

ORDINANCE NO. 391
CHARTER TOWNSHIP OF ZEELAND
2017 SEWER USAGE AND ADMINISTRATION ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL THE USE OF PUBLIC AND PRIVATE SEWERS, SEWER SYSTEMS AND DRAINS; TO REGULATE AND CONTROL THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; TO REGULATE AND CONTROL THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; TO PROVIDE FOR THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PEOPLE OF ZEELAND CHARTER TOWNSHIP; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR CONFLICTS WITH OTHER ORDINANCES AND REGULATIONS.

THE CHARTER TOWNSHIP OF ZEELAND, COUNTY OF OTTAWA, STATE OF MICHIGAN ORDAINS:

CHAPTER 1
GENERALLY

SECTION 1.1 SHORT TITLE.

This Ordinance shall be known and may be cited as the "Zeeland Charter Township 2017 Sewer Usage and Administration Ordinance."

SECTION 1.2 DEFINITION.

When used in this Ordinance, 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.

SECTION 1.3 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 Ordinance. However, to the extent the Township has entered into contracts with other local units of government for sanitary sewer service, and to the extent those contracts directly provide for or result in different connection or service terms than are provided in this Ordinance, those contracts shall control.

SECTION 1.4 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 Ordinance 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 Ordinance and shall apply to all users of the System. The charges, rates, and fees authorized by this Ordinance 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 Ordinance 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 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 Ordinance in Schedule A appended to this Ordinance, with possible adjustment for various factors as provided in this Ordinance, 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.

SECTION 1.5 CONNECTION CHARGES.

The following charges and fees shall apply to all connections to the System. The initial amounts of the charges and fees are provided in Schedule B, although they may thereafter be revised by Township Board resolution.

- (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 Schedule B appended to this Ordinance, 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 shall 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 15 equal consecutive annual principal installments.

Each installment shall be placed on the December 1 tax bill for each year, due and payable the immediately following February 14. The first installment shall be placed on the first December 1 tax bill 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 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 Schedule B appended to this Ordinance.
- 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 in the Township's agricultural district and residential districts, but excluding any planned unit developments or plats, the maximum frontage assessment shall be for 200 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 shall 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 15 equal consecutive annual principal installments.

Each installment shall be placed on the December 1 tax bill for each year, due and payable the immediately following February 14. The first installment shall be placed on the first December 1 tax bill 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 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 Schedule B appended to this Ordinance. 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 Ordinance 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 shall 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 15 equal consecutive annual principal installments.

Each installment shall be placed on the December 1 tax bill for each year, due and payable the immediately following February 14. The first installment shall be placed on the first December 1 tax bill 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 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) Inspection and development fees – inspection and development fees, as provided in Schedule B appended to this Ordinance, 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.
- (5) 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.
- (6) 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 Treasurer 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.
- (7) These connection charges may in the future be revised by Township Board resolution.

SECTION 1.6 SEWER SERVICE CHARGES.

Sewer charges for each premises connected to the System shall initially be as provided in Schedule B appended to this Ordinance although they may thereafter be revised by Township Board resolution; 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 this Ordinance.

SECTION 1.7 BILLING AND ENFORCEMENT.

- (1) 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:
 - a. Bills dated on or before the fourth day of the month shall be due on or before the 20th day of the month;
 - b. 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
 - c. 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 Schedule B appended to this Ordinance, shall be charged to the customer if the bill is not paid prior to the deadline specified in the notice.

- (2) 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 Treasurer 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.
- (3) 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 Treasurer 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.

SECTION 1.8 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.

SECTION 1.9 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.

SECTION 1.10 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.

SECTION 1.11 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.

SECTION 1.12 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 Ordinance and shall be subject to the penalties and other remedies prescribed for the enforcement of this Ordinance.

SECTION 1.13 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 Ordinance.

SECTION 1.14 VIOLATION; PENALTIES.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to the enforcement procedures and penalties as set forth in Ordinance No. 229, unless specific provisions of this Ordinance include specific civil infraction penalties, or unless specific violations of this Ordinance are specified to be misdemeanors.

CHAPTER 2 **SEWER USE REGULATIONS**

SECTION 2.1 RULES OF CONSTRUCTION.

The following rules of construction shall apply to this Ordinance.

- (1) The particular shall control the general.
- (2) Except with respect to the definitions in this Ordinance, the headings which title a chapter, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance 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.

SECTION 2.2 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
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

SECTION 2.3 DEFINITIONS.

The following words, terms, and phrases, when used in this Ordinance, 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.

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 this Ordinance. 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.

BPW means the board of public works of the Township, its authorized deputy, agent, or representative.

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.

DEQ and DNR mean the state department of environmental quality or any successor governmental agency having similar regulatory jurisdiction.

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.

40 CFR 403 means the general pretreatment regulations outlined in 40 CFR 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.

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 2.48.

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.

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

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; or
 - 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 Wastewater Treatment Plant for the HAWWTP Service Area, and the Superintendent of the Zeeland Clean Water Plant for the ZCWP Service Area, or their authorized representatives.

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 1284(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.

SECTION 2.4 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 DEQ.
- (2) No person shall discharge to any natural outlet any waste or sewage unless such discharge is specifically permitted and approved by the DNR.

SECTION 2.5 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 DNR or MDPH.

SECTION 2.6 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 Ordinance.

SECTION 2.7 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 DNR 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.

SECTION 2.8 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 DNR and/or MDPH.

SECTION 2.9 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.

SECTION 2.10 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.

SECTION 2.11 ADDITIONAL REQUIREMENTS.

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

SECTION 2.12 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 the owner's authorized representative shall be responsible, at the owner's 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 the owner's 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.

SECTION 2.13 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 Schedule A which is appended to this Ordinance pertaining to sewer fees, rates, and charges. 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.

SECTION 2.14 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.

SECTION 2.15 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.

SECTION 2.16 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.

SECTION 2.17 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 the owner's duly authorized representative, and the owner of the building or premises or the owner's duly authorized representative shall pay all charges and expenses for the operation of the pump or other suitable device.

SECTION 2.18 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.

SECTION 2.19 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.

SECTION 2.20 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 2.17 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.

SECTION 2.21 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.

SECTION 2.22 STORMWATER.

Except as otherwise provided in Section 2.48(1)c 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, roof downspout, areaway drain, or other source of surface water or groundwater shall be connected to a sanitary sewer. All footing drain water shall be discharged to storm sewers or dry wells. Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or uncontaminated industrial process water shall only be permitted when authorized and approved by the DEQ. For purposes of this section, the term "uncontaminated industrial process water" shall mean water which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

SECTION 2.23 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 DEQ, MDPH, or the health department.

SECTION 2.24 PROHIBITED WASTE DISCHARGE.

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

SECTION 2.25 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 the owner's expense.

SECTION 2.26 EMERGENCY PROVISIONS.

No statement contained in this Ordinance 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.

SECTION 2.27 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.

SECTION 2.28 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 the person shall comply with the provisions of this Ordinance, the laws of the state, and all other lawful regulations.

SECTION 2.29 UNLAWFUL DISPOSAL OF WASTES.

- (1) 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.
- (2) 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 2.48 which constitute a nuisance unless specifically permitted by law, or which may constitute a hazard to the public health.
- (3) 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 Ordinance or directly into a public sewer without authorization.

SECTION 2.30 DISCHARGE INTO STORM DRAIN OR NATURAL DRAIN
PROHIBITED; EXCEPTION.

- (1) 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 (2) of this section.
- (2) 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.
 - a. 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.
 - b. The industry shall allow the control authority, DEQ, 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.

SECTION 2.31 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 Township ordinance requirements regarding the discharge of hazardous or toxic material, and shall include a statement regarding what aspects of the waste conveyance or system are unsanitary and dangerous to the public health.

SECTION 2.32 REQUEST FOR VARIANCE.

- (1) Any person desiring a variance from the provisions of this Ordinance may apply in writing to the Township Supervisor (or such other person designated in a Township contract with a municipality providing sanitary sewer service to the Township) for such a variance. The Township Supervisor (or such other person) 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 Township ordinances or other applicable state and federal law.
- (2) Any person adversely affected or aggrieved by a decision of the Township Supervisor (or such other person) under subsection (1) above may appeal to the Township Board (or such other person or body designated in a Township contract with a municipality providing sanitary sewer service to the Township) for relief from that decision.
 - a. 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.
 - b. 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.
 - c. The enforcing body shall:

1. Deny the appeal;
 2. Grant the appeal; or
 3. Grant the appeal with additional conditions.
- d. The enforcing body's decision shall be made within 30 days of receiving the appeal request.
 - e. The decision of the enforcing body shall be the final administrative action for purposes of judicial review.

SECTION 2.33 NUISANCE.

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

SECTION 2.34 MUNICIPAL CIVIL INFRACTION.

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction unless the violation type is listed in this Ordinance 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. 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	2.27	\$100.00	\$250.00	\$500.00	1 year
	Unlawful disposal of waste	2.29	500.00	N/A	N/A	N/A
	Discharge into storm drain or natural drain	2.30	500.00	N/A	N/A	N/A
	Failure to connect to public sewer	2.6	100.00	N/A	N/A	N/A
	Unsanitary conditions exist	2.31	100.00	250.00	500.00	1 year

Schedule of Fines						
Violation Type	Nature of Violation	Sections	First Offense Fine	Second Offense Fine	Third Offense Fine	Period for Recurring Offense
Private Sewage Disposal Systems	Failure to obtain private sewage system permit	2.5, 2.8	100.00	250.00	500.00	N/A
	Failure to operate private disposal system in a sanitary manner	2.23	100.00	250.00	500.00	1 year
	Discharge of prohibited waste	2.24	100.00	250.00	500.00	1 year
Building Sewers and Connections						
	Failure to obtain sanitary sewer connection permit	2.12	100.00	250.00	500.00	1 year
	Opening or connecting with public sewer without permission	2.12	100.00	250.00	500.00	1 year
	Failure to install interceptor device	2.25	100.00	N/A	N/A	N/A
	Discharge of wastes not containing sewage	2.22, 2.48(1)3	200.00	500.00	1,000.00	1 year
	Failure to disconnect roof drain, footing drain or storm water/groundwater discharge after notification	2.22, 2.48(1)3	500.00	N/A	N/A	N/A
	Failure to have building sewer connection inspected	2.19	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	2.18	500.00	1,000.00	2,000.00	1 year
	Any discharge that causes pass-through or interference (See Note 4)	2.48(1)2	N/A	N/A	1,000.00	1 year
	Any discharge that causes pass-through or interference (second time) (See Note 4)	2.48(1)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)	2.48(1)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	2.48	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

Schedule of Fines						
Violation Type	Nature of Violation	Sections	Isolated	Recurring	Significant	Period for Recurring Offense
	Failure to accurately report noncompliance (first time)	2.54	N/A	N/A	0.00	1 year
	Failure to accurately report noncompliance (second time)	2.54	N/A	N/A	500.00	1 year
	Failure to accurately report noncompliance (third time)	2.54	N/A	N/A	1,000.00	1 year
	Failure to properly operate and maintain pretreatment facility	2.51	0.00	500.00	1,000.00	1 year
	Wastestream is diluted in lieu of treatment	2.52	500.00	1,000.00	2,000.00	1 year
	Discharge of waste that causes obstruction	2.48	0.00	100.00	500.00	1 year
Pretreatment Recordkeeping	Failure to develop spill prevention and slug control plans	2.53	100.00	0.00	0.00	N/A
	Copies of records denied	2.56	0.00	500.00	1,000.00	1 year
Pretreatment Reporting Violation	Failure to provide reports within 30 days	2.77 et seq.	N/A	N/A	500.00	1 year
	Failure to report spill or changed discharge (No harm)	2.54	0.00	500.00	1,000.00	1 year
	Failure to report spill or changed discharge (Harm)	2.54	500.00	1,000.00	2,000.00	1 year

Schedule of Fines						
Violation Type	Nature of Violation	Sections	Isolated	Recurring	Significant	Period for Recurring Offense
	Incomplete or missing records or reports	2.56	0.00	0.00	500.00	N/A
	Failure to report additional monitoring	2.83	0.00	100.00	500.00	1 year
	Failure to notify of bypass	2.75	100.00	500.00	1,000.00	1 year
Pretreatment Monitoring Violation	Failure to monitor all pollutants according to permit	Permit	0.00	100.00	500.00	1 year
	Failure to install monitoring equipment	2.74	0.00	100.00	500.00	1 year
	Sampling at incorrect location	2.81	0.00	100.00	500.00	N/A
	Sampling using incorrect sampling type	2.81	0.00	100.00	500.00	N/A
	Sampling using incorrect sampling collection techniques	2.81	0.00	100.00	500.00	N/A
	Failure to follow proper analytical requirements	2.57	0.00	100.00	500.00	1 year
Other Pretreatment Violations	Failure to post POTW phone number in facility	2.55	0.00	100.00	500.00	1 year
	Failure to train employees in emergency notification procedure	2.55	0.00	100.00	500.00	1 year
	Entry for site visit denied or consent withdrawn	2.59	0.00	500.00	1,000.00	1 year

Schedule of Fines						
Violation Type	Nature of Violation	Sections	Isolated	Recurring	Significant	Period for Recurring Offense
	Failure to meet compliance deadlines for existing or new source	2.60	500.00	1,000.00	2,000.00	1 year
Other	Any other violation of this Ordinance		100.00	250.00	500.00	N/A

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	2.48	0.00	500.00	1 year
	Violation of applicable Technical Review Criteria (TRC) (See Note 3)	2.48	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 2.37.

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).

SECTION 2.35 MISDEMEANOR.

A person who violates any provision of this Ordinance 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.

SECTION 2.36 ADMINISTRATIVE REMEDIES.

A person who violates any provision of this Ordinance 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 Ordinance, or a wastewater discharge permit or order issued under this Ordinance, 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 Ordinance, 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 Ordinance or a wastewater discharge permit issued under this Ordinance, 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 Ordinance or a wastewater discharge permit issued under this Ordinance, 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. Any user who is found to have violated any provision under this Ordinance, or permits and orders issued under this Ordinance, 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 Township ordinance 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 2.45.

- (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 2.45.
- (8) Termination of wastewater discharge permit. Any industrial user who violates the following conditions of the user's 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; or
 - 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 this section 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 2.3, with any provisions of this Ordinance or any permit or order issued under this Ordinance during the period since the previous publication.

SECTION 2.37 JUDICIAL REMEDIES.

A person who violates any provision of this Ordinance 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 Ordinance or a permit or order issued under this Ordinance, 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 Ordinance or any order or permit issued under this Ordinance, 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. Any user who violates Section 2.35 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.
 - 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 Ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly or intentionally renders inaccurate any monitoring device

or method required under this Ordinance 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.

SECTION 2.38

SUPPLEMENTAL ENFORCEMENT REMEDIES.

A person who violates any provision of this Ordinance 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 Ordinance, or any order or previous permit issued under this Ordinance, 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 Ordinance, or any order or previous permit issued under this Ordinance, 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 Ordinance, or an order or permit issued under this Ordinance, 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 Ordinance or permit or order issued under this Ordinance 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 Ordinance 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.

SECTION 2.39

RECURRING OFFENSE.

As used in this Ordinance, "recurring offense" means a second, or any subsequent, municipal civil infraction violation of the same requirement or provision of this Ordinance 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.

SECTION 2.40 EACH DAY A SEPARATE OFFENSE.

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

SECTION 2.41 LIENS.

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

SECTION 2.42 LIABLE FOR COSTS.

Any person violating any of the provisions of this Ordinance 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.

SECTION 2.43 CONSTRUCTION OF CHAPTER.

The provisions of this Ordinance 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 Ordinance be construed to provide adequate protection under all situations.

SECTION 2.44 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, the officer shall enter an appropriate order setting forth the requirements and the conditions making such requirements necessary.

SECTION 2.45 RIGHT OF APPEAL.

Except for an appeal pursuant to Section 2.73 or notices of violation, including such notices issued as a civil infraction under Section 2.34, administrative consent orders, emergency actions as defined in this Ordinance, or a variance pursuant to Section 2.32, any decision relating to the enforcement of this Ordinance 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.

SECTION 2.46 PURPOSES.

- (1) The purposes of pretreatment requirements in the use of public sewers are to:
 - a. 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);
 - b. Prevent the introduction of pollutants into the POTW which will:
 1. Interfere with the operation of the System;
 2. Cause the POTW to violate its NPDES discharge permit;
 3. Contaminate the sludge;
 4. Pass-through the System inadequately treated into receiving waters or the atmosphere;
 5. Pose a health threat to sewer workers; or
 6. Be otherwise incompatible with the System;

- c. Improve the opportunity to recycle and reclaim wastewaters and sludges from the System; and
 - d. Provide for equitable distribution of the cost of the System.
- (2) Future conditions imposed on the control authority by jurisdictional government agencies may require subsequent amendment of this Ordinance or rules and regulations adopted under this Ordinance by the control authority. Where federal or state promulgated categorical pretreatment standards require limits more stringent than those specified in this Ordinance, the state and federal limits shall have precedence and take effect with respect to the applicable user on the latter of:
- a. Their promulgation date; or
 - b. The date specified for compliance with such standards.

SECTION 2.47 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.

SECTION 2.48 GENERAL DISCHARGE PROHIBITIONS.

- (1) Generally.
- a. It shall be unlawful to discharge any wastewater to the POTW except in accordance with the provisions of this Ordinance.
 - b. 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.
 - c. 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 ZCWP superintendent for authorization to discharge uncontaminated cooling water and/or unpolluted process water. Such review will be on a case-by-case basis. If the discharge of uncontaminated cooling water or unpolluted process water is a significantly large flow, or for some other reason is a concern to the Township or the ZCWP superintendent, the discharger may be required to discharge the uncontaminated cooling water in accordance with all applicable law into such sewers as are specifically designated as storm sewers, or natural outlets. No footing drain, roof downspout, areaway drain, or other source

of surface water or groundwater shall be connected to a public sewer. All footing drain water shall be discharged to storm sewers or dry wells. Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the DEQ. The discharge of cooling water or unpolluted industrial process water to natural outlets shall only be permitted when authorized and approved by the DEQ or other agencies or authorities with jurisdiction.

- (2) Prohibited. No user shall contribute the following substances to the POTW:
- a. 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;
 - b. 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;
 - c.
 - 1. With regard to the HAWWTP Service Area, any wastewater exhibits a pH of less than 6.0 or greater than 11.0 standard units;
 - 2. 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
 - 3. 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;
 - d. Any substance which may cause a public nuisance, cause hazard to life, or prevent entry into the sewers for maintenance and repair;
 - e. 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);
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
 - g. 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;

- h. 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);
- i. 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;
- j. Any of the following toxic pollutants: (a) those pollutants listed on the current critical materials register prepared pursuant to Section 66 of the Water Resources Commission Act (MCLA Section 323.1 et seq) by the Michigan Water Resources Commission or its successors, and (b) those pollutants identified by the control authority as a "toxic pollutant" pursuant to this Ordinance, as it may be amended from time to time (if a pollutant is specifically allowed by the control authority, subsection n or subsection o below, or categorical pretreatment standards, then this prohibition does not apply);
- k. 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;
- l. 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; and
- m. 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;
- n. With regard to the HAWWTP Service Area, any wastewater having effluent characteristics in excess of the following are prohibited:

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Organics	
Acetone	640
Benzene	0.32
Methyl Ethyl Ketone	640
Chloroethane	3.6
Chloromethane	2.3
Chloroform	1.2
Dibromochloromethane	0.18
1, 4-Dichlorobenzene	0.38
1, 1-Dichloroethane	16
1, 1-Dichloroethylene	1.4
cis-1, 2-Dichloroethylene	2.9
trans-1, 2-Dichloroethylene	2.9
Diethyl Ether	12
Ethyl Benzene	0.87
Lindane	0.00076
4-Methyl-2-Pentanone	0.2
Methylene Chloride	1.3
Styrene	0.64
Tetrachloroethylene	0.68
Toluene	3.5
1, 1, 1-Trichloroethane	2
Trichloroethylene	0.68
1, 2, 4-Trimethylbenzene	0.74
Xylenes, Total	1.5
Phenols, Total	2.5
Metals	
Arsenic	0.098

TABLE 1 (HAWWTP)	
PROHIBITED POLLUTANTS	
	Daily Maximum Allowable Concentration mg/l
Cadmium	0.093
Chromium	3.7
Copper	1.1
Cyanide, Amenable	0.22
Lead	0.66
Lithium	2.6
Mercury	See subsection p below
Molybdenum	0.27
Nickel	1.5
Selenium	0.18
Silver	0.25
Zinc	4.6
Compatibles	
Chlorides	2300
Grease and Oil (Non-Polar Fraction)	70

- o. With regard to the ZCWP Service Area, any wastewater having effluent characteristics in excess of the following are prohibited.

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.

TABLE 1 (ZCWP)		
PROHIBITED POLLUTANTS		
Parameter	Ordinance Limitation	
	Daily Maximum	Monthly Average
Mercury *	Less Than 0.2 UG/L	Less Than 0.2 UG/L
Molybdenum	42 MG/L	2.5 MG/L
Nickel	1.1 MG/L	1.1 MG/L
Selenium	0.73 MG/L	0.031 MG/L
Silver	0.75 MG/L	0.12 MG/L
Temperature	Not Less Than 32 degrees F Nor Greater Than 150 degrees F	Not Less Than 32 degrees F Nor Greater Than 150 degrees F
Zinc	0.71 MG/L	0.71 MG/L
1,4-Dichlorobenzene	3.0 MG/L	0.079 MG/L
2,4,6-Trichlorophenol	2.4 MG/L	0.10 MG/L
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 subsection q below		

- p. 1. With regard to the HAWWTP Service Area, there shall be no detectable amounts of mercury discharged into the POTW. The local discharge limitation for mercury is established at the method detection limit (MDL) in accordance with the following.

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

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

- (a) A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/L in reagent water;
- (b) A demonstration that the MDL of 0.2 ug/L cannot be achieved in the effluent; and
- (c) 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.

2. 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:
 - (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) A program for sampling and analysis of the nondomestic discharge for mercury in accordance with EPA Method 245.1 methods;
 - (e) 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;
- (f) 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;
- (g) 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 the user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

- q. 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 of Zeeland. 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 MRP, which must include elements deemed necessary by the ZCWP superintendent. Once the MRP is approved by the ZCWP superintendent, the user must implement the plan in order to progress toward compliance with mercury limits. Elements of a MRP may include monitoring and reporting according to a specific schedule, as deemed necessary by the ZCWP superintendent.

- r.
 - 1. With regard to the HAWWTP Service Area, any wastewater containing more than the maximums of the substances specified in Table 2 (HAWWTP) are prohibited, unless permitted by special discharge allocation under Section 2.49.

TABLE 2 (HAWWTP)			
COMPATIBLE POLLUTANTS			
	Daily Maximum mg/l		Daily Maximum pounds per day
Biochemical Oxygen Demand (BOD)	1000*	and	40*
Chemical Oxygen Demand (COD)	See Note 1	and	See Note 1
Total Suspended Solids (TSS)	1400*	and	100*
Total Phosphorus (TP)	40*	and	1*
Grease & Oil (Polar Fraction)	150*	and	5*
* or as approved by the Michigan DEQ in accordance with the control authority's approved procedures, with any change in such approved amounts being effective upon publication by the control authority in a daily newspaper of general circulation in the Holland area.			
Note 1: COD daily maximum mg/l and pounds will be calculated using the influent COD/BOD ratio times the BOD daily maximum mg/l and pounds.			

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

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

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

SECTION 2.49 SPECIAL DISCHARGE ALLOCATION.

- (1) 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 2.48) 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 DEQ. 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.

- (2) 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)	43,080*
Chemical Oxygen Demand (COD)	See Note 1
Total Suspended Solids	50,000*
Total Phosphorus	725*
Grease and Oil (Polar Fraction)	5,451*
* or the maximum pounds approved by the DEQ in accordance with the Control Authority's approved procedures.	
Note 1: The MAHL for COD will be calculated using the influent COD/BOD ratio times the BOD pounds per day.	

- (3) 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 acknowledgement 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).

- (4) Any discharge in excess of the amount permitted by the special discharge allocation is prohibited and is a violation of Section 2.48 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.

SECTION 2.50 SURCHARGES.

- (1) With regard to the HAWWTP Service Area: All nondomestic users of the POTW shall pay a surcharge for the discharge of sewage or waste containing more of the pollutant as referenced in Table 4 (HAWWTP), with the exception that a surcharge can be made for either BOD₅ or COD, whichever is the greater dollar cost, but not for both.

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

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

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

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

SECTION 2.51 PRETREATMENT REQUIREMENTS.

- (1) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent requirement of this Ordinance, 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.
- (2) 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 Ordinance 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.

SECTION 2.52 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.

SECTION 2.53 SPILL PREVENTION AND SLUG CONTROL PLANS.

- (1) 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.
- (2) Nondomestic users that store hazardous substances shall not contribute to the POTW after the effective date of this Ordinance 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.
 - a. 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:
 1. Description of discharge practices, including non-routine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 2.48, with procedures for follow-up written notification within five days;
 4. 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.

SECTION 2.54 NOTIFICATION.

- (1) Notification of discharge violation.
 - a. In the case of any discharge in violation of this Ordinance 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 2.3, the user shall immediately notify the control authority of the discharge by telephone. The notification shall include:
 1. The date, time, location, and duration of the discharge;
 2. The type of waste including concentration and volume; and
 3. Any corrective actions taken by the user.
 - b. 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.
 - c. 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 Ordinance or other applicable state or federal law.
- (2) 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.
- (3) Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

SECTION 2.55 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.

SECTION 2.56 RECORDS.

- (1) Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, 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.
- (2) These records shall remain available for a period of at least three years after their collection.
- (3) This period shall be extended during any litigation concerning compliance with this Ordinance or wastewater discharge permit conditions.

SECTION 2.57 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 2.74 and 2.81.

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.

SECTION 2.58 CONFIDENTIAL INFORMATION.

- (1) Information and data, other than effluent data, about a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and 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.

- (2) When the person furnishing a report satisfies the control authority that such person has made the demonstration required by subsection (1) 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 Ordinance, 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.

SECTION 2.59 RIGHT OF ENTRY.

- (1) 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 Ordinance. 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 seizing 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 subsection.
- (2)
 - a. 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 System for unauthorized connection of roof drains, footing drains, or other storm water or groundwater discharges to the 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 unauthorized connection and the discharge of storm water or groundwater.
 - b. 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 Ordinance 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 Ordinance 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.

SECTION 2.60 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 Federal Water Pollution Act of 1972, as amended, 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.

SECTION 2.61 EQUIVALENT MASS AND CONCENTRATION LIMITS.

- (1) 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.
- (2) 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 Federal Water Pollution Act of 1972, as amended, 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.
- (3) 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.

SECTION 2.62 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.

SECTION 2.63 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.

SECTION 2.64 IMPROPER USE OF SEWERS; DISCONTINUANCE OF SERVICE.

- (1) 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.
- (2) In cases of continuing noncompliance after such directive, the control authority, in its discretion, may discontinue service to persons responsible for such discharge.

SECTION 2.65 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.

SECTION 2.66 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 2.35 or other nondomestic wastes.

SECTION 2.67 WASTEWATER DISCHARGE PERMITS.

- (1) 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 2.35.
- (2) 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 Ordinance. 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:
 - a. Name, address, and location, if different from the address and name of the owners and operator;
 - b. Standard industrial classification (SIC) code of both the industry as a whole and any process for which categorical pretreatment standards have been promulgated;
 - c. Wastewater constituents and characteristics, including but not limited to those set forth in Section 2.48, 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 Federal Water Pollution Act of 1972, as amended, and contained in 40 CFR 136, as amended;
 - d. Time and duration of discharge;
 - e. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - f. 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;
 - g. Description of activities, facilities, and industrial processes on the premises, including all materials which are or could be discharged;
 - h. 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;

- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment (the completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard, and the following conditions shall apply to this schedule:
 - 1. The schedule shall contain increments not exceeding nine months 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.];
 - 2. 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);
- j. Each product and/or byproduct produced by type, amount, process, and rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number and type of employees, hours of operation of facility, and proposed or actual hours of operation of pretreatment system;
- m. List of any environmental control permits held by or for the facility; and
- n. 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.

SECTION 2.68 ZCWP SERVICE AREA LOCAL DISCHARGE LIMITS.

- (1) In addition to the local discharge limits and all other requirements set forth in this Ordinance, 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 Ordinance 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 Ordinance 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.
- (2) The Township designates the City of Zeeland, acting by and through its employees and agents, as "Control Authority" (as defined and used in this Ordinance) 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 reserves the right and authority to administer and enforce its ordinances with regard to matters pertaining to connections to the System (except as may be limited by Industrial Pretreatment Program requirements under applicable state and federal law), protection of the System and appurtenances, collection of rates and charges imposed by the Township, and other matters necessary to protect the health, safety, and welfare of the Township and its residents.

SECTION 2.69 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 Ordinance, 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 2.48;
- (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, including 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 and 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 Ordinance, 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.

SECTION 2.70 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.

SECTION 2.71 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 2.67, 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 2.67(2)h, (2)(i).

SECTION 2.72 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.

SECTION 2.73 APPEALS.

- (1) 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.
- (2) Failure to file a timely petition for review of the permit issuance shall be deemed a waiver of any and all administrative appeal rights.
- (3) 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.
- (4) 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.

SECTION 2.74 MONITORING.

- (1) 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 Ordinance at a location specified or approved by the control authority.
- (2) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- (3) 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.
- (4) 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 the owner's expense, and shall be maintained by the owner 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.

SECTION 2.75 BYPASS.

- (1) 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 (2) and (3) of this section.
- (2) Notice.
 - a. If a nondomestic user knows in advance of the need for a bypass, it shall submit prior notice to the appropriate superintendent, if possible, at least ten days before the date of the bypass.
 - b. A nondomestic user shall orally notify the appropriate 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.
- (3) Prohibition.
 - a. A bypass is prohibited and the control authority may take enforcement action against an individual user for a bypass, unless:
 1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. 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;
 3. The user submitted notices as required by subsection 2 of this section.
 - b. 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 (3)a of this section. However, such approval does not limit cost recovery by or indemnification of the control authority.

SECTION 2.76 UPSET PROVISIONS.

- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection (2) of this section are met.
- (2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - a. An upset occurred and the user can identify the cause of the upset;
 - b. The facility was, at the time, being operated in a prudent and workmanlike manner, and in compliance with applicable operation and maintenance procedures;
 - c. The user has submitted the following information to the applicable 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):
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (3) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (4) 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.
- (5) 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.

SECTION 2.77 BASELINE REPORT FOR CATEGORICAL DISCHARGERS.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) In support of the baseline report, the nondomestic user shall submit, in units and terms specified in the application, the following information:
 - a. Name and address of the facility, including the name of the operator and owners;
 - b. List of any environmental control permits held by or for the facility;
 - c. 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);
 - d. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 1. Regulated process streams; and
 2. Other streams, as necessary, to allow use of the combined waste stream formula of 40 CFR 403.6(e);
 - e. The nondomestic user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:

1. 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);
 2. 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; and 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);
 3. A nondomestic user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection;
 4. 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);
- f. 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;
- g. 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:

1. 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 [4]f and [4]g of this section pertaining to the modified limits;
 2. 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 [4]f and [4]g of this section and submit them to the control authority within 60 days after the modified limit is approved);
- h. The following conditions shall apply to any schedule submitted in response to subsection (4)g of this section:
1. 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.);
 2. No increment referred to in subsection (4)h.1 of this section shall exceed nine months;
 3. 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); and
- i. Such other information as may be reasonably requested by the control authority.

- (5) 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.

SECTION 2.78 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 long-term 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.

SECTION 2.79 PERIODIC COMPLIANCE REPORTS.

- (1) 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 2.77. 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.
- (2) 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 (1) 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.

- (3) 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 (1) 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 (1) of this section shall include the user's actual average production rate for the reporting period.
- (4) 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.

SECTION 2.80 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.

SECTION 2.81 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; and
- (4) Any other method as may be approved by the control authority.

SECTION 2.82 LABORATORY UTILIZED BY INDUSTRY CONDUCTING SELF-MONITORING TO BE APPROVED BY CONTROL AUTHORITY; QUALITY CONTROL DOCUMENTATION REQUIRED.

- (1) 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:
 - a. "Handbook for Analytical Quality Control in Water and Wastewater Laboratories," United States Environmental Protection Agency; and
 - b. "Standard Methods for the Examination of Water and Wastewater," American Public Health Association.
- (2) 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.

SECTION 2.83 MONITORING AND ANALYSIS IN SUPPORT OF SELF-MONITORING REQUIREMENTS.

- (1) The reports required by Sections 2.69, 2.77, 2.79, 2.84, and 2.85 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 2.81. 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.
- (2) If sampling performed by a user indicates a violation, the user shall notify the appropriate 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 appropriate superintendent within 30 days after becoming aware of the violation, except the user is not required to resample if:
 - a. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

- b. 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.

- (3) The reports required in paragraphs (1) and (4) of Section 2.79 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.
- (4) If an industrial user subject to the reporting requirement in Sections 2.69, 2.77, 2.79, 2.84, and 2.85 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.
- (5) The reports required by Sections 2.77, 2.79, 2.84, and 2.85 and shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative.
- (6) The reports required in Sections 2.77, 2.78, 2.79(1), and 2.79(4) 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.

SECTION 2.84 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 DEQ 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 DEQ. 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.

SECTION 2.85 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.

SECTION 2.86 HAZARDOUS WASTE NOTIFICATION.

- (1) Any nondomestic user, except as specified in subsection (5) 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.
- (2) All hazardous waste notifications shall include:
 - a. The name of the hazardous waste as set forth in 40 CFR 261;
 - b. The EPA hazardous waste number;
 - c. The type of discharge (continuous, batch, or other); and
 - d. 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.

- (3) In addition to the information required to be submitted in subsection (2) 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:
 - a. An identification of the hazardous constituents contained in the waste;
 - b. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
- (4) Hazardous waste notifications shall be submitted by industrial users 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 2.54(2).
- (5) 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.

SECTION 2.87 SIGNATORY REQUIREMENTS.

The reports required in Sections 2.77 to 2.79 and 2.85 to 2.85 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii,) and shall be signed as described below:

- (1) The reports shall be signed 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) The reports shall be signed by a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

- (3) The reports shall be signed 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 2.76(3) 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 2.76(3) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

SECTION 2.88 RESOLUTION OF TOWNSHIP BOARD.

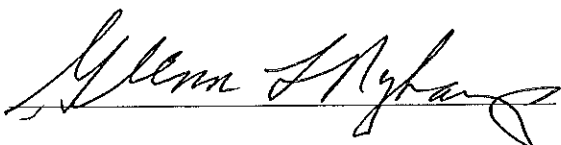
The Township Board may, by resolution which shall be amendable and revocable at any time upon appropriate notice to the delegee and DEQ, delegate all or any part of the permitting, inspection, and other Township or control authority functions or responsibilities specified in this Ordinance, to any other 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 System and related functions as are operated and maintained or performed by such designee.

SECTION 2.89 REPEALING CLAUSE

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance, including Ordinance Numbers 172, 183, 208, 228, 278, 354, 363, and 387, are repealed to the extent of the inconsistency or conflict.

SECTION 2.90 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on December 5, 2017, after introduction and first reading on November 21, 2017, and publication after the first reading as required by Michigan law. This Ordinance shall take effect on January 1, 2018.




Glenn Nykamp,
Township Supervisor

Kate Kraak,
Township Clerk

ZCT 2 2017 Sewer Usage and Administration Ordinance 12062017

CERTIFICATE

I, Kate Kraak, the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, certify that the foregoing Zeeland Charter Township Water System Ordinance was adopted at a regular meeting of the Township Board held on December 5, 2017. The following members of the Township Board were present at that meeting: Kate Kraak, Tom Oonk, Tim Barkel, Ron Brink, Chad Overweg, and Mike Riemersma. The following members of the Township Board were absent: Glenn Nykamp. The Ordinance was adopted by the Township Board with members of the Board Kraak, Oonk, Barkel, Brink, Overweg, and Riemersma voting in favor, and members of the Board None voting in opposition. The Ordinance or Notice of Adoption was published in the Zeeland Record on December 14, 2017.



Kate Kraak, Clerk
Zeeland Charter Township

ZCT 2 2017 Sewer Usage and Administration Ordinance 12062017

SCHEDULE A

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 cleaning or pressing facilities)	1.00/shop
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.

User	Residential Equivalent Unit Factor
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)

User	Residential Equivalent Unit Factor
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.

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SCHEDULE B

SEWER SYSTEM CHARGES

1. Lateral fees.
 - a. If the sewer lateral line to be utilized was previously constructed: January 1, 2018 - \$1,420.00; January 1, 2019 - \$1,465.00; January 1, 2020 - \$1,510.00; January 1, 2021 - \$1,555.00.
 - b. If the sewer lateral line to be utilized has not previously been constructed, the cost incurred by the Township to construct the sewer lateral line.
2. Frontage charge - \$53.00 per front foot multiplied times the assessable frontage, effective January 1, 2018; \$65.00 per front foot effective January 1, 2019; \$77.00 per front foot effective January 1, 2020; \$89.00 per front foot effective January 1, 2021.
3. Trunkage charges - Based on water meter size; for customers without public water supply a trunkage charge of \$2,900.00 per unit factor (REU) will apply.

Meter Size	Holland Charter Township Service Area	425 Service Area
5/8"	\$2,900.00	\$2,900.00
3/4"	\$2,900.00	\$4,176.00
1"	\$2,900.00	\$7,424.00
1 1/4"		\$11,600.00
1.5"	\$6,525.00	\$16,704.00
2"	\$11,600.00	\$29,696.00
3"	\$26,100.00	\$66,816.00
4"	\$46,400.00	\$118,784.00
6"	\$104,400.00	TBD
8"	\$185,600.00	TBD
10"	\$290,000.00	TBD
12"	\$417,600.00	TBD

4. Sewer service charges - based on Holland Charter Township or City of Zeeland rates, or the rates of any other municipality providing sanitary sewer service to the Township.
 - a. Single-and two-family premises connected to a public water supply system:
 - (i) Readiness-to-serve charge - For a single-family.

- (ii) Commodity charge - Per 1,000 gallons of water metered for such premises per billing month.
- b. Single-family premises not connected to a public water supply system:
 - (i) Readiness-to-serve charge - Single-family residence not connected to a public water supply.
 - (ii) Commodity charge - Included in flat rate.
- c. Two-family premises (duplexes) not connected to a public water supply system.
 - (i) (Charge per duplex unit)
 - (ii) Commodity charge - Included in flat rate.
- d. All other premises connected to a public water supply system:
 - (i) Readiness-to-serve charge.
 - (ii) Commodity charge.
- e. All other premises not connected to a public water supply system:
 - (i) Readiness-to-serve charge.
 - (ii) Commodity charge per 1,000 gallons of water metered from the well water supply for such premises per billing month.
- 5. Delinquent sewer bill service fee - charged by and paid directly to the municipality providing sanitary sewer service to the relevant portion of the Township per a contract with the Township.
- 6. Inspection and fees:
 - (a) Service connection inspection fees:
 - (i) Residential, single-and multi-family - Charge per inspection.

January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
\$58.25	\$60.00	\$61.75	\$63.50

- (ii) All other connections - Charge per inspection.

January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
\$58.25	\$60.00	\$61.75	\$63.50

- (b) Development fee - For plan review, inspection, testing, and compiling construction records for subdivisions, site condominiums, multi-family dwellings and other types of residential, commercial, or industrial developments where a sewer line is constructed as part of the development - \$6.20 per foot of sewer line to be constructed as part of the development effective January 1, 2018; \$6.40 per foot effective January 1, 2019; \$6.60 per foot effective January 1, 2020; \$6.80 per foot effective January 1, 2021.
- (c) Additional charges - To stabilize the financial condition of the Township's sewer fund and help fund future capital expenditures and infrastructure improvements.

	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021	January 1, 2022
Per 1,000 gallons	\$0.10	\$0.20	\$0.30	\$0.40	\$0.50
Flat 1	\$0.20	\$0.40	\$0.60	\$0.80	\$1.00
Flat 2	\$0.30	\$0.60	\$0.90	\$1.20	\$1.50
Flat 3	\$0.40	\$0.80	\$1.20	\$1.60	\$2.00

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