or other day when the township office is not open for business, the deadline shall be extended to the next day on which the township office is open for business. If a bill is not paid within 60 days from the due date of the initial billing, then a notice shall be mailed stating

that the sewer service will be discontinued and/or if the premises are served with public water, that public water service will be shut off. If the bill is not paid prior to the deadline specified in the notice, the customer's sewer service and/or water service shall be turned off immediately, without further notice. A delinquent sewer service fee, as provided in a township board resolution adopted from time to time, shall be charged to the customer if the bill is not paid prior to the deadline specified in the notice.

(b) Charges for sewer service, and all penalties, shall constitute a lien on the property served. On or before September 1 of each year, the township superintendent shall deliver to the township supervisor a certified statement of all water charges and penalty charges thereon then three months or more past due and unpaid. The township supervisor shall then place such charges on the next general tax roll and such charges shall be collected and such lien shall be enforced in the same manner as is provided for general township taxes.

(c) Notwithstanding the provisions of this section, where the township has contracted with another unit of government (the retail operator) to operate all or part of the system on a retail basis, the procedures for billing and collection shall be established for the portion operated under contract between the township and such other unit of government as is provided in that contract. In the circumstances where the township has been required to reimburse the retail operator for water charges or penalties thereon, the township board may add to such sewer charges additional penalties. All amounts paid by the township to the retail operator on account of the sewer customer's delinquent sewer bill plus all penalties thereon shall constitute a lien on the property served. On or before September 1 of each year, the township superintendent shall deliver to the township supervisor a certified statement of all amounts paid by the township to the retail on account of delinquent sewer customers bills plus all penalties thereon where the bills are three months or more past due and unpaid from the initial customer billing by the retail operator. The township supervisor shall then place such charges on the next general tax bill and such charges shall be collected and such lien enforced in the same manner as is provided for general township taxes.

(Ord. No. 497, § 1, 9-7-2006; Ord. No. 515, § 1, 9-3-2009)

Sec. 34-37. - Fiscal year.

The system shall be operated on the basis of a fiscal year beginning January 1 of each year and ending on December 31 of the same year.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-38. - Financial records.

The township shall cause to be maintained appropriate financial records relating to the operation of the system. These records shall be audited annually by the same certified public accountant who does the general township audit and the results of the system audit shall be included as part of the township general audit report.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-39. - Metering.

For those portions of the system operated by the township, the owners, or their authorized representatives, of each non-single-family residence premises that is not connected to the township water system shall purchase from the township and install and maintain an appropriate well water meter. Such meter shall be sold at the township's cost, which shall include the township acquisition cost plus overhead. For those portions of the system which are operated on a retail basis by another unit of government, if required by such unit of government, each customer not connected to a public water system shall install and maintain an appropriate well water meter.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-40. - Disruption of service.

The township shall not be liable for any failure or deficiency in the operation of the system whether occasioned by maintenance or repair of the system or any other cause.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-41. - Rules and regulations.

The township may, from time to time, adopt by resolution of its township board, rules and regulations governing operational, maintenance and technical matters relating to the system and to all other sewage treatment systems or facilities. Violation of any such rule or regulation shall constitute a violation of this article and shall be subject to the penalties and other remedies prescribed for the enforcement of this article.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-42. - Standard construction requirements.

The township may, from time to time, adopt by resolution of its township board, standard construction requirements for the system, and establish a reasonable fee for obtaining copies of those requirements from the township. Violation of any provision of such standard construction requirements shall constitute a violation of this division.

(Ord. No. 497, § 1, 9-7-2006)

Sec. 34-43. - Violation; penalties.

Any person who shall violate any provision of this article shall be responsible for a municipal civil infraction and subject to the enforcement procedures and penalties as set forth in section 1-13.

(Ord. No. 497, § 1, 9-7-2006)

SCHEDULE A

Effective September, 2006

HOLLAND CHARTER TOWNSHIP

SCHEDULE OF UNIT FACTORS

User	Residential Equivalent Unit Factor
Auto dealer (sales and/or service)	1.00/premise + 0.40/1,000 s.f.
Bakery	1.25/1,000 s.f.
Bank	1.00/1,000 s.f.
Bar	3.00/1,000 s.f.
Barber shop	1.00/shop + 1.00/1,000 s.f.
Beauty shop	1.00/shop + 1.00/1,000 s.f.
Boarding house, boarding school, dormitory, fraternity/sorority, etc.	1.00/premise + 0.25/bedroom
Bowling alley (with bar and/or restaurant)	0.16/alley (bar and restaurant computed at their respective residential equivalent)
Car wash	a) Manual do-it-yourself - 2.50/stall
	b) Semi-automatic (mechanical without conveyor) - 10.00/lane
	c) Automatic (with conveyor) - 20.00/lane
	d) Automatic (with conveyor, conserving and recycling water) - 8.00/lane
Church	0.20/1,000 s.f.
Cleaners (pickup only, no on-site)	1.00/shop

cleaning or pressing facilities)	
Cleaners (cleaning and pressing facilities)	1.25/premise + 1.00/1,000 s.f.
Condominium	1.00/unit
Convalescent home	0.22/bed
Convenience store	1.00/1,000 s.f.
Day care center	1.00/premise + 0.25/1,000 s.f.
Drug store	1.00/1,000 s.f.
Factory (excludes excess industrial use)*	0.50/1,000 s.f.
Fraternal organization (with bar and/or restaurant)	0.16/hall (bar and restaurant computed at its respective residential equivalent)
Funeral home	1.42/1,000 s.f.
Health club	1.25/1,000 s.f. (swimming pool to be computed at its respective residential equivalent)
Hospital	1.10/bed
Hotel, motel	0.40/room
Laundry (self-serve)	0.54/washer
Malls (enclosed)	0.30/1,000 s.f. (extensive water users within Mall, such as restaurants and health clubs, will be calculated based upon their respective residential equivalent)
Marina	0.10/slip
Mobile home, trailer park	0.75/unit (1.00/unit if not in park)

Multiple family residence (apartments)	0.75/unit
Office building (general)	0.40/1,000 s.f.
Office building (medical, dental, clinic, etc.)	1.42/1,000 s.f.
Post office	1.00/1,000 s.f.
Public institution—Other	0.75/1,000 s.f.
Restaurant (with bar)	2.50/1,000 s.f. (bar to be computed at its respective residential equivalent)
Restaurant (drive-thru only)	3.00/1,000 s.f.
Retail store	1.00/premise + 0.30/1,000 s.f.
Rooming house (no meals)	0.25/bed
School	1.00/classroom (swimming pool to be computed at its respective residential equivalent)
Service station/auto repair shop	1.00/premise + 0.40/1,000 s.f.
Single-family residence	1.00/unit
Snack bar, drive-in	4.00/1,000 s.f.
Strip malls and businesses with common walls	1.00/business + 0.30/1,000 s.f. (extensive water users, such as restaurants and health clubs, will be calculated based upon their respective residential equivalent)
Supermarket, grocery store	1.10/1,000 s.f.
Swimming pool (indoor, including showers)	2.85/1,000 s.f. (water area)

Theater—Drive-In	0.25/1,000 s.f. (of service buildings)
Theater—Indoor	2.00/theater
Travel trailer parks and campgrounds	0.20/site
Two-family residences	2.00/building
Utility sub-station	0.10/1,000 s.f.
Veterinary facility	1.50/premise
Veterinary facility with kennel	1.50/premise + 0.50/kennel
Warehouse or storage building	0.10/1,000 s.f.
Waste disposal station	2.00/station

Combination uses will be computed at their combined equivalent unit factors. Multiple use buildings with common walls will have trunkages calculated based upon each use. The minimum residential equivalent for a sanitary sewer connection is 1.00. Trunkages will be calculated to the hundredth.

(Ord. No. 497, § 1, 9-7-2006)

Secs. 34-44—34-70. - Reserved.

## DIVISION 2. - SEWER USE REGULATIONS

### Subdivision I. - In General

Sec. 34-71. - Rules of construction.

The following rules of construction shall apply to this division:

- (1) The particular shall control the general.
- (2) Except with respect to the definitions in section 34-73, the headings which title a subdivision, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this division or as enlarging or restricting the terms and provisions of this article in any respect.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Unless the context clearly indicates to the contrary, words used in the:

- a. Present tense shall include the future tense;
- b. Singular number shall include the plural number; and
- c. Plural number shall include the singular number.

(5) Words imparting the masculine gender shall apply to the feminine gender and also to firms, companies, associations, partnerships, joint ventures, corporations, joint stock companies, trusts, estates, governmental entities and any other legal entities or any combination thereof.

(Ord. No. 330, § 1(14-56.1), 9-19-1996)

Sec. 34-72. - Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	—	American Society for Testing and Materials
BOD	—	Biochemical oxygen demand
CFR	—	Code of Federal Regulations
COD	—	Chemical oxygen demand
EPA	—	United States Environmental Protection Agency
l	—	Liter
mg	—	Milligrams
mg/l	—	Milligrams per liter
NIOSH	—	National Institute for Occupational Safety and Health
NPDES	—	National Pollutant Discharge Elimination System
POTW	—	Publicly owned treatment works
SIC	—	Standard Industrial Classification

SWDA	—	Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	—	Total suspended solids
USC	—	United States Code
WEF	—	Water Environment Federation

(Ord. No. 330, § 1(14-56.2), 9-19-1996)

Sec. 34-73. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or phrase not defined in this section shall be considered to be defined in accordance with its common or standard definition.

Act and the act mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 et seq.

Act 368 means the Michigan Public Health Code, Public Act 368 of 1978, as amended, currently MCL 333.1101 to MCL 333.25211.

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

Authorized representative of industrial user means:

- (1) In the case of a corporation, a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function;
- (2) In the case of a partnership or proprietorship, a general partner or proprietor; and
- (3) An authorized representative of the individual designated in subsections (1) and (2) of this definition if:
  - a. Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
  - b. The authorization is in writing; and
  - c. The written authorization is submitted to the control authority.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 34-148 of this chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, without the addition of nitrification inhibitors.

BTEX means the sum of the concentration of benzene, toluene, ethylbenzene and xylene.

Building drain means that part of the lowest horizontal piping of a drainage system of a building which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer.

Building sewer means the extension of the building drain which begins five feet outside the inner face of the building wall and continues to the sanitary sewer or other place of disposal.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility as outlined in 40 CFR 403.17.

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

COD (denoting chemical oxygen demand) means the amount of oxygen required to chemically oxidize organic and inorganic constituents of wastewater as measured under standard laboratory procedures.

COD/BOD ratio means the ratio of COD to BOD in the plant influent calculated using the average COD and BOD data as found on the state plant influent sheet.

Combined wastestream means the wastestream at industrial facilities where effluent from one regulated process is mixed, prior to treatment, with wastewaters other than those generated by that regulated process. Where required by federal or state law, the combined wastestream formula provided in 40 CFR 403 will apply to limits applicable to a combined wastestream.

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

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").

Control authority means the township acting through its authorized representatives or its designee.

Daily maximum concentration means the maximum concentration of a pollutant in any individual sample during that day.

Daily minimum concentration means the minimum concentration of a pollutant in any individual sample during that day.

Debt retirement charge means the charge levied to users for retirement of bonded indebtedness for the POTW.

Dental amalgam means a mixture of mercury and other metals used as a dental restorative material.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

Domestic user means all users of the POTW where the discharge into the system is primarily domestic waste.

Domestic waste means a water-carried waste from, but not limited to, toilet, kitchen, laundry, bathing or other facilities used for household purposes.

EGLE means the state department of environment, great lakes, and energy, or any successor governmental agency having similar regulatory jurisdiction.

Enforcing Officer means the General Manager of the Holland Board of Public Works, or an authorized deputy, agent, or representative, unless stated differently in this section.

40 CFR 403 means the general pretreatment regulations outlined in 40 Code of Federal Regulations Part 403.

Garbage means the solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

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, operated by the Holland Board of Public Works (HBPW).

HBPW means the Holland Board of Public Works of the City of Holland, its authorized deputy, agent, or representative.

Health department means the county health department or any successor governmental agency having similar regulatory jurisdiction.

Industrial process means those processes which generate the types of wastes as enumerated in section 34-148.

Industrial user (IU) means any person who introduces pollutants into a POTW from any nondomestic source regulated under the act, state law or local ordinance.

Industrial wastes mean the liquid or liquid-borne wastes from industrial or manufacturing processes, trades or businesses as distinct from domestic wastes.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interceptor device means a device, including, but not limited to, grease traps, sand traps, oil separators, etc., designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or wastewater to discharge into the disposal terminal by gravity. In case of acid or caustic wastes, an interceptor is a device in which the wastes are neutralized prior to their discharge into the solid or waste system of the premises, the building drain, the building sewer, private sewer or public sewer.

Interference means any discharge, which alone or in conjunction with a discharge from other sources, both:

- (1) Inhibits or disrupts the POTW and any of its process or operations, or its sludge use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal.

Michigan Administrative Code means the compilation of all adopted rules and regulations that are in effect in the State of Michigan.

MDPH means the state department of public health or any successor governmental agency having similar regulatory jurisdiction.

Minor industrial user (MIU) means a non-domestic user designated as such by the control authority, which the control authority has determined does not meet the definition of a significant industrial user. The control authority may issue a minor industrial user a wastewater discharge permit and require the user to conduct periodic monitoring and reporting, as it deems appropriate.

Monthly average concentration means the sum of the concentrations of the subject pollutant in all of the individual samples divided by the number of samples analyzed for that pollutant during a calendar month. If the pollutant concentration in any sample is less than the limit of detection, regard that value as zero when calculating monthly average concentration.

National Categorical Pretreatment Standard and categorical pretreatment standard mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the act (33 USC 1317), which applies to a specific category of industrial users.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- (2) The building, structure, facility or installation totally replaces the process or production equipment that caused the discharge of pollutants at an existing source;
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or
- (4) As defined in 40 CFR 403.3(k)(2) and (k)(3).

Nondomestic user means any user, including significant industrial users, of the POTW that discharges wastes other than or in addition to water-carried domestic wastes.

Nondomestic wastes mean all water-carried wastes other than domestic wastes.

NPDES and state discharge permit mean a permit issued pursuant to section 402 of the Federal Water Pollution Control Act (33 USC 1342).

Nuisance means any condition or circumstance defined as a nuisance pursuant to state statute, at common law or in equity jurisprudence which includes, but is not limited to, any condition where sewage, industrial waste or the effluent from any sewage disposal facility or toilet device is exposed on the surface of the ground or is permitted to drain on or to the surface of the ground into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, except as otherwise permitted.

Operation, maintenance and replacement means all work and activities, including, but not limited to, engineering, contract preparation, purchasing, repair, supervision, recruitment, training, expediting, inspection, accounting, testing, protection, operating management and maintenance necessary to provide adequate wastewater treatment and/or collection and/or disposal of treatment residues on a continuing basis to conform with all applicable federal, state and local wastewater management requirements and to assure optimum long-term management of the complete wastewater treatment system.

Pass-through means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge from other sources, causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

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

Plant means:

(1) With regard to the HAWWTP Service Area, the Holland Area Water Reclamation Facility, as improved and enlarged pursuant to the contract dated February 1, 1978, between Ottawa County, Park Township, Holland Township and Holland City; a contract dated as of June 13, 1978 between Allegan County, Fillmore Township, Laketown Township and Holland City; a contract dated as of June 1, 1994 between Ottawa County, Holland City, Holland Township, Park Township, Laketown Township, Fillmore Township and Zeeland Township; the First Amendment to the Restated Holland Area Waste Water Treatment Facilities Operations Contract dated as of December 23, 2014, between Ottawa County, Holland City, Holland Township, Park Township, Laketown Township, Fillmore Township, and Zeeland Township; the 2017 Restated Holland Area Wastewater Facilities Operations Contract; and as it may be further subsequently expanded or 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.

Point source means any discernable confined and discrete conveyance or vessel from which pollutants are or may be discharged into a public waterway or public sewer system.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminant.

Pretreatment and treatment mean the reduction, elimination or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment standard and standard mean any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits, including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

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.

Public sewer means a sewer which is owned and/or controlled by any governmental entity which is a participant in the plant.

Recurring offense means two or more consecutive monitoring periods evidencing violations or a pattern of noncompliance.

Replacement costs means those expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works are designed and constructed.

Residential user means all noncommercial premises used only for human residency and which are connected to the POTW.

Sanitary sewer means a sewer which carries sewage and into which stormwater, surface water and groundwater are not intentionally admitted.

Seepage pit and dry well mean a cistern or underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the septic tank 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 wastes and to permit such retained solids to undergo decomposition therein.

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

Sewage means water-carried wastes from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.

Sewage disposal system means a privy, cesspool, seepage pit, septic tank, subsurface disposal system or any other devices used in the disposal of sewage or human excreta, except treatment facilities covered by an NPDES permit.

Sewer means a pipe or conduit for carrying sewage.

Significant industrial user (SIU):

(1) Except as provided in subsection (2) of this definition, the term "significant industrial user" means:

a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

b. Any other industrial user that:

1. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater;

2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

3. Is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, in accordance with 40 CFR 403.8(f)(6).

(2) Upon a finding that an industrial user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority as defined in 40 CFR 403.12(a) may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant noncompliance (SNC) means significant noncompliance has occurred if any one or more of the following have occurred:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including an instantaneous limit as defined in this section;

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric pretreatment standard or requirement including an instantaneous limit, as defined in this section, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum, longer-term average, instantaneous limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) or halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Significant noncompliance for pH means:
  - a. Any discharge whose pH is less than or equal to two or greater than or equal to 12.5 standard units.
  - b. Those discharges in which 25 percent or more of all of the measurements taken during a six-month period are outside of the applicable limits for pH.
- (9) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Storm drain and storm sewer mean any portion of the stormwater drainage system, including any natural outlet, which carries stormwater and surface water and drainage or unpolluted industrial process water.

Subsurface 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.

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

Total suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids.

Toxic pollutant means any pollutant or combination of pollutants identified as toxic pursuant to section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the state under state law.

Unpolluted process water means any noncontact cooling or noncontact processing water that is not chemically changed by its use for cooling or processing, or water free of substances that are or may be harmful to humans or wildlife or that may create or constitute a nuisance.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation, and as further defined in 40 CFR 403.16.

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

User charge means a charge levied on the users of a treatment works for the costs of operation, maintenance and replacement of the treatment works pursuant to 33 USC 1282(b)(1), as amended.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions and other facilities, whether treated or untreated.

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

Waters of the state means and includes:

- (1) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches and public drainage systems within the state, other than those designed and used to collect, convey or dispose of sewage;
- (2) The floodplain free-flowing waters determined on the basis of 100-year flood frequency; and
- (3) Any other waters specified by state law.

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.

(Comp. Ords. 1987, §§ 25.614—25.642; Code 1991, § 14-56; Ord. No. 330, § 1(14-56.3), 9-19-1996; Ord. No. 514, § 1, 8-20-2009)

**Cross reference**— Definitions generally, § 1-2.

Sec. 34-74. - Discharge of sewage.

The discharge or depositing of waste and/or sewage shall be restricted and regulated as follows:

- (1) No person shall place, deposit or permit to be placed or deposited any waste or sewage upon any public or private property in the township unless:

- a. Such waste or sewage has been treated by a municipal sewage treatment facility; and/or
- b. The placing or depositing of such waste or sewage has been specifically permitted and approved by the health department and, where appropriate, the EGLE.

(2) No person shall discharge to any natural outlet any waste or sewage unless such discharge is specifically permitted and approved by the EGLE.

(Comp. Ords. 1987, § 25.651; Code 1991, § 14-57; Ord. No. 330, § 1(14-57), 9-19-1996)

Sec. 34-75. - Septic tanks.

No person shall construct, maintain or use any cesspool, septic tank, seepage pit, toilet device, subsurface disposal field, privy, privy vault, sewage disposal facility or any other facility or device intended or used for the disposal of sewage unless such cesspool, septic tank, seepage pit, toilet device, subsurface disposal field, privy, privy vault, sewage disposal facility or any other facility or device intended or used for the disposal of sewage is not dangerous to public health and is specifically permitted and approved by the health department and, where appropriate, the EGLE or MDPH.

(Comp. Ords. 1987, § 25.652; Code 1991, § 14-58)

Sec. 34-76. - Mandatory connection.

Any structure in which sewage originates within the township shall be connected to any available sanitary sewer within 18 months after publication by the township of a legal notice of availability of a sanitary sewer in a newspaper of general circulation in the township. For purposes of this section, a sanitary sewer shall be considered to be available when it is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property in question and passes not more than 200 feet at the nearest point from the structure in which the sewage originates. For purposes of this section, the term "structure in which sewage originates" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities that generate wastewater are used or are available for use for household, commercial, industrial or other purposes. If the structure in which sewage originates has not been connected to an available sanitary sewer within such 18-month period, the township shall require the connection to be made in accordance with section 12754 of the Michigan Public Health Code, as amended, or any similar successor statutory provision. In so proceeding, the township shall have the rights and remedies provided in section 12754 of the Michigan Public Health Code, as well as all rights and remedies provided by this division.

(Comp. Ords. 1987, § 25.653; Code 1991, § 14-59)

Sec. 34-77. - Industrial waste.

If an industry makes adequate provision for the disposal of its industrial wastes other than by discharging such wastes into the sanitary sewer, and if such disposal is approved by the EGLE and all other governmental

agencies having jurisdiction, the township board may, by resolution, excuse such industry from depositing its industrial wastes into the sanitary sewer.

(Comp. Ords. 1987, § 25.654; Code 1991, § 14-60)

Sec. 34-78. - Use of a private sewage disposal system.

If a house, building or other premises used for human occupancy, employment, recreation or other purposes is not connected to a sanitary sewer, the building sewer shall be connected to sewage disposal facilities permitted and approved by the health department and, where appropriate, the EGLE and/or MDPH.

(Comp. Ords. 1987, § 25.661; Code 1991, § 14-61)

Sec. 34-79. - Disconnection of private sewage disposal facilities.

At such time as a connection is made to a sanitary sewer, all sewage disposal facilities shall be disconnected and abandoned. All septic tanks, cesspools and seepage pits shall be filled with sand or other material approved by the township.

(Comp. Ords. 1987, § 25.662; Code 1991, § 14-62)

Sec. 34-80. - Maintenance of sewage disposal facilities.

All persons owning or maintaining sewage disposal facilities shall operate and maintain such facilities in a safe and sanitary manner at all times at no cost to the township, and without the creation or maintenance of a nuisance.

(Comp. Ords. 1987, § 25.663; Code 1991, § 14-63)

Sec. 34-81. - Additional requirements.

The provisions of this division shall not be construed to preclude additional requirements that may be imposed by the EGLE, MDPH or the health department.

(Comp. Ords. 1987, § 25.664; Code 1991, § 14-64)

Sec. 34-82. - Connection to public sewer.

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereto without first obtaining a written permit therefor from the township or its authorized representative. No building sewer shall be covered until it has been inspected and approved as being of adequate and acceptable construction, size and location by the township or its authorized representative. The owner of a building or premises or his authorized representative shall be responsible, at his own cost, for the installation, connection and maintenance of the building sewer for such building or premises up to and including its connection with the public sewer. The owner and his authorized representative shall indemnify and hold the township and its employees, agents and representatives free and harmless from any and all

liability or responsibility for all injury, loss or damage that may result directly or indirectly from the installation, connection or maintenance of the building sewer.

(Comp. Ords. 1987, § 25.671; Code 1991, § 14-65)

Sec. 34-83. - Permit for connection.

Application for a permit to connect to the public sewer shall be made on appropriate forms provided by the township or its authorized representative. The application shall be supplemented by such plans, specifications or other information as the township or its authorized representative shall reasonably require. The township board shall establish service connection inspection fees and development fees in a township board resolution adopted from time to time. All such fees shall be paid in full at the time an application to connect is made to the township. The township or its authorized representative may refuse to grant a permit to connect if the township shall determine the public sewer system, the sewage treatment facilities or the treatment plant do not have adequate capacity or capability to accommodate the proposed connection.

(Comp. Ords. 1987, § 25.672; Code 1991, § 14-66; Ord. No. 467, § 1, 12-18-2003)

Sec. 34-84. - Building sewer requirements.

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

(Comp. Ords. 1987, § 25.673; Code 1991, § 14-67)

Sec. 34-85. - Old building sewers.

An existing building sewer may be used in connection with a new building or premises only where it is found, on inspection by the township or its authorized representative, to be of adequate construction, size and location.

(Comp. Ords. 1987, § 25.674; Code 1991, § 14-68)

Sec. 34-86. - Specifications.

The size, slope, alignment and materials for construction of the building sewer; the methods to be used in excavating and backfilling the trench therefor; and the placing, jointing and testing of the pipe thereof shall conform to all requirements of the township building and plumbing ordinances, as amended, as well as, as may be applicable, all requirements of the state, county and/or any governmental agency operating and maintaining the public sewers on behalf of the township and all other rules and regulations of the township.

(Comp. Ords. 1987, § 25.675; Code 1991, § 14-69)

Sec. 34-87. - Elevation.

The building sewer shall be brought to a building or premises at an elevation below the basement floor thereof if this can be accomplished while maintaining gravity flow to the sanitary sewer and if no change in the existing point of discharge of sewage and/or industrial wastes from the building or premises is required. In all buildings or premises in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage or industrial wastes carried by such building drain shall be lifted by a pump or other suitable device and discharged to the building sewer. Such pump or other suitable device must be approved in writing by the township. The cost of such pump or other suitable device shall be paid by the owner of the building or premises or his duly authorized representative, and the owner of the building or premises or his duly authorized representative shall pay all charges and expenses for the operation of the pump or other suitable device.

(Comp. Ords. 1987, § 25.676; Code 1991, § 14-70)

Sec. 34-88. - Building sewer connection.

Every connection of a building sewer into a sanitary sewer shall conform to the requirements of the township building and plumbing ordinances, as amended, and all other applicable rules and regulations of the township, the procedures set forth in appropriate specifications of the American Society for Testing and Materials, and the Water Pollution Control Federation Manual of Practice No. 9, as amended, as well as, as may be applicable, all requirements of the state, county and/or any governmental agency operating and maintaining the public sewers on behalf of the township. All such connections shall be gastight and watertight. Any deviation from these prescribed procedures and materials must be approved in writing by the township or its authorized representative before installation.

(Comp. Ords. 1987, § 25.677; Code 1991, § 14-71)

Sec. 34-89. - Inspection.

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

(Comp. Ords. 1987, § 25.678; Code 1991, § 14-72)

Sec. 34-90. - New construction.

The basement floor level of all new structures from which it is anticipated that sewage or industrial wastes shall emanate shall be at such level that such sewage and industrial wastes can flow by gravity to any sanitary sewer in the adjoining street connected with an invert eight feet below the centerline of the street. In the alternative, a pump or other suitable device shall be installed and maintained as provided in section 34-87 to lift the sewage or industrial wastes to a level from which they can flow by gravity to such sanitary

sewer. An acceptable sewage outlet facing the street where a sanitary sewer is available, or is proposed to be made available, shall be provided in all new structures.

(Comp. Ords. 1987, § 25.679; Code 1991, § 14-73)

Sec. 34-91. - Excavations.

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

(Comp. Ords. 1987, § 25.680; Code 1991, § 14-74)

Sec. 34-92. - Stormwater.

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 EGLE. The discharge of cooling water or uncontaminated industrial process water shall only be permitted when authorized and approved by the EGLE. 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.

(Comp. Ords. 1987, § 25.691; Code 1991, § 14-75; Ord. No. 330, § 1(14-75), 9-19-1996)

Sec. 34-93. - Sanitary operation required; compliance with law.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township, and in such a manner as not to create a public nuisance, and otherwise in accordance with any additional requirements imposed by the EGLE, MDPH or the health department.

(Ord. No. 330, § 1(14-76), 9-19-1996)

Sec. 34-94. - Prohibited waste discharge.

Hazardous substances or other wastes shall not be discharged into a private sewage disposal system, except as authorized under this Code and state and federal law.

(Comp. Ords. 1987, § 25.692; Ord. No. 330, § 1(14-77), 9-19-1996)

Sec. 34-95. - Interceptor devices; when required; requirements.

Interceptor devices shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Notwithstanding such requirement, interceptors shall not be required for 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 interceptor devices shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptor devices shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All interceptor devices from which such wastes emanate shall be maintained in continuously efficient operation at all times by the owner of the building or premises or his authorized representative, at his expense.

(Comp. Ords. 1987, § 25.694; Code 1991, § 14-78; Ord. No. 330, § 1(14-78), 9-19-1996)

Sec. 34-96. - Emergency provisions.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the township in case of an emergency or an immediate public health hazard.

(Ord. No. 330, § 1(14-79), 9-19-1996)

Sec. 34-97. - Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is part of the POTW or owned by the township.

(Comp. Ords. 1987, § 25.698; Code 1991, § 14-82; Ord. No. 330, § 1(14-80), 9-19-1996)

Sec. 34-98. - Compliance with chapter, state law, etc.

No person shall establish, replace or alter any connections with any public sewer, or cause such actions to be done, unless he shall comply with the provisions of this chapter, the laws of the state and all other lawful regulations.

(Ord. No. 330, § 1(14-81), 9-19-1996)

Sec. 34-99. - Unlawful disposal of wastes.

(a) No person shall dispose of wastes in such a manner, or permit the facilities or fixtures thereof to be in such condition, as shall be dangerous to public health.

(b) It shall be unlawful for any person to place, deposit or permit to be deposited in any manner upon public or private property within the township, or in any area under its jurisdiction, any human or animal excrement, garbage or any substances that possess the characteristics as set forth in section 34-148 which constitute a nuisance unless specifically permitted by law, or which may constitute a hazard to the public health.

(c) It shall be unlawful for any person to discharge any waste into the POTW through a connection that has not been authorized pursuant to this article or directly into a public sewer without authorization.

(Ord. No. 330, § 1(14-82), 9-19-1996)

Sec. 34-100. - Discharge into storm drain or natural drain prohibited; exception.

(a) It shall be unlawful to discharge to any natural outlet within the township, or in any area under its jurisdiction, any sewage or other polluted waters, except for those facilities set forth in subsection (b) of this section.

(b) Any industrial waste disposal facility operating with a state-approved NPDES permit shall be exempt from the prohibition of this section, and shall be subject to the following:

(1) If a temporary excess of any of the parameters listed in the NPDES permit is anticipated, the control authority shall be informed immediately, and a written report shall follow that contains a description of the excess, the reasons for the occurrence of the excess and a description of the corrective measures being taken and to be instituted. Such reporting is in no way in lieu of other spill reporting requirements that are the responsibility of the NPDES permit holder.

(2) The industry shall allow the control authority, EGLE, EPA and the health department access to its property at reasonable times and under reasonable circumstances for the purpose of taking samples of the discharge from the facility. Any industry that discharges into the storm sewer system shall provide sampling manholes or appropriate access that is approved by the control authority.

(Ord. No. 330, § 1(14-83), 9-19-1996)

Sec. 34-101. - Determination of unsanitary conditions; notice.

Whenever the township determines that any waste conveyance or system is dangerous to the public health, the township may order improvements to abate the danger and specify the time within which such improvements shall be made.

(1) Waste conveyances and systems include, but are not limited to, sanitary plumbing, toilet or other fixture or facility for sanitary use or for the disposal of waste, including any connection thereof to a public sewer.

(2) The abatement order shall be conducted in accordance with the provisions of chapter 16, article III of this Code, and shall include a statement regarding what aspects of the waste conveyance or system are unsanitary and dangerous to the public health.

(Ord. No. 330, § 1(14-84), 9-19-1996)

Sec. 34-102. - Request for variance.

(a) Any person desiring a variance from the provisions of section 34-79, 34-84, 34-85, 34-86, 34-87, 34-88, 34-89, 34-90 or 34-91 may apply in writing to the township supervisor for such a variance. The township supervisor may grant such a variance, provided that any such variance shall not relieve the recipient or its successors of their obligation to indemnify and hold the township and its employees, agents and representatives harmless from liability or responsibility, or of their obligation to comply with the other provisions of this Code or other applicable state and federal law.

(b) 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.

(Ord. No. 330, § 1(14-85), 9-19-1996)

Secs. 34-103—34-115. - Reserved.

Subdivision II. - Violations; Penalties, Sanctions and Remedies

Sec. 34-116. - Nuisance.

Every violation of the provisions of this division and every failure to comply with any notice given under authority of this division shall constitute a nuisance per se.

(Ord. No. 330, § 1(14-86.1), 9-19-1996)

Sec. 34-117. - Municipal civil infraction.

A person who violates any provision of this division is responsible for a municipal civil infraction unless the violation type is listed in this division as a misdemeanor. Civil infractions are subject to a payment of a civil fine, as limited by law, in accordance with the schedule of fines listed in this section, plus costs and other sanctions, for each infraction. Each infraction and each day upon which the infraction occurs shall constitute a separate violation. Recurring offenses shall be subject to increased fines as provided in the schedule of fines as follows:

Schedule of Fines						
Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
				See Note 1		
General	Sewage system tampered with or damaged	34-97	\$100.00	\$250.00	\$500.00	1 year
	Unlawful disposal of waste	34-99	500.00	N/A	N/A	N/A
	Discharge into storm drain or natural drain	34-100	500.00	N/A	N/A	N/A
	Failure to connect to public sewer	34-76	100.00	N/A	N/A	N/A
	Unsanitary conditions exist	34-101	100.00	250.00	500.00	1 year
Private Sewage Disposal Systems	Failure to obtain private sewage system permit	34-75, 34-78	100.00	250.00	500.00	1 year
	Failure to have private sewage system inspected	34-75	100.00	250.00	500.00	1 year

	Discharge of private septic system into public sewage system	34-74	100.00	N/A	N/A	N/A
	Failure to operate private disposal system in a sanitary manner	34-93	100.00	250.00	500.00	1 year
	Discharge of prohibited waste	34-94	100.00	250.00	500.00	1 year
Building Sewers and Connections	Failure to obtain sanitary sewer connection permit	34-82	100.00	250.00	500.00	1 year
	Opening or connecting with public sewer without permission	34-82	100.00	250.00	500.00	1 year
	Failure to install interceptor device	34-95	100.00	N/A	N/A	N/A
	Discharge of wastes not containing sewage	34-92, 34-148(a)(3)	200.00	500.00	1,000.00	1 year
	Failure to disconnect roof drain, footing drain or storm water/groundwater discharge after notification	34-92, 14-148(a)(3)	500.00	N/A	N/A	N/A
	Failure to have building sewer connection inspected	34-89	100.00	250.00	500.00	1 year

Schedule of Fines						
Violation Type	Nature of Violation	Sections	Isolated	Recurring	Significant	Period for Recurring Offense
		See Notes 1 and 2				

Pretreatment Discharge Violation	Unpermitted discharge; no permit was obtained	34-88	500.00	1,000.00	2,000.00	1 year
	Any discharge that causes pass-through or interference (See Note 4)	34-148(a)(2)	N/A	N/A	1,000.00	1 year
	Any discharge that causes pass-through or interference (second time) (See Note 4)	34-148(a)(2)	N/A	N/A	2,000.00	1 year
	Any discharge that causes pass-through or interference (third or more time) (See Note 4)	34-148(a)(2)	N/A	N/A	5,000.00	1 year
	Any discharge that endangers human health or the environment or has caused the POTW to exercise its emergency authority	34-148	N/A	N/A	10,000.00	1 year
	Failure to meet compliance date by 30 days		0.00	N/A	N/A	1 year
	Failure to meet compliance date by 60 days		250.00	N/A	N/A	1 year
	Failure to meet compliance date by 90 days		N/A	N/A	500.00	1 year
	Failure to accurately report noncompliance (first time)	34-154	N/A	N/A	0.00	1 year
	Failure to accurately report noncompliance (second time)	34-154	N/A	N/A	500.00	1 year

	Failure to accurately report noncompliance (third time)	34-154	N/A	N/A	1,000.00	1 year
	Failure to properly operate and maintain pretreatment facility	34-151	0.00	500.00	1,000.00	1 year
	Wastestream is diluted in lieu of treatment	34-152	500.00	1,000.00	2,000.00	1 year
	Discharge of waste that causes obstruction	34-148	0.00	100.00	500.00	1 year
Pretreatment Recordkeeping	Failure to develop spill prevention and slug control plans	34-153	100.00	0.00	0.00	N/A
	Copies of records denied	34-156	0.00	500.00	1,000.00	1 year
Pretreatment Reporting Violation	Failure to provide reports within 30 days	Subdivision V	N/A	N/A	500.00	1 year
	Failure to report spill or changed discharge (No harm)	34-154	0.00	500.00	1,000.00	1 year
	Failure to report spill or changed discharge (Harm)	34-154	500.00	1,000.00	2,000.00	1 year
	Incomplete or missing records or reports	34-156	0.00	0.00	500.00	N/A
	Failure to report additional monitoring	34-214.4(d)	0.00	100.00	500.00	1 year
	Failure to notify of bypass	34-192	100.00	500.00	1,000.00	1 year

Pretreatment Monitoring Violation	Failure to monitor all pollutants according to permit	34-Permit	0.00	100.00	500.00	1 year
	Failure to install monitoring equipment	34-191	0.00	100.00	500.00	1 year
	Sampling at incorrect location	34-214.2	0.00	100.00	500.00	N/A
	Sampling using incorrect sampling type	34-214.2	0.00	100.00	500.00	N/A
	Sampling using incorrect sampling collection techniques	34-214.2	0.00	100.00	500.00	N/A
	Failure to follow proper analytical requirements	34-157	0.00	100.00	500.00	1 year
Other Pretreatment Violations	Failure to post POTW phone number in facility	34-155	0.00	100.00	500.00	1 year
	Failure to train employees in emergency notification procedure	34-155	0.00	100.00	500.00	1 year
	Entry for site visit denied or consent withdrawn	34-159	0.00	500.00	1,000.00	1 year
	Failure to meet compliance deadlines for existing or new source	34-160	500.00	1,000.00	2,000.00	1 year

Other	Any other violation of chapter 6, division 2		100.00	250.00	500.00	N/A
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Schedule of Fines						
Violation Type	Nature of Violation	Sections	Isolated	Significant	Period for Recurring Offense	
		See Notes 1 and 2				
Pretreatment Discharge Violation	Violation of discharge limit	34-148	0.00	500.00	1 year	
	Violation of applicable Technical Review Criteria (TRC) (See Note 3)	34-148	0.00	1,000.00	1 year	

Note 1: N/A means the offense accumulation time is not applicable or each offense is considered to be a separate and new offense or each is considered to be significant.

Note 2: Notwithstanding civil penalty amounts delivered on this schedule, any violation delineated shall be subject to a civil penalty of not less than \$1,000.00 per day depending upon additional facts and circumstances existing at the time of the violations pursuant to section 34-120(b).

Note 3: TRC = 140 percent for BOD, TSS, fats, oil and grease, and 120 percent for all other pollutants except pH which has no TRC.

Note 4: All mercury violations will be handled as outlined in the control authority's enforcement response plan (ERP).

(Ord. No. 330, § 1(14-86.2), 9-19-1996; Ord. No. 514, § 2, 8-20-2009)

Sec. 34-118. - Misdemeanor.

A person who violates any provision of this division that is listed in this section is guilty of a misdemeanor. Such misdemeanors are subject to a fine of not more than \$500.00 or the maximum allowable under state

law, plus costs and other sanctions, or by imprisonment for a period not to exceed 90 days, or both such fine and imprisonment. Misdemeanor violations shall include:

- (1) Intentional unpermitted discharge;
- (2) Falsification of monitoring report;
- (3) Improper sampling, with evidence of intent to falsify or mislead;
- (4) Intentional failure to install monitoring equipment after deadline was established by administrative order;
- (5) Intentional recurring violation of compliance schedule in permit, or a violation of a compliance schedule in an administrative order; and
- (6) Illegal discharge when the discharge causes harm and there is evidence of intent to harm.

(Ord. No. 330, § 1(14-86.3), 9-19-1996)

Sec. 34-119. - Administrative remedies.

A person who violates any provision of this division is subject to the administrative remedies set forth in this section in addition to being responsible for a municipal civil infraction or a misdemeanor.

- (1) Notification of violation. Whenever the control authority finds that any user has violated or is violating any provision of this division, or a wastewater discharge permit or order issued under this division, the control authority may serve upon such user written notice of the violation. Within ten days of the receipt date of such notice, the user shall submit to the control authority an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- (2) Consent order. The control authority is empowered to enter into consent orders, assurances of voluntary compliance, and other similar documents establishing an agreement with the user responsible for the noncompliance. Such documents will include compliance schedules, stipulated fines or penalties, remedial actions and signatures of the control authority and user. Consent orders shall have the same force and effect as administrative orders issued pursuant to this section.
- (3) Show cause order. The control authority may order any user which violates this division, wastewater discharge permit or order issued under this section, to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least ten days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Enforcement action may be pursued as appropriate, whether or not a duly notified user appears as notified.

(4) Compliance order. When the control authority finds that a user has violated or continues to violate this division or a wastewater discharge permit issued under this division, an order may be issued to the user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated, and compliance is achieved. In addition or as an alternative, orders may contain such other requirements as may be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(5) Cease and desist order. When the control authority finds that a user has violated or continues to violate this division or a wastewater discharge permit issued under this division, an order may be issued to the user responsible for the violation directing that such violation cease and desist immediately.

a. In an emergency, the order to cease and desist may be given by telephone.

b. In a nonemergency situation, the cease and desist order may be used to suspend or permanently revoke industrial wastewater discharge permits.

c. The cease and desist order may order the user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(6) Administrative fines. Notwithstanding any other section of this Code, any user who is found to have violated any provision under this division, or permits and orders issued under this division, may be fined in an amount of \$1,000.00 per day, or the maximum allowable under state law, per violation. Each day on which noncompliance shall occur or continues shall be deemed a separate and distinct violation. Such assessments shall be added to the user's next scheduled sewer service charge, and the control authority shall have such other collection rights and remedies as designated by law and this Code to collect such service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Users desiring to appeal such fines must comply with section 34-128.

(7) Emergency suspension. The control authority may suspend the wastewater treatment service and the wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge that presents or causes an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

a. Any user notified of a suspension of the wastewater treatment service or wastewater discharge permit shall immediately stop or eliminate its discharge. If a user fails to immediately comply voluntarily with the suspension order, the control authority shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to any person, the POTW or the environment. The control authority shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.

b. A user who is responsible, in whole or in part, for imminent endangerment, shall submit a detailed written statement to the control authority describing the causes of the harmful discharge and the measures taken to prevent any future occurrence. Such statement shall be submitted prior to the date of any appeals hearing as may be scheduled in accordance with section 34-128.

(8) Termination of wastewater discharge permit. Any industrial user who violates the following conditions of his wastewater discharge permit or any applicable state or federal law, is subject to permit termination.

a. Failure to accurately report the wastewater constituents and characteristics.

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

c. Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring or sampling.

Noncompliant users shall be notified of the proposed termination of their wastewater discharge permit and be offered an opportunity to show cause under the provisions of section 34-119(3) why the proposed action should not be taken.

(9) Annual publication of industrial users in significant noncompliance. The control authority shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in section 34-73, with any provisions of this division or any permit or order issued under this division during the period since the previous publication.

(Ord. No. 330, § 1(14-86.4), 9-19-1996)

**Cross reference**— Administration, ch. 2.

Sec. 34-120. - Judicial remedies.

A person who violates any provision of this division is subject to the judicial remedies set forth in this section in addition to being responsible for a municipal civil infraction, a misdemeanor or an administrative remedy.

(1) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this division or a permit or order issued under this division, the control authority, through counsel, may petition the court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, which restrains or compels the activities on the part of the user.

(2) Civil fines.

a. Any user who has violated or continues to violate this division or any order or permit issued under this division, may be liable to the POTW for a civil fine of up to \$1,000.00, plus actual damages incurred by the POTW, per violation, per day, for as long as the violation continues depending on the application of the

facts and circumstances of the violation. In addition to the penalty and damages set forth in this subsection, the POTW may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.

b. The control authority shall petition the court to impose, assess and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

(3) Criminal prosecution.

a. Violations generally.

1. Any user who violates section 34-118 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 or the maximum allowable under state law, per violation, per day, or imprisonment for not more than 90 days, or both such fine and imprisonment.

2. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$500.00. or the maximum allowable under state law, per violation, per day, or imprisonment for not more than 90 days, or both such fine and imprisonment.

b. Falsifying information. Any user who knowingly or intentionally makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or wastewater discharge permit, or who falsifies, tampers with or knowingly or intentionally renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine in an amount not to exceed \$500.00 or the maximum allowable under state law, per violation, per day, or imprisonment for not more than 90 days, or both such fine and imprisonment.

(Ord. No. 330, § 1(14-86.5), 9-19-1996)

Sec. 34-121. - Supplemental enforcement remedies.

A person who violates any provision of this division is subject to supplemental enforcement remedies as set forth in this section in addition to being responsible for a municipal civil infraction, a misdemeanor, an administrative remedy or a judicial remedy.

(1) Performance bonds/letters of credit. The control authority may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, or any order or previous permit issued under this division, unless such user first files with the control authority a satisfactory bond or letter of credit, payable to the control authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.

(2) Liability insurance. The control authority may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division or any order or previous permit issued under this division, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(3) Water supply severance. Whenever a user has violated or continues to violate the provisions of this division or an order or permit issued under this division, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(4) Public nuisances. Any violation of the prohibitions or effluent restrictions of this division or permit or order issued under this division is declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person creating a public nuisance shall be subject to the provisions of this division governing such nuisance, including reimbursing the township for any costs incurred in removing, abating or remedying such nuisance.

(5) Contractor listing.

a. Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the township.

b. Existing contracts for the sale of goods or services to the township held by the industrial user found to be in significant violation of the pretreatment standards may be terminated at the discretion of the township.

(Ord. No. 330, § 1(14-86.6), 9-19-1996)

Sec. 34-122. - Recurring offense.

As used in this division "recurring offense" means a second, or any subsequent, municipal civil infraction violation of the same requirement or provision of this division committed by a person within any six-month period or for any two successive six-month periods for which the person admits responsibility or is determined to be responsible.

(Ord. No. 330, § 1(14-86.7), 9-19-1996)

Sec. 34-123. - Each day a separate offense.

Each day in which any violation shall continue shall be deemed a separate offense.

(Ord. No. 330, § 1(14-86.8), 9-19-1996)

Sec. 34-124. - Liens.

Fines and costs incurred by any person found to be in violation of this division that are not paid within the time frame allocated shall become a lien against the user's property.

(Ord. No. 330, § 1(14-86.9), 9-19-1996)

Sec. 34-125. - Liable for costs.

Any person violating any of the provisions of this division shall become liable to the township for any expense, loss or damage, including attorney fees, incurred by or on behalf of the control authority by reason of such violation.

(Ord. No. 330, § 1(14-86.10), 9-19-1996)

Sec. 34-126. - Construction of chapter.

The provisions of this division shall not be construed to limit the powers of the enforcing officer or other public officials or bodies to proceed to abate a health nuisance or a pollutant discharge in violation of legal limits, nor shall the provisions of this division be construed to provide adequate protection under all situations.

(Ord. No. 330, § 1(14-86.11), 9-19-1996)

Sec. 34-127. - Order of additional requirements.

If the enforcing officer determines that additional or more strict requirements are necessary to avoid the creation or extension of a health nuisance or a pollutant discharge in violation of legal limits, he shall enter an appropriate order setting forth the requirements and the conditions making such requirements necessary.

(Ord. No. 330, § 1(14-86.12), 9-19-1996)

Sec. 34-128. - Right of appeal.

Except for an appeal pursuant to section 34-190 or notices of violation, including such notices issued as a civil infraction under section 34-117, administrative consent orders, emergency actions as defined in this division, or a variance pursuant to section 34-102, any decision relating to the enforcement of this division may be appealed to the governing body of the control authority, on written request of an aggrieved person.

(1) If a petition to review is not filed within 15 days of being notified of a violation, fine or cost, the failure to file such an appeal 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 appeal and any alternative relief which the aggrieved party seeks.

(3) During the pendency of the appeal, the applicant must comply with the enforcement action for which the appeal is taken.

- (4) The enforcing body shall:
  - a. Deny the appeal;
  - b. Grant the appeal; or
  - c. Grant the appeal with additional conditions.
- (5) The enforcing body's decision shall be made within 30 days of receiving the appeal request.
- (6) The decision of the enforcing body shall be the final administrative action for purposes of judicial review.

(Ord. No. 330, § 1(14-86.13), 9-19-1996)

Secs. 34-129—34-145. - Reserved.

### Subdivision III. - Use of Public Sewers; General Pretreatment Requirements

Sec. 34-146. - Purposes.

- (a) The purposes of this subdivision are to:
  - (1) Establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system, and to enable the POTW to comply with applicable state and federal laws and the general pretreatment regulations (40 CFR 403);
  - (2) Prevent the introduction of pollutants into the POTW which will:
    - a. Interfere with the operation of the system;
    - b. Cause the POTW to violate its NPDES discharge permit;
    - c. Contaminate the sludge;
    - d. Pass-through the system inadequately treated into receiving waters or the atmosphere;
    - e. Pose a health threat to sewer workers; or
    - f. Be otherwise incompatible with the system.
  - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
  - (4) Provide for equitable distribution of the cost of the municipal wastewater system.
- (b) Future conditions imposed on the control authority by jurisdictional government agencies may require subsequent amendment of this Code or rules and regulations adopted under this chapter by the control authority. Where federal or state promulgated categorical pretreatment standards require limits

more stringent than those specified in this division, the state and federal limits shall have precedence and take effect with respect to the applicable user on the latter of:

- (1) Their promulgation date; or
- (2) The date specified for compliance with such standards.

(Ord. No. 330, § 1(14-87.1), 9-19-1996)

Sec. 34-147. - Right of revision.

The control authority shall have the right to establish any standard or prohibition as long as it is as restrictive or more restrictive than any federal or state requirements.

(Ord. No. 330, § 1(14-87.2), 9-19-1996)

Sec. 34-148. - General discharge prohibitions.

(a) Generally.

(1) It shall be unlawful to discharge any wastewater to the POTW except in accordance with the provisions of this article.

(2) No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater which will pass-through or cause interference with the operation or performance of the POTW.

(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 EGLE. The discharge of cooling water or unpolluted industrial process water to natural outlets shall only be permitted when an NPDES permit cannot be obtained and no other discharge option exists.

(b) Prohibited. No user shall contribute the following substances to the POTW:

- (1) Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (2) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash.
- (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.
- (4) Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40 degrees Centigrade (104 degrees Fahrenheit).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (7) 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.
- (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.
- (9) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and or concentration (including any slug discharge), which may cause interference to the POTW.
- (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 (MCL 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)(14.1), section 34-148(b)(14.2), or categorical pretreatment standards, then the above paragraph does not apply.

(11) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Federal Water Pollution Act of 1972, as amended.

(12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(13) Any discoloration other than the color of normal strength domestic waste including, but not limited to dyes, inks and vegetable tanning solutions which singularly or in conjunction with other waste constituents is deleterious to treatment and/or sludge disposal practices or a hazard to the POTW and its employees.

(14) Any wastewater discharge with a monthly average hydrogen sulfide gas concentration above the NIOSH Recommended Exposure Limit (10 ppm) and/or with a peak hydrogen sulfide gas concentration above the NIOSH Immediately Dangerous to Life and Health limit (100 ppm) without approval of the control authority. Approval of the control authority for alternate limits will be subject to the following:

- a. Submittal of an acceptable health and safety plan that sufficiently outlines procedures for the safe access of the impacted site and sanitary sewer;
- b. Demonstration that the discharge will not create nuisance odors; and
- c. Completion of any improvements to the sanitary sewer system (at user's expense) determined necessary by the control authority in order to prevent increased corrosion due to the elevated hydrogen sulfide concentrations.

(15) Any unused pharmaceuticals (both over the counter and prescription only medications).

(16) 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
<b>Organics</b>	
Acetone	170
Benzene	0.16
Methyl Ethyl Ketone	120
Chloroethane	1.8
Chloromethane	1.2
Chloroform	0.64

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Dibromochloromethane	0.086
1, 4-Dichlorobenzene	0.40
1, 1-Dichloroethane	8.3
1, 1-Dichloroethylene	1.4
cis-1, 2-Dichloroethylene	2.9
trans-1, 2-Dichloroethylene	2.8
Diethyl Ether	21
Ethyl Benzene	0.44
Lindane	0.00038
4-Methyl-2-Pentanone	20
Methylene Chloride	0.66
Styrene	0.29
Tetrachloroethylene	0.050
Toluene	3.5
1, 1, 1-Trichloroethane	1
Trichloroethylene	0.34
1, 2, 4-Trimethylbenzene	0.50
Xylenes, Total	0.91
Phenols, Total	0.90
<b>Metals</b>	
Arsenic	0.12
Cadmium	0.059
Chromium	1.3
Copper	1.3
Cyanide, Amenable	0.083
Lead	1.1
Lithium	2.9
Mercury	See section 34-148(b)(18)
Molybdenum	0.28

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Nickel	0.865
Selenium	0.10
Silver	0.037
Zinc	4.2
<b>Compatibles</b>	
Grease and Oil (Non-Polar Fraction)	200

(17) 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

TABLE 1 (ZCWP)		
PROHIBITED POLLUTANTS		
Parameter	Ordinance Limitation	
	Daily Maximum	Monthly Average
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
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)		

(18) a. With regard to the HAWWTP Service Area, except as provided in section 34-148(c) 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.

b. Mercury reduction plans. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the control authority may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a mercury reduction plan (MRP). The MRP may be required by permit if the nondomestic user has not violated the local limit for mercury, but the control authority has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

1. A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the MDL within a time frame approved by the control authority;

2. Within 60 days of notification by the control authority that a MRP is required, the nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the POTW;

3. Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified MDL within a time frame approved by the control authority;

4. A program for sampling and analysis of the nondomestic discharge for mercury in accordance with 245.1 methods;

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

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

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

iii. Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

6. A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall: (i) identify compliance or noncompliance with specific reduction commitments in the MRP; (ii) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions

performed to date; (iii) provide all applicable analytical data; (iv) provide an evaluation of the effectiveness of actions taken to date; (v) provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer and (vi) propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

7. Any other conditions that the control authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this section.

Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant noncompliance in accordance with this section, and will result in publication as a significant violator, in addition to other possible enforcement action.

A MRP may be evaluated for adequacy at any time by the control authority. If such an evaluation determines that the MRP is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes noncompliance. The control authority will follow its enforcement response plan (ERP) to ensure that corrective actions are taken.

A nondomestic user may request a release from MRP requirements if (i) all samples of the discharge for a period of one year are less than the specified MDL; (ii) the nondomestic user has complied with minimum the monitoring frequency of quarterly sampling events; and (iii) the control authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. The control authority shall notify the nondomestic user of any release from MRP requirements in writing.

If the MRP requirement is waived by the control authority, the nondomestic user remains subject to the local limitation for mercury in accordance with the requirements of this section.

Re-discovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

(19) 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.

(20) 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.

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

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)	2000*	and	80*
Total Suspended Solids (TSS)	1400*	and	100*
Total Phosphorus (TP)	25*	and	1*
Chlorides	3200*	and	100*
Grease & Oil (Polar Fraction)	150*	and	5*

\* or as approved by the Michigan EGLE 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.

The Control Authority, reserves the right to use COD sampling and testing for BOD Special Discharge Allocations (see Section 34-149) and surcharges (see Section 34-150). In the event that COD is used for this purpose, the conversion to BOD shall be based on a site specific COD/BOD ratio. The ratio used for this purpose shall be calculated based on a short-term demonstration using a minimum of 5 samples. The demonstration shall be performed at least every 24 months to check for any changes in the site specific COD/BOD ratio.

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 <sub>5</sub> )	1,100
Chemical Oxygen Demand (COD)	4,000
Suspended Solids	1,300
Phosphorus, Total	15

TABLE 2 (ZCWP)	
Parameter	Daily Average (mg/l)
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.

(Ord. No. 330, § 1(14-87.3), 9-19-1996; Ord. No. 444, § 1, 12-6-2001; Ord. No. 514, § 3, 8-20-2009)

d. Dental amalgam

1. In accordance with 333.16631 of Act 368 and the provisions of the Michigan Administrative Code, this section applies to dentist who uses dental amalgam and to a dentist who removes dental amalgam. This section does not apply to any of the following:

- (a) Oral and maxillofacial surgeons;
- (b) Oral and maxillofacial radiologists;
- (c) Oral pathologists;
- (d) Orthodontists;
- (e) Periodontists;
- (f) Dentists providing services in a dental school, in a hospital, or through a local health department; and
- (g) Dentists who install and use a holding tank and do not discharge amalgam waste.

2. On or before December 21, 2013, a dentist shall install, or shall have installed, an amalgam separator on each wastewater drain in the dentist’s dental office that is used to discharge dental amalgam waste. A dentist who is required to install an amalgam separator shall comply with all of the following pursuant to Michigan Administrative Code R338.11811.

- (a) Install an amalgam separator that meets the requirements of Michigan Administrative Code R338.11813;
- (b) Install, operate, and maintain the amalgam separator according to the manufacturer’s instructions;
- (c) Ensure the installed amalgam separator is properly sized to accommodate maximum dental amalgam wastewater flow rates at the dental office – the maximum allowable flow rate through an

amalgam separator at a dental office shall not exceed the maximum flow rate capacity at which the amalgam separator was tested under Michigan Administrative Code R338.11813(1)(a); and

(d) Ensure that all wastewater from the dental office containing dental amalgam waste passes through an installed and properly functioning and maintained amalgam separator before being discharged.

3. A dentist who is subject to the provisions of Michigan Administrative Code R338.11811 shall maintain records at the dentist's dental office that include all of the following:

(a) Type of amalgam separator installed, including the manufacturer and model;

(b) Date the amalgam separator became operational;

(c) Documentation verifying the amalgam separator meets the requirements of Michigan Administrative Code R338.11813;

(d) Documentation of the manufacturer's instructions for the operation and maintenance of the amalgam separator;

(e) Service records for each amalgam separator in use at the dental office that includes the following:

(i) Dates of maintenance;

(ii) Dates separator contents were recycled; and

(iii) Name the staff or contractor performing the service; and

(f) Documentation verifying that the dentist disposed of and recycled any dental amalgam waste that was generated from the dentist's dental office consistent with the requirements of Michigan Administrative Code R338.11815 and R338.11817(f). The documentation shall be in accordance with R338.11813(1).

4. The records required under subsection 3 above shall be provided upon request to the control authority.

5. All records required under subsection 3 above shall be retained for a minimum of three years.

Sec. 34-149. - Special discharge allocation.

(a) A nondomestic user (user) may, at the time of application for a wastewater discharge permit, or by a special discharge allocation permit application, request that the uniform concentration limits for BOD or COD, TSS, phosphorus, and grease and oil (polar fraction) be increased above concentrations listed in Table 2 (section 39-148) for that permit. Such special discharge allocation shall be expressed as total daily pounds of pollutant discharged. A user's special discharge allocation shall be determined using rules and regulations established by the control authority and in accordance with procedures

approved by the EGLE. The rules and regulations of the control authority shall be available for inspection at 42 South River Avenue, Holland, MI 49423 and shall be posted on the web site of the BPW.

(b) The control authority reserves the right to reduce or deny special discharge allocations if total pollutant discharges near or reach the MAHLs set forth in Table 3. The control authority reserves the right to amend the MAHLs set forth in Table 3 at its discretion. The special discharge allocation must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.

TABLE 3	
MAXIMUM ALLOWABLE HEADWORKS LOADING (MAHL)	
	Pounds per Day
Biochemical Oxygen Demand (BOD)	57,900*
Chemical Oxygen Demand (COD)	115,800**
Total Suspended Solids	50,000*
Total Phosphorus	830*
Grease and Oil (Polar Fraction)	5,451*
* or the maximum pounds approved by the EGLE 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. The MAHL for COD is calculated using the historical influent COD/BOD ratio of 2:1.	

(c) A user which requests a special discharge allocation through the permit application process must sign a written acknowledgment whereby the user agrees to comply with all terms and conditions which may be imposed by the control authority. Such acknowledgment shall be in a form provided by the control authority, and must be executed by an authorized representative of the user and received by the control authority before any special discharge allocation is effective. The user shall be charged for the special discharge allocation as determined by the applicable rate schedule for wastewater surcharge rates and pollution control fees as approved and amended from time to time by the control authority. Notwithstanding the foregoing, payment of the plant capacity portion of the surcharge rate shall not confer any right to any particular amount of capacity in future periods. In addition, the control authority reserves the right to institute a review of any previously permitted special discharge allocation at any time, pursuant to which the control authority, in its discretion, upon prior notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted or approved special discharge allocation

(including in particular, but not limited to, any allocation amount previously utilized by a user or for which a user has previously paid the physical plant capacity component of the surcharge but not the operation and maintenance component of the surcharge).

(d) Any discharge in excess of the amount permitted by the special discharge allocation is prohibited and is a violation of section 39-148 and the user's wastewater discharge permit. In addition, a user shall pay the full surcharge rate (the plant capacity component and the operation and maintenance component) for any amount discharged in excess of the amount permitted by a special discharge allocation.

(Ord. No. 330, § 1(14-87.4), 9-19-1996; Ord. No. 444, § 1, 12-6-2001; Ord. No. 534, § 1, 1-5-2012)

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 BOD<sub>5</sub> or COD, whichever is the greater dollar cost, but not for both.

TABLE 4 (HAWWTP)	
Pollutant	Surcharge Above (mg/l)
BOD <sub>5</sub>	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 <sub>5</sub> )	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.

(Ord. No. 333, § 1(14-87.5); Ord. No. 444, § 1, 12-6-2001)

Sec. 34-151. - Pretreatment requirements.

(a) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent requirement of this chapter, or federal pretreatment standards as established by 40 CFR Chapter N, Subpart I, or state standards or wastewater discharge permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations, and with any other pretreatment standards by applicable deadlines.

(b) Any facilities required to pretreat wastewater 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 control authority for review, and shall be approved by the control authority before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this Code and wastewater discharge permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the control authority prior to the industrial user's initiation of the changes.

(Ord. No. 330, § 1(14-87.6), 9-19-1996)

Sec. 34-152. - Dilution prohibition.

No user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with concentration limitations as established in this subdivision or any pretreatment standard or requirement.

(Ord. No. 330, § 1(14-87.7), 9-19-1996)

Sec. 34-153. - Spill prevention and slug control plans.

(a) Nondomestic users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or user's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the control authority before construction of the facility.

(b) Nondomestic users that store hazardous substances shall not contribute to the POTW after the effective date of this division unless a spill prevention plan has been approved by the control authority. Approval of such plans shall not relieve the user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(1) The control authority shall evaluate all new SIU's for the need for a slug control plan within a year of the industrial user being designated as a SIU. Each significant industrial user shall be evaluated at least once every two years, and other nondomestic users as necessary, to determine whether such user needs a plan to control slug discharges. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including non-routine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 34-148, with procedures for follow-up written notification within five days;

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of industrial site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 330, § 1(14-87.8), 9-19-1996; Ord. No. 514, § 4, 8-20-2009)

Sec. 34-154. - Notification.

(a) Notification of discharge violation.

(1) In the case of any discharge in violation of this division or wastewater discharge permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug discharges, as defined by section 34-73, the user shall immediately notify the control authority of the discharge by telephone. The notification shall include:

a. The date, time, location and duration of the discharge;

b. The type of waste including concentration and volume; and

c. Any corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.

(3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this Code or other applicable state or federal law.

(b) Notification of changed discharge. The user shall notify the control authority prior to the introduction of new wastewater or pollutants or any significant change in sewer use or characteristic of the wastewater being introduced into the POTW from the user's processes. Formal written notification shall be submitted prior to such an introduction. "Significant change in sewer" use is defined as an increase in the concentrations of pollutants discharged of 20 percent over those reported on the wastewater discharge disclosure report, or the increase in discharge volume of 1,000 gallons/day or more than ten percent over that reported on the baseline monitoring report/wastewater discharge disclosure report, whichever is less. Any change which would violate categorical pretreatment standards or local limits is prohibited.

(c) Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. No. 330, § 1(14-87.9), 9-19-1996; Ord. No. 514, § 5, 8-20-2009)

Sec. 34-155. - Posting of emergency notification number; employee training.

Each nondomestic user shall permanently post a notice in a prominent place advising all employees to call the POTW, at the number supplied on the wastewater discharge permit, in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause injury or be injured by such a discharge of the emergency notification procedure.

(Ord. No. 330, § 1(14-87.10), 9-19-1996)

Sec. 34-156. - Records.

(a) Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(b) These records shall remain available for a period of at least three years after their collection.

(c) This period shall be extended during any litigation concerning compliance with this division or wastewater discharge permit conditions.

(Ord. No. 330, § 1(14-87.11), 9-19-1996; Ord. No. 514, § 6, 8-20-2009)

Sec. 34-157. - Analytical requirements.

All analyses, including sampling results submitted in support of any applications, reports, evidence or required by any permit or order shall be performed in accordance with the procedures and methods outlined in sections 34.191 and 34.214.2.

The sample shall be representative of daily operations. Where the standard requires compliance with a BMP or a pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

(Ord. No. 330, § 1(14-87.12), 9-19-1996; Ord. No. 514, § 6, 8-20-2009)

Sec. 34-158. - Confidential information.

(a) Information and data, other than effluent data, about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority in accordance with state and federal disclosure statutes that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the control authority. Effluent data shall be available to the public without restriction.

(b) When the person furnishing a report satisfies the control authority that such person has made the demonstration required by subsection (a) of this section, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this division, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the state or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Ord. No. 330, § 1(14-87.13), 9-19-1996)

Sec. 34-159. - Right of entry.

(a) Representatives of the township, control authority, state and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this division. Nondomestic users shall allow authorized representatives of the township, control authority, state and EPA access to all premises for the purpose of inspecting,

sampling, examining records or seize for purposes of copying records in the performance of their duties. Authorized representatives of the township, control authority, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the township, control authority, state, and EPA to enter and inspect the premises as guaranteed by this paragraph.

(b) (1) Representatives of the township or control authority, upon showing proper identification, shall have the right to enter and inspect the premises of any domestic user for the purpose of inspecting any piping or connection to the wastewater system for unauthorized connection of roof drains, footing drains, or other storm water or groundwater discharges to the wastewater system. On request by an authorized representative of the township or control authority, the owner, lessee, or occupant of any premises shall furnish to the township or control authority any pertinent information regarding the piping system or systems on such premises. Refusal to provide such requested access or information shall be deemed evidence of the presence of an authorized connection and the discharge of storm water or groundwater.

(2) If an authorized representative of the township or control authority has been refused access to any part of a user's premises, and the township or control authority is able to demonstrate probable cause that a violation of this chapter has occurred, or demonstrate that there is a need to inspect as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the township or control authority may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 330, § 1(14-87.14), 9-19-1996; Ord. No. 514, § 7, 8-20-2009)

Sec. 34-160. - Existing and new source compliance deadlines.

Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. 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 categorical pretreatment standard. Existing sources which become significant industrial users subsequent to promulgation of an applicable pretreatment standard shall be considered existing significant industrial users, except where such sources meet the definition of a "new source" as defined in 40 CFR 403.3(k). 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.

(Ord. No. 330, § 1(14-87.15), 9-19-1996)

Sec. 34-161. - Equivalent mass and concentration limits.

(a) When the limits in a categorical pretreatment 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.

(b) Equivalent limitations calculated in accordance with 40 CFR 403.6(c)(3) and (c)(4) 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 pretreatment standards from which the equivalent limitations were derived.

(c) The standards set forth in 40 CFR 403.6(c)(6) and (c)(7) shall apply to those industrial users for whom equivalent mass or concentration limits are calculated.

(Ord. No. 330, § 1(14-87.16), 9-19-1996)

Sec. 34-162. - Net/gross calculation.

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR 403.15.

(Ord. No. 330, § 1(14-87.17), 9-19-1996)

Sec. 34-163. - Removal credits.

The control authority may, at its discretion and subject to the conditions of 40 CFR 403.7, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standards.

(Ord. No. 330, § 1(14-87.18), 9-19-1996)

Sec. 34-164. - Improper use of sewers; discontinuance of service.

(a) The control authority is authorized to inspect any existing building service sewer and drain, lateral or collecting sewers that discharge wastewater directly or indirectly to the POTW. If it is found that such lateral or collecting sewers are used or maintained in such a way as to cause discharge of septic wastewater, groundwater or debris which exceeds the design criteria of such sewer, or any other substance deemed objectionable, the control authority will give notice of the unsatisfactory condition to the person responsible for such discharge and shall direct that the condition be corrected.

(b) In cases of continuing noncompliance after such directive, the control authority, in its discretion, may discontinue service to persons responsible for such discharge.

(Ord. No. 330, § 1(14-87.19), 9-19-1996)

Sec. 34-165. - Indemnification for additional sewer maintenance expenses.

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.

(Ord. No. 330, § 1(14-87.20), 9-19-1996)

Sec. 34-166. - Accidental discharges.

Every user of the POTW shall provide, when deemed necessary by the control authority, protection from accidental discharge into the sewerage system of nondomestic wastes or liquid materials which could otherwise result in a violation of section 34-118 or other nondomestic wastes.

(Ord. No. 330, § 1(14-87.21), 9-19-1996)

Sec. 34-167. - Wastewater discharge permits.

(a) When required. The control authority may, in its discretion, require that an existing potential nondomestic user procure and maintain in effect a wastewater discharge permit, issued by the control authority, as a condition precedent to making any discharge to the POTW. The control authority may require an existing or potential user to obtain a wastewater discharge permit whenever it shall reasonably determine that the user is a significant industrial user or minor industrial user as defined in section 34-73.

(b) Application. Users required to obtain a wastewater discharge permit shall complete and file with the control authority, an application in the form prescribed by the control authority, and accompanied by a fee as required in this division. Proposed new nondomestic users shall apply for a wastewater discharge permit at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address and location, if different from the address, and name of the owners and operator;

(2) Standard industrial classification (SIC) code of both the industry as a whole and any process for which categorical pretreatment standards have been promulgated;

(3) Wastewater constituents and characteristics, including, but not limited to, those set forth in section 34-148, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR 136, as amended;

(4) Time and duration of discharge;

- (5) Daily maximum, daily average and monthly average wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation and a current water use schematic;
- (7) Description of activities, facilities and industrial processes on the premises, including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge which are limited by any township, state or federal pretreatment requirements, and a statement signed by an authorized representative of the user regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing the contract for major components, commencing construction, completing construction, etc.).
  - b. No increment referred to in subsection (b)(9)a. of this section shall exceed nine months.
  - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- (10) Each product and/or byproduct produced by type, amount, process and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, hours of operation of facility and proposed or actual hours of operation of pretreatment system;
- (13) List of any environmental control permits held by or for the facility;
- (14) Any other information as may be deemed by the control authority to be necessary to evaluate the wastewater discharge permit application.

The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to the terms and conditions provided in this section.

(Ord. No. 330, § 1(14-88), 9-19-1996; Ord. No. 514, § 8, 8-20-2009)

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.

Secs. 34-169—34-185. - Reserved.

Subdivision IV. - Permit and Monitoring Requirements; Bypass and Upset Provisions

Sec. 34-186. - Permit contents.

Wastewater discharge permits shall contain, as appropriate, the following:

- (1) Statement of duration, not greater than five years, including issuance and expiration dates;
- (2) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this division, state and local law or the combined wastestream formula as outlined in 40 CFR 403.6(e);

- (3) General and specific discharge prohibitions as established by section 34-148;
- (4) Requirements to pay fees for the wastewater to be discharged to the POTW;
- (5) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization, including the maximum monthly flow which shall be permitted by a user;
- (6) Requirements for installation and maintenance of inspection and sampling facilities;
- (7) Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (8) Compliance schedules;
- (9) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Pretreatment Standard or pretreatment requirement;
- (10) Requirements for collecting/retaining and providing access to facility records relating to the user's discharge, and for providing entry to the facility for sampling and inspection;
- (11) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;
- (12) Requirements for notification of spills, potential problems to the POTW, including slug loadings, upsets or violations;
- (13) Requirements for installation, operation and maintenance of pollution control equipment;
- (14) Requirements to develop and implement spill and slug control plans;
- (15) Other conditions as deemed appropriate by the control authority to ensure compliance with this division, state and federal pretreatment standards and requirements, including a requirement that the user shall deliver to the control authority a copy of the permit which is acknowledged, agreed to and executed by an authorized representative of the user in order for the permit to be effective;
- (16) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (17) Statement of nontransferability;
- (18) Conditions for modification or revocation of permit.

(Ord. No. 330, § 1(14-89.1), 9-19-1996)

Sec. 34-187. - Duration of permit; application for reissuance.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance at least 180 days prior to the expiration of the user's existing permit.

(Ord. No. 330, § 1(14-89.2), 9-19-1996)

Sec. 34-188. - Permit modifications.

Within nine 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 standard within the time frame 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 section 34-167, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit, shall submit to the control authority within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required in section 14-167(b)(8), (b)(9).

(Ord. No. 330, § 1(14-89.3), 9-19-1996)

Sec. 34-189. - Transferability.

Wastewater discharge permits are issued to a specific process or operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without prior approval of the control authority.

(Ord. No. 330, § 1(14-89.4), 9-19-1996)

Sec. 34-190. - Appeals.

- (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.
- (b) Failure to file a timely petition for review of the permit issuance shall be deemed a waiver of any and all administrative appeal rights.
- (c) In the appeal petition, the appealing party shall indicate those portions of the permit objected to; the reasons for the objection; and any alternative conditions, if any, the applicant seeks to establish in the permit.
- (d) During the pendency of the appeal, all terms and conditions of the newly issued permit, which are not contested, shall remain in full force and effect. During the pendency of the appeal and until a final administrative determination by the administrative committee, the prior permit requirements shall apply to any contested portions. The administrative committee shall deny the appeal; grant the appeal; or grant the appeal with conditions within 30 days of the appeal request. The administrative committee

may table the additional appeal request within the 30-day period to request additional information from the applicant. The decision of the administrative committee shall be final administrative action for purposes of judicial review.

(Ord. No. 330, § 1(14-89.5), 9-19-1996)

Sec. 34-191. - Monitoring.

(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.

(b) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

(c) If locating such facilities on a user's property would be impractical, the user may apply to the township for a right-of-way or for permission to construct such facilities on public property.

(d) The control authority may require a suitable control manhole located on the nondomestic user's premises, which shall be installed on the building sewer when deemed necessary by the control authority. When such a location would be impractical or cause undue hardship on the user, the township may allow such facility to be constructed in the public right-of-way, with the approval of the public agency having jurisdiction over such right-of-way, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. The control manhole shall be installed by the owner at his expense, and shall be maintained by him to be safe and accessible at all times. Whether constructed on public or private property, the control manhole shall be constructed in accordance with the control authority's requirements and all applicable construction standards and specifications. When more than one user can discharge into a common sewer, the control authority may require installation of separate monitoring equipment and a control manhole for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the control authority may require that separate monitoring facilities be installed for each separate discharge.

(Ord. No. 330, § 1(14-89.6), 9-19-1996)

Sec. 34-192. - Bypass.

(a) When permitted. A nondomestic user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to ensure efficient operation. Such bypasses are not subject to the provisions of subsections (b) and (c) of this section.

(b) Notice.

(1) If a nondomestic user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent, if possible, at least ten days before the date of the bypass.

(2) A nondomestic user shall orally notify the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass.

(c) Prohibition.

(1) A bypass is prohibited and the control authority may take enforcement action against an individual user for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

b. There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance;

c. The user submitted notices as required by subsection (b) of this section.

(2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in subsection (c)(1) of this section. However, such approval does not limit cost recovery by or indemnification of the control authority.

(Ord. No. 330, § 1(14-89.7), 9-19-1996)

Sec. 34-193. - Upset provisions.

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection (b) of this section are met.

(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:

(1) An upset occurred and the user can identify the cause of the upset;

(2) The facility was, at the time, being operated in a prudent and workmanlike manner, and in compliance with applicable operation and maintenance procedures;

(3) The user has submitted the following information to the superintendent and control authority 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. A description of the discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(c) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) In the usual exercise of prosecutorial discretion, control authority enforcement personnel shall review any claims that noncompliance was caused by an upset. No determination made in the course of the review constitutes final control authority action subject to judicial review. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) A nondomestic user shall control production and all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. This may not be a defense against cost recovery by or indemnification of the control authority.

(Ord. No. 330, § 1(14-89.8), 9-19-1996)

Secs. 34-194—34-210. - Reserved.

Subdivision V. - Reporting

Sec. 34-211. - Baseline report for categorical dischargers.

(a) Users subject to National Categorical Pretreatment Standards shall submit baseline reports to the control authority on a form prescribed and furnished by the control authority.

(b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, nondomestic users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed baseline report.

- (c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a baseline report at least 90 days prior to commencement of discharge to the POTW.
- (d) In support of the baseline report, the nondomestic user shall submit, in units and terms specified in the application, the following information:
- (1) Name and address of the facility, including the name of the operator and owners.
  - (2) List of any environmental control permits held by or for the facility.
  - (3) Brief description of the nature, average rate of production and standard industrial classification of the operations carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
  - (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Regulated process streams; and
    - b. Other streams, as necessary, to allow use of the combined waste stream formula of 40 CFR 403.6(e).
  - (5) The nondomestic user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
    - a. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and daily average concentrations shall be reported. The sample shall be representative of daily operations.
    - b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
    - c. A nondomestic user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection (5).
    - d. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass

limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the control authority.

(6) A nondomestic user shall provide a statement, reviewed by an authorized representative of the user, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the user to meet the National Categorical Pretreatment Standards.

(7) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard, or as follows:

a. Where the user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined wastestream formula (40 CFR 403.6(e)), or net/gross calculations (40 CFR 403.15), at the time the user submits a baseline report containing the information required in subsections (d)(6) and (d)(7) of this section pertaining to the modified limits.

b. If the National Categorical Pretreatment Standard for the user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to subsections (d)(6) and (d)(7) of this section and submit them to the control authority within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to subsection (d)(7) of this section:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subsection (d)(8)a. of this section shall exceed nine months.

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

(9) Such other information as may be reasonably requested by the control authority.

(e) The control authority may allow the submission of a baseline report which utilizes only historical data as long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(Ord. No. 330, § 1(14-90.1), 9-19-1996)

Sec. 34-212. - Compliance date report.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the control authority for a user, this report shall contain a reasonable measure of the user's longterm production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the user.

(Ord. No. 330, § 1(14-90.2), 9-19-1996)

Sec. 34-213. - Periodic compliance reports.

(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 commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 34-211(d)(4). At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the reports set forth in this section are to be submitted.

(b) The control authority may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the

nature and concentration, or production and mass where requested by the control authority, of pollutants contained in such discharge which are limited by the applicable pretreatment standards.

(c) For users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), the report required by subsection (a) of this section shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (a) of this section shall include the user's actual average production rate for the reporting period.

(d) Significant non-categorical industrial users shall submit to the control authority at least once every six months, on dates specified by the control authority, a description of the nature, concentration and flow of the pollutants required to be reported by the control authority. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the User.

(Ord. No. 330, § 1(14-90.3), 9-19-1996; Ord. No. 514, § 9, 8-20-2009)

Sec. 34-214. - Reserved.

**Editor's note**— Ord. No. 514, § 9, adopted August 20, 2009, in effect repealed § 34-214, which pertained to monitoring and analysis in support of self-monitoring requirements and derived from Ord. No. 330, adopted September 19, 1996. Similar provisions can now be found in §§ 34-214.1—34-214.4.

Sec. 34-214.1. - Self-monitoring.

The control authority may require industrial users to conduct self-monitoring. The control authority shall determine the frequency of self-monitoring necessary to assess and assure compliance by the industrial user with applicable pretreatment standards and requirements. The control authority may require the industrial user to provide a split of self-monitoring samples. The control authority shall require appropriate reporting from industrial users required to conduct self-monitoring.

(Ord. No. 514, § 9, 8-20-2009)

Sec. 34-214.2. - Sampling and analysis procedures and methods.

All sampling and analyses conducted shall be performed in accordance with the procedures and methods detailed in the most current version of:

(1) "The Guidelines Establishing Test Procedures for the Analysis of Pollutants" 40 CFR, part 136, as amended.

(2) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association.

(3) "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency.

(4) Any other method as may be approved by the Control Authority.

(Ord. No. 514, § 9, 8-20-2009)

Sec. 34-214.3. - Laboratory utilized by industry conducting self-monitoring to be approved by control authority; quality control documentation required.

(a) Each laboratory utilized by industries conducting self-monitoring as required by the control authority shall be approved by the control authority and required to operate a formal quality control program as outlined in the most current version of:

(1) "Handbook for Analytical Quality Control in Water and Wastewater Laboratories," United States Environmental Protection Agency.

(2) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association.

(b) Laboratories conducting analyses for industrial users must submit a copy of the formal quality control documentation prior to approval by the control authority. Approval of laboratories shall be subject to periodic review. The control authority shall have the right to issue blind standards to be analyzed by other laboratories being utilized for self-monitoring. In the case of resolving disputes between analytical data generated by the control authority and another laboratory, any data without documented supporting quality control data will be rejected.

(Ord. No. 514, § 9, 8-20-2009)

Sec. 34-214.4. - Monitoring and analysis in support of self-monitoring requirements.

(a) The reports required by sections 34-186, 34-211, 34-213, 34-215 and 34-216 shall be based on sampling and analysis performed in the period covered by the report, at the location set forth by the control authority, and performed in accordance with the sampling and analysis procedures as outlined in section 34-214.2. This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the control authority itself collects all the information required for the report, the user will not be required to submit the report.

(b) If sampling performed by a user indicates a violation, the user shall notify 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 superintendent within 30 days after becoming aware of the violation, except the user is not required to resample if:

(1) The control authority performs sampling at the industrial user at a frequency of at least once per month; or

(2) The control authority performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of such sampling.

If the Control Authority performs the sampling for the SIU, the Control Authority must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation.

(c) The reports required in paragraphs (a) and (d) of section 34-213 shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) If an industrial user subject to the reporting requirement in sections 34-186, 34-211, 34-213, 34-215 and 34-216 monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(e) The reports required by sections 34-211, 34-213, 34-215 and 34-216 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative.

(f) The reports required in sections 34-211, 34-212, 34-213(a) and 34-213(d) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic compounds and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(Ord. No. 514, § 9, 8-20-2009)

Sec. 34-215. - Requirements for significant industrial users.

Every significant non-categorical industrial user shall submit to the control authority at least once every six months, on the date specified by the control authority, a description of the nature, concentration and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EGLE or control authority determines that 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the control authority or other persons, approved by the EGLE. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. This sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user. Where the control authority itself collects all the information required for the report, the significant non-categorical industrial user will not be required to submit the report.

(Ord. No. 330, § 1(14-90.5), 9-19-1996; Ord. No. 514, § 9, 8-20-2009)

Sec. 34-216. - Requirements for nonsignificant industrial users.

The control authority may require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards, and are not otherwise deemed by the control authority to be significant.

(Ord. No. 330, § 1(14-90.6), 9-19-1996)

Sec. 34-217. - Hazardous waste notification.

(a) Any nondomestic user, except as specified in subsection (e) of this section, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261, shall notify the control authority in writing of such discharge.

(b) All hazardous waste notifications shall include:

(1) The name of the hazardous waste as set forth in 40 CFR 261;

(2) The EPA hazardous waste number;

(3) The type of discharge (continuous, batch or other); and

(4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(c) In addition to the information required to be submitted in subsection (b) of this section, nondomestic users discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain, to the extent such information is known and readily available to the nondomestic user:

- (1) An identification of the hazardous constituents contained in the waste;
- (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
- (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(d) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this subsection need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must also be submitted under section 34-154(b).

(e) Nondomestic users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

(Ord. No. 330, § 1(14-90.7), 9-19-1996)

Sec. 34-218. - Signatory requirements.

The reports required in sections 34-211—34-213, 34-215—34-216 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii,) and shall be signed as follows:

- (1) By a responsible corporate official if the industrial user submitting the reports is a corporation. For the purpose of this subsection, a "responsible corporate official" means:
  - a. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production or operation facilities employing 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00, in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in subsection (1) or (2) of this section, if:

a. The authorization is made in writing by the individual described in subsection (1) or (2) of this section;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

c. The written authorization is submitted to the control authority.

(4) If an authorization under section 34-193(c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of section 34-193(c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 330, § 1(14-90.8), 9-19-1996)

Secs. 34-219—34-235. - Reserved.

Subdivision VI. - Delegation

Sec. 34-236. - Resolution of township board.

The township board may, by resolution which shall be amendable and revocable at any time upon appropriate notice to the delegee and EGLE, delegate all or any part of the permitting, inspection and other township or control authority functions or responsibilities specified in this division, to any other governmental agency operating and maintaining the POTW or public sewers on behalf of the township. Such resolution shall be effective only for such portion of the township public sewers and related functions as are operated and maintained or performed by such designee.

(Ord. No. 330, § 1(14-91), 9-19-1996)

Secs. 34-237—34-270. - Reserved.

ARTICLE III. - WATER<sup>[3]</sup>

Footnotes:

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**Editor's note**—Ord. No. 498, § 1, adopted Sept. 7, 2006, amended Art. III, in its entirety, to read as herein set out. Former Art. III pertained to similar subject matter. See also the Code Comparative Table.

Sec. 34-271. - Definition.

When used in this article, the word "system" means all water mains and water supply facilities and their appurtenances which the township has or shall have possession of and operating responsibility for, whether owned by the township or not, either now in existence in the township or hereafter acquired or constructed in the township, together with all works, plants, instrumentalities and properties used or useful in connection therewith in the obtaining of a water supply or in the treatment or distribution of water.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-272. - Connection to the system.

Connection to the system, directly or indirectly, and the use of water from such system for all purposes shall only be in compliance with this article, as amended, and the use of water from such system for all purposes shall only be in compliance with this article, as amended, and in compliance with the standards and regulations of the township and county applicable thereto, as amended.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-273. - Legislative findings.

The following legislative findings are made:

- (1) Potable water. The township board finds that the businesses, industries, farms, schools, governmental agencies, charitable organizations, residents, and other water users located in the township need to have potable water for consumption and other uses.
- (2) Availability of potable water. The township board finds that the supply of potable water available from private wells within the township is insufficient, in most instances, due to poor water quality and/or lack of sufficient volume, to assure that businesses, industries, farms, schools, governmental agencies, charitable organizations, residents, and other water users will have sufficient potable water available for consumption and also sufficient water for business and industrial purposes, fire prevention and control, and other uses.
- (3) Method of measuring use. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the most precise method of measuring the water provided by the system to a user is by a meter or meters controlled by the township.
- (4) Continuity of service. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that in order to provide and continue to provide water to all users of the system, in quantities necessary for all types of use, it is necessary from time to time to complete repairs, maintenance, reconstruction, and replacement of the system.

(5) Purpose of charges. The charges, rates, and fees for connection to the system and the use of water from the system are established pursuant to this chapter for the purpose of recovering the cost of the construction, reconstruction, replacement, maintenance, repair, and operation of the system and the cost of compliance with all applicable federal and state laws and related rules and regulations, and to provide for the payment of principal and interest on any bonds sold or other indebtedness incurred to finance the construction, reconstruction or other costs of the system. These charges, rates, and fees shall be assessed and be payable in accordance with the provisions of this chapter and shall apply to all users of the system. The charges, rates, and fees authorized by this chapter shall be established so as to recover costs from the system users in reasonable proportion to the cost of serving those users.

The township administration staff, in consultation with the township rate consultant and township engineers, as necessary, shall periodically review the charges, rates, and fees of the system. The results of this review shall be periodically reported to the township board with recommendations for adjustments, if any.

(6) Proportionality, fairness, and benefits of rates and fees. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the fairest and most reasonable method of providing for system costs is to charge each user, based on the cost of servicing the customer, for: (i) the cost of purchasing water; (ii) ongoing repair, replacement, and reconstruction of the system; and (iii) the operation, administration, and maintenance costs of the system.

(7) Water service charges. The township administration staff, in consultation with the township rate consultant and the township engineers, have reviewed various methods of apportioning the costs for the water service provided by the system. Based on this investigation, and on the advice of the township rate consultant and the township engineers, the township board finds that to ensure the stability and viability of the system for the benefit of its users, the fairest and most accurate way to apportion system costs is to charge each user: (i) connection charges when a user's property is first connected to the system; (ii) a monthly readiness-to-serve charge for each property connected to the system; and (iii) a commodity rate for each 1,000 gallons of water used, as measured by a water meter. The township board finds that the charges, rates, and fees authorized in this chapter fairly and accurately apportion the system fixed and variable costs among the users of the system and that the connection charges, the monthly readiness-to-serve charge, and the commodity rate provide actual benefits to system users in the form of ready access to water service that would not be available if those charges were not imposed.

(8) Cash reserve. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that it is necessary to maintain a cash reserve for the timely replacement of system assets and to maintain the financial stability of the system.

(9) Frontage charge. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the frontage charge component of the connection charge is intended to require the premises owner to pay the actual cost of the

acquisition, construction and completion of the system water main which adjoins the connecting premises and a portion of the cost of system water main that must be constructed past frontage that is non-assessable (intersections, exempted corner lot frontage, non-buildable land, etc.) in order to provide water service to the connecting premises. It is impossible to build a water main in segments so that water main is constructed in front of a particular premises only at such time as that premises owner desires to connect to the system. Instead, system extensions of water main will sometimes be made past premises that have no present need for water from the system in order to extend the system to serve the water service needs of properties further downstream. When these premises that do not need water service from the system at the time the system water main extension is constructed, decide later to connect to the system, it is necessary to establish a frontage charge that fairly reflects the original cost of the water main extension plus the cost of capital, the time value of money, from the construction date to the connection date. To provide for this, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board has determined that it will establish periodically, on a township-wide basis, the current cost to construct water system extensions (without oversizing but including non-assessable frontage) and charge those premises that connect to a system water main extension the current water main per front foot extension cost.

(10) Trunkage charges. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the trunkage charge component of the connection charge required to be paid prior to connection to the system should reflect the investment of the existing water customers in the system, and that connection to the system provides an actual benefit to each new user equal to or greater than the amount of this charge. Further, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the trunkage charge to be paid by each premises connecting to the system should be based on the size of the water meter which is installed. The township board further finds, based on the advice of the township administrative staff, the township rate consultant, and the township engineers, that the meter size, fairly and reasonably computes, to the extent reasonably possible, the water usage from the system by various types of water customers.

(11) Water tap and other charges. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the water tap fee, meter fee, and the other miscellaneous water service charges and fees represent the approximate actual cost of the water tap, meter, and each such service.

(12) Fire protection charge. Based on the advice of the township administrative staff, the township rate consultant, and the township engineers, the township board finds that the fire protection charge represents a fair, reasonable, and proportionate charge to the users who are charged the fee and that the benefit received by such users is equal to or greater than the amount of such fee.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-274. - Connection charges.

The following charges and fees shall apply to all connections to the system:

(1) Connection fees.

a. A tap fee, as provided in a township board resolution adopted from time to time, for the installation and use of a water tap from the water line to the property line, shall be payable for each premises connecting to the system. However a tap fee shall not be payable if (i) a tap fee has previously been paid or assessed against the premises to be connected or (ii) the water tap has previously been constructed by private parties or by the township on behalf of and at the expense of private parties, except that if the township has a contractual reimbursement obligation with respect to such water tap, then a tap fee shall be payable. In addition, a meter fee, and remote reader hook up fee, both as provided in a township board resolution adopted from time to time, for the installation and use of a water meter and the remote reader, shall be payable for each premises connecting to the system.

b. The water tap fee, water meter fee, and remote reader hook up fee shall be paid in cash at the time an application to connect is made.

(2) Inspection and approval fees. Inspection, development, and fire main fees, as provided in a township board resolution adopted from time to time, shall be charged for each connection to the system. All fees shall be paid in full at the time an application to connect is made to the township.

(3) Frontage charge.

a. Those premises adjacent to a system water main which have not been included in a special assessment district to pay any part of the cost of such main, or which have been included in a special assessment district but have not been assessed for the frontage on the water main which will provide water service to the connecting premises, shall pay a frontage charge. However, no frontage charge shall be made where: (i) the entire frontage of the subject premises was previously assessed a frontage charge; or (ii) the system water main adjacent to the connecting premises was constructed as part of a development or project in which private parties or the township on behalf of and at the expense of private parties have constructed such water main except that if the township has a contractual reimbursement obligation with respect to such water main, then the frontage charge shall be payable. The water frontage charge shall be as provided in a township board resolution adopted from time to time.

b. The assessable frontage for each premises shall be measured at the edge of the street/road right-of-way. Except in the case of a corner lot as provided in this subsection, all premises shall be assessed for their full frontage regardless of whether the water main extends across the entire width of the premises, including those premises that do not have road frontage. All premises to be assessed under this subsection (3) shall be assessed for a minimum of 100 feet of frontage. In the case of lands zoned AG- Agricultural, the maximum frontage assessment shall be for 350 feet; frontage that is deferred pursuant to this provision shall pay a frontage charge at the then current rate when an application is made to connect a premises that includes some or all of the deferred frontage to the system. Corner lots shall be assessed on both street frontage sides but shall receive an exemption of up to 150 feet on the long side. Notwithstanding the foregoing provisions, on application from the owner or other interested party of the affected premises, the frontage charge may, by action of the township

board by resolution, be waived, all or in part, when special or unusual circumstances exist. The township board may require the owner of the premises and/or interested party to execute and deliver to the township such agreements, in recordable form, financial guarantees, or other assurances as the township board shall determine to be reasonably necessary.

c. The frontage charge may be paid in cash at the time an application to connect is made or, in the alternative for an existing dwelling only, in installments. If paid in installments, the frontage charge shall be paid in ten equal consecutive annual principal installments.

Each installment shall be due and payable before June 1 of each year. The first installment shall be payable before the first June 1 following the date on which the application to connect is received by the township. Interest on the unpaid balance shall be due and payable annually on each principal installment date. Interest shall commence on the first day of the first month following the month in which the application to connect is received by the township.

The interest rate per annum for connections to all portions of the system constructed with the proceeds of the sale of bonds (the "bonds") sold by or on behalf of the township shall equal the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent. The interest rate for connections to all other portions of the system shall be eight percent per annum. If connection is made to a portion of the system not constructed with the proceeds of the sale of bonds which is then later financed with the sale of bonds, then the interest rate per annum shall then be adjusted to the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent. If paid in installments, the unpaid balance of the frontage charge and all interest thereon should constitute a lien on the premises served.

d. If a decision is made to pay the frontage charge in installments, the frontage charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted. All prepayments shall be applied to the installments payable in inverse order of their due date. If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent for each month or fraction of a month that any amount remains delinquent.

(4) Trunkage charge.

a. Those premises which have not been included in a special assessment district, which included as part of the assessment a trunkage charge, shall pay a trunkage charge.

b. Those premises included in a special assessment district where the trunkage charge component of the special assessment was determined based on a smaller size water meter than will actually be utilized for the connection, shall pay a trunkage charge. This trunkage charge shall be equal to the difference between the current trunkage charge for the size of meter utilized to determine the special assessment and the current trunkage charge for the size of meter which is actually being installed.

c. Those premises which have previously paid a trunkage charge as part of a special assessment or as part of a connection charge, and which are already connected, but which request a larger water meter, shall pay a trunkage charge. This trunkage charge shall be equal to the difference between the current trunkage charge for the size of meter that is presently installed and the current trunkage charge for the requested larger meter.

d. The trunkage charge shall be as provided in a township board resolution adopted from time to time, and shall apply to a domestic meter as well as a sprinkling meter, if one is installed. If paid in installments, the unpaid balance of the trunkage charge and all interest thereon shall constitute a lien on the premises served.

e. The trunkage charge may be paid in cash at the time an application to connect is made or, in the alternative for an existing dwelling only, in installments. If paid in installments, the trunkage charge shall be paid in ten equal consecutive annual principal installments.

Each installment shall be due and payable before June 1 of each year. The first installment shall be payable before the first June 1 following the date on which the application to connect is received by the township. Interest on the unpaid balance shall be due and payable annually on each principal installment date. Interest shall commence on the first day of the first month following the month in which the application to connect is received by the township.

The interest rate per annum for connections to all portions of the system constructed with the proceeds of bonds sold by or on behalf of the township shall equal the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent. The interest rate for connections to all portions of the system not constructed with the proceeds of bonds shall be eight percent per annum. If connection is made to a portion of the system not constructed with the proceeds of the sale of bonds which is then later financed with the sale of bonds, then the interest rate shall then be adjusted to the average interest rate on the bonds, rounded to the nearest 100th of one percent, plus one percent.

f. If a decision is made to pay the trunkage charge in installments, the trunkage charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted. All prepayments shall be applied to the installments payable in inverse order of their due date. If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent for each month or fraction of a month that any amount remains delinquent.

If paid in installments, the unpaid balance of the trunkage charge and all interest and penalties thereon shall constitute a lien on the premises served.

(5) Agreement. At the time of each application to connect to the system, if any portion of the frontage charge and/or trunkage charge will be paid over time, as a condition precedent to connection, the owner of the premises to be served shall sign an agreement in recordable form with the township stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served. If any installment of a

frontage charge and/or trunkage charge, or any interest or penalties thereon, is not paid in a timely manner, the township shall have the right to turn off the water service to the premises and such water service shall not be restored to the premises until all amounts then due and payable are paid in full.

(6) Tax bill collection. If any frontage charge and/or trunkage charge or any interest or penalties thereon, is delinquent for three months or more, then on or before September 1 of each year, the township superintendent shall certify the delinquent amount to the township supervisor, who shall enter the lien on the next tax roll against the premises to which water connection has been provided, and the charges shall then be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for taxes.

(Ord. No. 498, § 1, 9-7-2006; Ord. No. 516, § 1, 9-3-2009)

Sec. 34-275. - Water rates.

(a) Charges for water supplied to each premises connected to the system shall be as provided in a township board resolution adopted from time to time; provided, however, that when the township has contracted with another unit of government to operate all or part of the system on a retail basis, water charges shall be established for the portion of the system operated under contract between the township and such other unit of government as is provided in that contract. No free service shall be furnished by the system to the township, to any person or to any public agency or instrumentality. The township shall pay for water supplied to it or any of its departments or agencies at the rates established pursuant to this section from time to time. In addition, the township shall pay for water used through fire hydrants for fire protection and other purposes an annual charge per hydrant as prescribed in a township board resolution adopted from time to time, such charge to be payable on June 1 of each year for the previous 12 months, and to be prorated in those instances where the hydrant has been in use for only a portion of the previous year.

(b) Charges for special water services, such as change/install remote reader, turn on/turn off water service, and any other special water service, shall be as provided in a township board resolution adopted from time to time. Any special water service for which a charge has not been established in a township board resolution adopted from time to time shall be charged on a time and materials basis.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-276. - Billing and enforcement.

(a) Charges for water shall be billed monthly. Monthly bills shall usually be mailed within 25 days after the water meter is read. Monthly water bills shall be due and payable as follows:

(1) Bills dated on or before the fourth day of the month shall be due on or before the 20th day of the month;

(2) Bills dated after the fourth day of the month, but on or before the 12th day of the month, shall be due on or before the first day of the next month; and

(3) Bills dated after the 12th day of the month shall be due on or before the tenth day of the next month.

If a bill payment deadline falls on a Saturday, Sunday or other day when the township office is not open for business, the deadline shall be extended to the next day on which the township office is open for business. If a bill is not paid within 60 days from the due date of the initial billing, then a water shut off notice shall be mailed. If the bill is not paid prior to the deadline specified in the shut off notice, the customer's water service shall be shut off immediately, without further notice. A delinquent water bill service fee, as provided in a township board resolution adopted from time to time, shall be charged to the customer if the bill is not paid prior to the deadline specified in the shut off notice.

The fees provided in a township board resolution adopted from time to time shall be paid in cash when the service is requested except that the delinquent water bill service fee shall be paid before water service will again be provided or continued for the premises and shall accrue and be payable as set forth in the termination notice.

(b) Charges for water, and all penalties, shall constitute a lien on the property served. On or before September 1 of each year, the township superintendent shall deliver to the township supervisor a certified statement of all water charges and penalty charges thereon then three months or more past due and unpaid. The township supervisor shall then place such charges on the next general tax roll and such charges shall be collected and such lien shall be enforced in the same manner as is provided for general township taxes.

(c) Notwithstanding the provisions of this section, where the township has contracted with another unit of government (the retail operator) to operate all or part of the system on a retail basis, the procedures for billing and collection shall be established for the portion operated under contract between the township and such other unit of government as is provided in that contract. In the circumstances where the township has been required to reimburse the retail operator for water charges or penalties thereon, the township board may add to such water charges additional penalties. All amounts paid by the township to the retail operator on account of the water customer's delinquent water bill plus all penalties thereon shall constitute a lien on the property served. On or before September 1 of each year, the township superintendent shall deliver to the township supervisor a certified statement of all amounts paid by the township to the retail on account of delinquent water customers bills plus all penalties thereon where the bills are three months or more past due and unpaid from the initial customer billing by the retail operator. The township supervisor shall then place such charges on the next general tax bill and such charges shall be collected and such lien enforced in the same manner as is provided for general township taxes.

(Ord. No. 498, § 1, 9-7-2006; Ord. No. 516, § 1, 9-3-2009)

Sec. 34-277. - Fiscal year.

The system shall be operated on the basis of a fiscal year beginning January 1 of each year and ending on December 31 of the same year.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-278. - Application to connect.

No connection shall be made to the system without obtaining a permit for such connection. Application for such permit shall be made by the premises title holder or land contract purchaser, and filed with the township. The township shall issue such permit when all prescribed conditions have been met. Such permit shall be issued subject to such rules and regulations as may be established and amended by the township board from time to time.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-279. - Financial records.

The township shall cause to be maintained appropriate financial records relating to the operation of the system. These records shall be audited annually by the same certified public accountant who does the general township audit and the results of the system audit shall be included as part of the township general audit report.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-280. - Prohibition of cross connection.

No cross connection which would violate the water supply cross connection rules of the State of Michigan Department of Environmental Quality, or any successor State of Michigan agency, as amended, changed, or added to from time to time, shall be made. The township superintendent or his representative shall have the right to enter, at any reasonable time, any premises connected to the system for the purpose of inspecting the piping system related thereto for cross connections. On request, the owner, lessees, or occupants of the premises served by the system shall furnish to the township superintendent or his representative any pertinent information relating to the piping system on such premises. The township superintendent or his representative is authorized and directed to discontinue water service after reasonable notice to any premises where a cross connection has been made in violation of this article. In addition, the township superintendent or his representative shall take such other precautionary measures as shall be necessary to eliminate any danger of contamination of the system. Water service which has been discontinued because of a cross connection shall not be restored until the cross connection has been eliminated and the fee prescribed in a township board resolution adopted from time to time has been paid to the township.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-281. - Work in right-of-way.

All work in the street right-of-way or on public easements, including service lines to the property line, shall be constructed and performed by the township or its agents or contractors.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-282. - Water customers outside the township.

Water customers located outside the township connecting to the system, who are not within the service area established by a contract between the township and a neighboring unit of government, shall pay all of the charges, fees and rates provided for in this article. Water customers who are within the service area established by a contract between the township and a neighboring unit of government, shall be subject to the terms of that contract.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-283. - Meters.

The township shall have the right to enter, at any reasonable time, any premises connected to the system for the purpose of reading the water meter or otherwise inspecting the piping systems which are connected to the system. If any meter shall fail to register properly, the township shall estimate the amount of water consumed based on prior billing periods and bill the water customer accordingly. A water customer may request that a water meter be tested for accuracy. If the meter is found accurate within acceptable tolerances, a charge as provided in a township board resolution adopted from time to time shall be made to the water customer. If the meter is found to be inaccurate within acceptable tolerances, the meter shall be repaired or a new meter shall be installed, and no charge shall be made to the water customer either for the test or the meter repair or replacement.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-284. - Service line maintenance.

The owner of each premises served by water shall maintain the service line from the street right-of-way to the building, structure or other improvement served with water in good condition with no leaks, breaks or other malfunction. Unless otherwise authorized in writing by the township, each service line shall serve one premises only.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-285. - Repair or replacement of meter, meter horn or angle valve.

If the meter, meter horn or angle valve is damaged for any reason, any required repair and replacement shall be at the expense of the premises owner. If the meter, meter horn or angle valve malfunctions or is defective, repair or replacement shall be at the expense of the township.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-286. - Damage to system facilities.

No person, except an employee of the township or other person duly authorized by the township, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the system.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-287. - Fire hydrant use or obstruction.

(a) No person, except an employee of the township or other person duly authorized by the township, shall open or use any fire hydrant, except in case of an emergency, without first securing written permission from the township and paying the charge as provided in a township board resolution adopted from time to time. No tool, other than the prescribed township fire department wrench, shall be used to open any fire hydrant.

(b) No person, in removing snow or ice from private property, shall deposit such snow or ice on or near a fire hydrant so that any portion of the fire hydrant is obscured from visibility or is obstructed or otherwise inaccessible for use by the township fire department.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-288. - Water emergency orders.

The township superintendent, or the township supervisor when the township superintendent is unavailable or unable to act, may, by written order, subject to review and modification or reversal by the township board, regulate, limit or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to ensure an adequate supply of water for essential water needs and for fire protection. Notice of the promulgation of any such order shall be published in the Holland Sentinel as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this article and shall be subject to the penalties and other remedies prescribed in this article.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-289. - Rules and regulations.

The township may, from time to time, adopt by resolution of its township board, rules and regulations governing operational, maintenance, and technical matters relating to the system. Violation of any such rule or regulation shall constitute a violation of this article and shall be subject to the penalties and other remedies prescribed for the enforcement of this article.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-290. - Disruption of service.

The township shall not be liable for any failure or deficiency in the supply of water to water customers whether occasioned by maintenance or repair of the system, or any other cause.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-291. - Standard construction requirements.

The township may, from time to time, adopt by resolution of its township board, standard construction requirements for the system, and establish a reasonable fee for obtaining copies of those requirements from the township. Violation of any provision of such standard construction requirements shall constitute a violation of this article.

(Ord. No. 498, § 1, 9-7-2006)

Sec. 34-292. - Violation; penalties.

Any person who shall violate any provision of this article shall be responsible for a municipal civil infraction and subject to the enforcement procedures and penalties as set forth in section 1-13.

(Ord. No. 498, § 1, 9-7-2006)

HCT 3 Chapter 34 - Utilities RAB 05292018

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board on November 21, 2019, after introduction and a first reading on November 7, 2019, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective on December 6, 2019, 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.

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Terry Nienhuis, Supervisor

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Michael Dalman, Clerk

**CERTIFICATE**

We, Terry Nienhuis and Michael Dalman, the Supervisor and Clerk, respectively, for the Charter Township of Holland, Ottawa County, Michigan, do hereby certify that the foregoing Holland Charter Township Zoning Ordinance Amendment was adopted at a regular meeting of the Township Board held on November 21, 2019. The following members of the Township Board were 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 present voting in favor and no members of the Board voting in opposition. The Ordinance was published in the *Holland Sentinel* on November 27, 2019.

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Terry Nienhuis, Township Supervisor

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Michael Dalman, Township Clerk