

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
Ordinance 12 of 2010**

Board Member Goldberg, supported by Board Member Goodyke, moved the adoption of the following ordinance.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
CASCADE CHARTER TOWNSHIP, MICHIGAN, BY REPLACING IN
ITS ENTIRETY PART 79, ENTITLED "SEWAGE DISPOSAL – GRAND
RAPIDS SERVICE DISTRICT".**

CASCADE CHARTER TOWNSHIP ORDAINS:

Section 1. Amendment of Part 79.

Part 79 of the Code of Ordinances, Cascade Charter Township, Michigan, is replaced in its entirety with the following:

PART 79. SEWAGE DISPOSAL – GRAND RAPIDS SERVICE DISTRICT

79.001 Findings.

Sec. 1. The Cascade Charter Township Board hereby finds the following:

- (1) That there is a need to assure the quality of the wastewater discharged by the Publicly Owned Treatment Works (POTW) to prevent the degradation of the Grand River;
- (2) That there is a need to protect the biological systems, operation and infrastructure through the regulation of discharge into the POTW;
- (3) That there is a need for the City to enhance its ability to regulate the discharge of wastewater to the POTW consistent with local, State and Federal laws.

79.002 Purposes and Objectives.

Sec. 2. The purpose of this Chapter is to establish standards, rules and regulations, with respect to the use of the POTW, to provide for rates and charges for connection to and use of the System, to establish limits for the discharge of pollutants into the System and to prevent the pollution of the environment.

- (1) This Chapter sets forth requirements for dischargers into the Grand Rapids wastewater collection and treatment systems, and enables the Grand Rapids system to protect the public health and environment in conformity with all applicable State and Federal laws relating thereto.
- (2) The objectives of this Chapter are:
 - (a) To prevent the introduction of pollutants into the POTW which interfere with the normal operation of the System or contaminate the resulting sludge.
 - (b) To prevent the introduction of pollutants into the POTW which do not receive adequate treatment in the POTW and which will pass through the System into receiving waters or the atmosphere or otherwise be incompatible with the System.
 - (c) To improve the opportunity to recycle and reclaim wastewater and sludge from the System.

- (3) This Chapter provides for the issuance of permits, and discharge authorizations, for the regulation of discharges into the POTW.

79.003 Definitions.

Sec. 3. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise:

- (1) *Authorized Representative* - In general, as described in 40 CFR 403.12 (l)(1),(2), (3), and (4). See below for details in regard to specific situations.
 - (a) In the case of a corporation, 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) In the case of a limited liability company a principal managing member or the member in charge of the principal business functions;
 - (c) In the case of a partnership or proprietorship, a general partner or proprietor; and
 - (d) An authorized representative of the individual designated above if: (i) such a representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (ii) the authorization is in writing; and (iii) the written authorization is submitted to the POTW.
- (2) *BOD* - Biochemical Oxygen Demand is an empirical test in which standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted water. The approved laboratory procedures are listed in Title 40 Part 136 of the Code of Federal Regulations, specifically in the method for the "Five (5) Day BOD Test".
- (3) *Best Management Practices or BMPs* - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Part 79.012. 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.
- (4) *Building Inspections* - The Building Inspections Division of the Grand Rapids Department of Neighborhood Improvement.
- (5) *Bypass* - The intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- (6) *Categorical Pretreatment Standards* - National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.
- (7) *City* - The City of Grand Rapids.
- (8) *City Manager* - The City Manager of the City of Grand Rapids and any persons designated to act on behalf of the City Manager in the administration or enforcement of this Chapter.
- (9) *Clean Water Act* - The Federal Water Pollution Control Act, 33 USC Sec. 1251 et seq., as amended and applicable regulations promulgated there under.
- (10) *Combined Sewer* - Any sewer designed or intended to receive both stormwater and sewage.

- (11) *Combined Waste Stream Formula* - The waste stream at industrial facilities where regulated process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process. Where required by Federal or State law, and only to the extent required by Federal or State law, the combined waste stream formula provided in 40 CFR 403.6(e) and Rule 323.2311(7) MAC will apply to the limits applicable to a combined waste stream.
- (12) *Commercial User* - A person or entity whose premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters and governmental buildings. However, some commercial Users may also be designated as Significant Industrial Users (SIU) should they meet the criteria established in 40 CFR 403.3(t), Rule 323.2302(cc) of the MAC and Part 79.003(45) of this Chapter.
- (13) *Commodity Rate* – Means a variable unit charge payable by a User based on metered water consumption.
- (14) *Compliance Schedule* - A schedule consisting of one (1) or more milestone dates required for corrections, additions or modifications of treatment systems or related pollution prevention or control activities as a result of enforcement actions, expansions or changes in operations or changes in local or categorical treatment standards. Compliance schedules do not preclude additional enforcement actions due to violations of requirements of this Chapter.
- (15) *Confined Space, Permit Required* - Space defined by reference to Part 90 of Act No. 154 of the Public Acts of 1974, as amended, §408.1001 of the Michigan Compiled Laws.
- (16) *Discharge Authorization* – Written authorization provided by the City Manager specifying the conditions for discharge of a one time or short term duration discharge, or other discharges not meeting the definition of Significant Industrial User.
- (17) *Discharger* - Any person or entity owning, controlling or operating any real property which directly or indirectly utilizes the POTW. *Discharger* also means any employee, officer, director, partner, member, contractor or other person who participates in, or is legally or factually responsible for, any act or omission which is a violation of this Chapter or which results in a violation of this Chapter. This definition shall be interpreted broadly to include any person or entity who participates in an act or omission that results in a violation of this Chapter.
- (18) *Domestic User* - A person or entity whose premises are domiciles for single or multiple family use.
- (19) *Effluent* - Waste material (as smoke, liquid, industrial refuse or sewage) discharged into the POTW.
- (20) *Enforcement Action* - Action taken by the City to return a User into a state of compliance with the standards established in this Chapter of this Code. This may include, but is not limited to, fines, penalties and compliance schedules.
- (21) *Garbage* - Animal and plant waste resulting from the handling, preparation and cooking of foods.
- (22) *Industrial Effluent* - Waste matter or material discharged into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.
- (23) *Industrial User* - Any person or entity that discharges into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.
- (24) *Industrial Waste* - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

- (25) *Infiltration* - The water entering a sewer system, including sewer service connections, from the ground, through such manner as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (26) *Inflow* - The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm drains and combined sewers, catch basins, stormwater, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.
- (27) *Interceptor Sewer Lines* - Those lines whose basic function is to collect wastewater from two (2) or more separate trunk sewer lines and to transport such wastewater to the sewage treatment plant.
- (28) *Interference* - A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW collection, treatment processes or operations, or its sludge processes or operations, use, disposal, and causes a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under, or any more stringent State or Local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.
- (29) *Lateral Sewer Line* - A sewer pipe beginning at the local collector sewer or other connection point and extending to the premises actually served. The lateral sewer includes the stub to which a User connects.
- (30) *MAHL* - The Maximum Allowable Headworks Loading expressed in pounds per day that the POTW can accept without experiencing: fire or explosion hazards, fume toxicity, pass through, sludge quality impairment, treatment inhibition or cause a violation of State Water Quality Standards.
- (31) *Medical Waste* - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (32) *Monthly Service Charge* - Means a fixed monthly charge payable by a User based on the size of the water meter servicing the User.
- (33) *New Source* - Any building, structure, facility or installation of which the construction commenced after the publication of the proposed Pretreatment Standards under Section 307(c) (33 USC) which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section provided that: (i) the construction is a site at which no other source is located; or (ii) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (iii) the production or wastewater generating processes are substantially independent of an existing source at the same site. Reference 40 CFR 403.3(k) (2-3) or Rule 323.2302(r) of the Michigan Administrative Code for further information.
- (34) *North American Industry Classification System (NAICS)* - A six digit code used by business and government to classify and measure economic activity.
- (35) *NPDES* - National Pollution Discharge Elimination System, a permit issued pursuant to Section 402 of the Act (33 USC 1342), as amended.

- (36) *Pass Through* - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase of the magnitude of duration of a violation).
- (37) *Person or Entity* - An individual, firm, partnership, association, public or private corporation, limited liability company or public agency or instrumentality.
- (38) *pH* - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- (39) *Pollutant* - The term includes, but is not limited to: 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 or other substance defined as a pollutant under the Clean Water Act.
- (40) *POTW (Publicly Owned Treatment Works)* - A treatment works as defined by Section 212 of the Clean Water Act, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. 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 Clean Water Act which has jurisdiction over the indirect discharges to and the discharges from such treatment works.
- (41) *Premises* - Each lot or parcel of land or building having any connection to the POTW of the City.
- (42) *Pretreatment* - The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be physical, chemical or biological processes, process changes or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.
- (43) *Pretreatment Requirements* - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial User.
- (44) *Property Owner* - Any person having legal or equitable title to real property or any person having or exercising care, custody or control over any real property.
- (45) *Public Sewer* - Local collector, trunk and interceptor sewer lines including lift stations and all appurtenances that are owned or controlled by the POTW.
- (46) *Severe Property Damage* - Substantial physical damage to property, damage to the treatment facilities of a User which causes them to become all or partially 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.
- (47) *Sewage* - Any liquid or water carried waste received from domestic, commercial and industrial customers, including any infiltration or inflow as may be present.
- (48) *Sewage Treatment Plant* - Any arrangement of devices and structures used for treating sewage.
- (49) *Sewer* - Any pipe or conduit for the conveyance of sewage.

- (50) *Significant Change* - Any change in a discharger's effluent which causes the constituents of the discharge to be different and/or increases in the concentration or flow by twenty percent (20%) over those reported on the discharger's permit application.
- (51) *Significant Industrial User (SIU)* - Any discharger to the POTW who: (a) has an average discharge flow of twenty-five thousand (25,000) gallons or more of process wastewater per day (excluding sanitary, non-contact cooling and boiler blow down wastewater) or contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW, or as determined by the City Manager under authority of 40 CFR 403.12(a) and in Rule 323.2302 of the Michigan Administrative Code 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) and Rule 323.2306(h) of the Michigan Administrative Code); (b) is found by the City Manager, Michigan Department of Natural Resources & Environment (DNRE) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing Users, on the wastewater treatment system the quality of sludge, the system's effluent quality or air emissions generated by the system, or; (c) is subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and Rule 323.2311 of the Michigan Administrative Code and 40 CFR Chapter I, Subchapter N. Upon a finding that an industrial User meeting criteria (a) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City Manager may at anytime, on his/her own initiative, or in response to a petition received from an Industrial User or the POTW, and in accordance with 403.8(f)(6) and Rule 323.2306(h) of the Michigan Administrative Code, determine that such industrial User is not a Significant Industrial User.
- (52) *Significant Noncompliance* - Any industrial User with a violation that meets one (1) or more of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit, instantaneous limit, or the average limit for the same pollutant parameter;
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit, instantaneous limit, or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
 - (c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City Manager 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);
 - (d) 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 Part 79.029 of this Chapter to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (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;
 - (f) Failure to provide, within thirty (30) days after the due date, required reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

- (g) Failure to accurately report noncompliance;
 - (h) Any violation or group of violations, which the City Manager determines will adversely affect the operation or implementation of the local pretreatment program. As required by Federal Regulations, the City shall at least annually publish a list of Industrial Users which during the previous twelve (12) months were in significant noncompliance with applicable standards or pretreatment requirements; or
 - (i) Failure to meet BMP requirements.
- (53) *Slug Discharge* - A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
 - (54) *Storm Drain* - Any underground pipe or any facility intended to convey only stormwater runoff, street wash waters, groundwater and drainage. This term also includes discharges allowed by State or Federal discharge permits.
 - (55) *Suspended Solids* - All matter existing in non-liquid state which is removable by filtration in accordance with 40 CFR 136 referenced as "Residue, Non-filterable", or an alternative method approved by the EPA Administrator in accordance with 40 CFR 403.12(b)(5)(vi) and Rule 323.2310(e)(vi) of the Michigan Administrative Code.
 - (56) *System* - Refers to the POTW.
 - (57) *Toxic Pollutant* - Any pollutant identified pursuant to Section 307 of the Clean Water Act, or pursuant to Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or pursuant to any other applicable laws or regulations.
 - (58) *Uncontaminated Industrial Effluents* - Water which has not come into contact with any substance used in, or incidental to, industrial processing operations, such as non-contact cooling water and to which no deleterious or toxic substance has been added.
 - (59) *Upset* - An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards (or other limits of this Chapter) because of factors beyond the reasonable 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, and lack of preventive maintenance or careless or improper operation.
 - (60) *User Class* - Either a domestic, commercial or industrial group of Users.
 - (61) *Wastewater* - Water, or any liquid, whether or not containing pollutants, which is discharged or permitted to be discharged into the sanitary sewer system.
 - (62) *Water Business Office* - The Division of the Grand Rapids City Water Department System that is responsible for the reading of meters, submitting bills for water and/or sewer service, collection of payment for bills and the preparation and maintenance of the customer accounts including applications for service.

79.004 Abbreviations.

Sec. 4. The following abbreviations shall have the designated meanings:

BTEX	Benzene, Toluene, Ethylbenzene and Xylene
CFR	Code of Federal Regulations

EPA	United States Environmental Protection Agency
MTBE	Methyl Tertiary Butyl Ether
MAC	Michigan Administrative Code
mg/L	Milligrams per liter
TSS	Total Suspended Solids
MAHL	Maximum Allowable Headworks Loading

ARTICLE 2. SEWER USE

79.005 Management of the POTW.

Sec. 5. The POTW shall be and remain under the management, supervision and control of the City Manager. The City Manager may make such rules, orders or regulations as are deemed advisable and necessary to assure the efficient management and operation of the System, subject, however, to the rights, powers and duties with respect thereto which are reserved by law to Cascade Charter Township.

79.006 City Manager’s Emergency Authority.

Sec. 6. When a necessary or advisable emergency protective measure or action is required, the City Manager is authorized to cause such measures and actions to be taken as authorized by law. The cost of such protective measures or actions shall be at the expense of the property owner responsible for such measure or action. Failure to pay such cost will constitute a lien upon the property as provided for by law or in the City Charter.

79.007 Inspection.

Sec. 7. Under current Federal and State laws, rules and regulations, the City is held responsible for the discharge of wastewater into the POTW; therefore, the City has the right and obligation to inspect connections and discharges to its System in order to confirm compliance with State and Federal laws and provisions of this Chapter.

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. Any person who uses, applies for use and/or is connected to the POTW under this Chapter shall be deemed to have consented to inspections pursuant to this Section, including entrance upon that person’s property at reasonable times to make inspections. In the event that a violation of this Chapter is identified the property owner shall be responsible for all costs of inspection and remediation if necessary.

79.008 Standards, Rules, Regulations and Administrative Reference Guide.

Sec. 8. The standards, rules and regulations established in, or pursuant to, this Chapter are deemed to be the absolute minimum consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment and to fulfill the obligations of the City with respect to State and Federal law, including all rules and regulations adopted in conformance thereto. All such additional standards, rules and regulations not contained in this Chapter shall be approved by the Cascade Charter Township Board. The discharge into the POTW of any substance which exceeds the pretreatment requirements contained herein, or in any manner fails to conform hereto, is hereby declared to be a public nuisance and a violation of the Code.

79.009 Use of the POTW.

Sec. 9. Any person or entity conforming to the standards, rules and regulations established in, or pursuant to, this Chapter shall be permitted to discharge effluent into the POTW provided adequate sewer service is available to which he/she can connect.

79.010 Sewer Use of Plainfield Charter Township Sanitary Sewer System

Sec. 10. In addition to complying with the provision of this Chapter, any user or potential user located within the jurisdictional boundaries of the City who uses or desires to use the Plainfield Charter Township sanitary sewer system for the transport of sewage for treatment and disposal by the North Kent Sewer Authority POTW pursuant to a Sewer Service Agreement effective October 28, 2008, between the City, Plainfield Charter Township and the North Kent Sewer Authority, as may from time to time be amended, shall comply with the provisions of the North Kent Sewer Authority Rules and Regulations and with the provisions of Chapter 38, Article III, Division 2 of the Code of Ordinances of Plainfield Charter Township, both as may be amended from time, all of which are incorporated in this Chapter by reference. In the case of a conflict between any other provision of this Chapter and any provision of the North Kent Sewer Authority Rules and Regulations and/or the Code of Ordinances of Plainfield Charter Township adopted by reference pursuant to this Section 2.65.1, the North Kent Sewer Authority Rules and Regulations and/or the Code of Ordinances of Plainfield Charter Township shall control.

79.011 Enforcement of Sewer Use Requirements and Limitations of Plainfield Charter Township Sanitary Sewer System.

Sec. 11. The City Manager or his/her designee shall be responsible for the administration and enforcement of the rules and regulations and ordinance provisions adopted by reference to Section 2.65.1 of this Chapter. As contemplated in the Sewer Service Agreement effective October 28, 2008, between the City, Plainfield Charter Township and the North Kent Sewer Authority, as may be amended from time to time, the City may designate the Director of the North Kent Sewer Authority POTW and/or the Public Utilities Director of Plainfield Charter Township as his/her representative(s) for purposes of administration and enforcement of the rules and regulations and ordinance provisions adopted by reference in Part 79.010.

ARTICLE 3. REGULATIONS

79.012 General Discharge Conditions and Prohibitions.

Sec. 12.

- (1) All premises connected to the POTW shall meet the following requirements:
 - (a) Minimum size of the building drain/sewer, including required cleanouts, shall be four (4) inches or greater in diameter;
 - (b) A grease interceptor, with a maintenance cleaning schedule appropriate for its intended use, shall be required to receive the drainage from fixtures and equipment having grease-laden waste, located in food preparation areas such as in restaurants, commercial kitchens, bars, clubs or similar facilities. The grease interceptor shall not be less than a three (3) compartment, one thousand (1000) gallon system, or equivalent, unless the City Manager approves an alternative system. Food waste grinders shall not discharge to the building drainage system through the grease interceptor. Grease interceptors shall be cleaned and maintained in accordance with BMP. At no time shall the level of grease and sludge in any compartment of the trap be greater than twenty-five percent (25%) of the tank liquid level. Proof of maintenance and cleaning shall be available for review upon request.
 - (c) Sand traps and similar interceptors for removal of heavy solids by commercial Users, as determined by the City Manager, shall be designed and installed, according to the City *Sand Trap for Garages* design specifications. They shall be located as to be readily accessible for cleaning and shall have a water seal of not less than six (6) inches. Sand traps and similar interceptors shall be cleaned and maintained in accordance with BMP. Proof of maintenance and cleaning shall be available for review upon request.

- (d) Oil/Water separators are required at repair garages, gasoline stations with grease racks, grease pits or work racks and at factories, or other facilities, where oily and flammable liquid wastes are produced. Separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal. Oil separators shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall not have less than an eighteen (18) inch water seal. An alternative design may be approved by the Plumbing Inspector, as provided for by the Plumbing Code. Oil/water separators shall be cleaned and maintained in accordance with BMP. Proof of maintenance and cleaning shall be available for review upon request.
- (2) No discharger shall introduce into the POTW any pollutant(s) which cause pass through or interference. The following general and specific prohibitions of this Section apply to each discharger introducing pollutants into the POTW whether or not the discharger is subject to any National, State or local pretreatment standards or requirements.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (b) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW or results in interference.
- (c) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or a pH greater than 10.5. These pH limits will be evaluated annually as part of the rate study and the limits set forth in this Section will be revised as deemed necessary.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or exceed the limitations set forth in a Categorical Pretreatment Standard.
- (e) Any noxious or malodorous liquids, gases or solids which either singly, or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of the POTW's NPDES permit or any applicable State or Federal water quality standards or interferes with any treatment process, or causes treatment residues, sludge's or scum's, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State standards applicable to the sludge management method being used.
- (g) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (h) Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but, in no case heat in such quantities that the temperature at the headworks of the POTW exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) unless the DNRE, upon the request of the POTW, approves the alternative temperature limits.
- (i) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (j) Any unpolluted water including, but not limited to, noncontact cooling water, unless a discharge authorization is approved by the City Manager.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration except as set forth in 10 CFR Part 20. Introduction of radioactive wastes that interfere with the operation of the POTW including, but not limited to, the use and disposal of sludge, the recycling of any and all waste products, or if the discharge causes the POTW to violate any local, State or Federal laws.
- (l) 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.
- (m) Any discharge of petroleum oil, non-biodegradable cutting oil, animal fat, vegetable fat, oil, grease, products of mineral oil or any combination thereof at a concentration of greater than one hundred (100) milligrams per liter, unless it can be demonstrated that matrix interference is responsible for levels greater than this amount, but, in no case in amounts that will cause an obstruction, interference or pass through in the POTW.
- (n) Any substances not identified in (m) above, that will become solid or viscous after entering the POTW.
- (o) Any effluent having an average daily flow greater than two percent (2%) of the POTW's average daily flow. The City Manager, upon review, may approve greater discharges subject to conditions as authorized by this Chapter or special conditions he/she deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable State and Federal law.
- (p) Any trucked or hauled pollutants, except at discharge points designated by the City Manager.
- (q) Any detectable level of mercury using EPA Method 245.1 or 245.2 with a detection limit not to exceed 0.2 \square g/l unless the User can demonstrate that matrix interference prevents the attainment of this level. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA method 245.1 or 245.2. In the event that mercury is detected, the User shall develop and implement a mercury elimination plan including elements deemed necessary by the City Manager to progress toward the goal of no detectable discharge of mercury. For Users whose operation and discharge characteristics are substantially similar a group mercury elimination plan may be acceptable.
- (r) There shall be no discharge to the POTW of groundwater that has been contaminated with gasoline and related petroleum products that would qualify for a State of Michigan general discharge permit for gasoline and related petroleum products in accordance with Rule 2191 promulgated pursuant to Act 451 of the Public Acts of Michigan of 1994, as amended, Part 31, except where no other discharge option exists. If discharge to the POTW is desired under these conditions, the discharger must submit a wastewater discharge permit application as specified in Section 79.014 which may be approved by the City Manager. Upon approval a permit will be issued with appropriate conditions as set forth in Section 79.018. The total

BTEX concentration shall not exceed twenty (20) micrograms per liter and the MTBE concentration shall not exceed twenty (20) micrograms per liter.

- (s) Disposal of septage waste into the POTW is prohibited, except as in accordance with the septage waste receiving plan, the City Manager may authorize disposal of portable containers of domestic waste, including waste from recreational vehicles. Septage wastes are to be discharged only at designated locations in accordance with the septage waste receiving plan.
 - (t) Sludge from an industrial or commercial pretreatment system shall not be placed into the POTW. Such sludge shall be disposed of by a licensed hauler in a site approved by the DNRE.
 - (u) Any substance that causes excessive foaming in the POTW.
 - (v) Medical Wastes, except as specifically authorized by the City Manager in an individual wastewater discharge permit.
 - (w) Any detectable level of PCB using EPA Method 608 with a detection limit not to exceed 0.1 \square g/l unless the User can demonstrate that matrix interference prevents the attainment of this level. PCB sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA method 608.
- (3) Bypass is prohibited, except in cases where the bypass was unavoidable to prevent a loss of life, personal injury, or severe property damage, and where there are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance. In cases where a bypass may occur it would be subject to the following conditions:
- (a) Anticipated bypass - If an industrial User knows in advance of the need for a bypass, the User shall submit prior notice to the POTW, if possible, at least ten (10) days before the date of the bypass. Upon notification, the City Manager shall make a determination whether to allow the discharge.
 - (b) Unanticipated bypass - An industrial User shall immediately notify the City Manager of the occurrence of any unanticipated bypass. The City Manager shall make a determination whether to allow the discharge to continue. A written submission shall also be provided within five (5) days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause, the 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.
- (4) Any discharger shall have an affirmative defense in any action brought against it alleging a violation of the general and specific prohibitions established in Section 79.012 (2), (b), (h), (i), and (m), where the discharger can demonstrate that:
- (a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference and;
 - (b) Either:
 - 1. A local limit designed to prevent pass through or interference was developed for each pollutant in the User's discharge that caused pass through or interference and

the User was in compliance with each such local limit immediately before and during the pass through or interference; or

2. A local limit was not applicable and immediately before and during the pass through or interference the User's discharge did not substantially change in volume or constituents from the User's previous discharges when the POTW was regularly in compliance with its NPDES permit and, in the case of interference, all applicable requirements for sludge use or disposal.

79.013 Limitations on Wastewater Strength.

Sec. 13.

- (1) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory shall immediately supersede the limitations imposed under this Chapter. Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subpart N. A new source shall install, and have in operation at start-up, all pollution control equipment required to meet applicable Categorical Pretreatment Standards before beginning discharge. When the applicable Categorical Pretreatment Standards are expressed in terms of mass of pollutant per unit of production, the City Manager may convert these limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as set forth in 40 CFR 403.6(c) (2-7) and Rule 323.2311(5) of the MAC. In situations in which non-regulated waste streams are intermixed with the regulated waste stream, the City Manager may use the combined waste stream formula to develop equivalent discharge limits. Whenever equivalent limits are used, they shall be deemed pretreatment standards in determining compliance with the standards. The City Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR 403.12 and Rule 323.2310 of the MAC. An application for modification of the Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator of EPA by the City Manager when the System achieves consistent removal of the pollutants as defined by 40 CFR Section 403.7 and Rule 323.2313 of the MAC.
- (2) No Industrial User shall increase the use of water or dilute a discharge as a substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.
- (3) Supplementary Limitations
 - (a) Supplementary limits were established in accordance with EPA guidance and DNRE approval criteria. Specific permit limits for BOD, Suspended Solids, and Total Phosphorous are specified by individual discharge permits and were derived from the industrial allocable portion of the MAHLs listed as follows.

MAXIMUM ALLOWABLE HEADWORKS LOADINGS	
MATERIALS	LOADING (pounds/day)
BOD	98,300
TSS	139,500
Total Phosphorous	6,990

- (b) The following is a list of technically based local limits derived from the industrial allocable portion of the compatible pollutant MAHLs shown above as well as limits for

toxic pollutants. For Users subject to Categorical Pretreatment Standards, which include the following parameters, the following limits, if more restrictive, shall apply, both to the categorically regulated process flow as well as any other flows not specifically regulated by Categorical Pretreatment Standards. For all other dischargers these limits shall apply to the total flow from each connection to the POTW, except silver which is a process discharge limit as noted. All measurements to determine compliance with these limits shall be performed in accordance with EPA approved methods found in 40 CFR 136. The monthly average shall be the average of all samples analyzed by EPA approved methods during a calendar month.

LOCAL LIMITS		
Inorganic	Daily Maximum (mg/L)	Monthly Average (mg/L)
Total Arsenic	1.46	
Total Cadmium	0.817	NA
Total Chromium	4.0	NA
Hexavalent Chromium	0.72	NA
Total Copper	1.5	NA
Total Cyanide	1.0	NA
Total Lead	1.5	NA
Total Mercury	ND ¹	NA
Total Molybdenum	3.4	NA
Total Nickel	1.5	1.1
Total Selenium	2.3	1.67
Total Silver	620 ²	NA
Total Zinc	2.6	2.0

Organic	Daily Maximum (mg/L)	Monthly Average (mg/L)
Total Phenols	3.26	NA
Polychlorinated Biphenyls	ND ³	NA
Tetrachloroethylene	0.25	NA
Trichloroethylene	0.16	NA
MTBE	0.02	NA

NA Not applicable

⁽¹⁾ Non-detectable or as specified in Section 79.012 (2) (q)

⁽²⁾ Process discharge limit for photo processors at end of silver

recovery unit

⁽³⁾ Non-detectable per EPA Method 608 with a detection limit not to

exceed 0.1 µg/l unless higher levels are appropriate due to matrix

interference

- (c) For compatible pollutants, the City Manager shall establish specific concentration limits, when necessary, that are adequate to insure that the industrial allocable portion of the MAHL listed herein is not exceeded. Any requests for specific limits must be made at the time of permit application or renewal and such a determination will be made solely by the City Manager. The establishment of any such limits shall not create any vested right or property rights for the User. Accordingly, no right of appeal from such a determination will exist and the approval may be terminated, modified or subjected to special condition either at time of approval or thereafter, at the discretion of the City Manager.

- (d) The City Manager may implement a system for setting special alternative specific limits for batch discharges. Special alternative specific limits may be approved when all of the following conditions are met:
 - 1. The User requests a special alternative specific limit through the special alternative limit process.
 - 2. The City Manager makes a determination that adequate treatment capacity exists to allow this special alternative specific limit consistent with the MAHL for those pollutants present.

In no event shall a special discharge permit be granted or effective which authorizes a discharge in excess of the limitations imposed by any applicable final Federal or State pretreatment standard or discharge limit. In addition the City Manager shall not consider any request for an increase above any limits that were calculated based on health or safety criteria.

- (e) The City Manager may develop BMPs by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 79.012.

(4) Accidental Discharges.

(a) Prevention plan.

- 1. Industrial and Commercial Users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. If the materials of concern are listed in Table 1 of Rule 324.2009 of the MAC, as amended, a Pollution Incident Prevention Plan (PIPP) pursuant to Part 31 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended [MCL §324.3101 et. seq.], and Rule 324.2006 of the MAC, as amended, shall be developed and maintained. A copy of the PIPP must be made available upon request of the City Manager. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial or Commercial User's expense.
- 2. Industrial and Commercial Users who store hazardous substances shall not discharge to the POTW after the effective date of this Ordinance until a State of Michigan required PIPP has been submitted. Receipt of such plan shall not relieve the Industrial or Commercial User from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

- (b) The City Manager shall evaluate each Significant Industrial User at least once every two (2) years, and other Industrial Users as necessary, to determine whether such User needs a plan to control slug discharges. If the City Manager 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 Sections 79.012 and 79.013, with procedures for follow-up written notification within five (5) days;
- 4. When deemed 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 plant site run-off, worker training, building containment structures or equipment, measures for containing toxic organic pollutants and/or measures and equipment for emergency response.

- (c) Any upset or accidental discharge shall be reported to the City Manager immediately upon occurrence. A detailed report shall be filed within five (5) days. The report shall include location of the upset or discharge, date and time thereof, type of waste, concentration, volume and corrective actions. Failure to file a report shall be a separate violation of this Chapter.
- (d) Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug, upset or accidental discharge. Employers shall instruct all employees who may cause, or discover such upset or discharge, with respect to emergency notification procedure.
- (e) Significant Industrial Users are required to notify the City Manager prior to any changes at its facility affecting the potential for a Slug Discharge.

ARTICLE 4. DISCHARGE PERMITS

79.014 Permit Application.

Sec. 14.

- (1) All new non-domestic Users connecting to, or discharging to, the POTW, and all existing non-domestic Users connected to, or discharging to, the POTW, shall complete a Wastewater Discharge Survey to establish whether a non-domestic User should be classified as a Significant Industrial User or require a Discharge Authorization as defined in Section 79.003 and require a discharge permit. If, upon review, the City Manager determines a permit may be required, the non-domestic User shall file a permit application which may include, but not be limited to, the following information:
 - (a) Name, address and location of the discharger;
 - (b) North American Industry Classification System (NAICS) number(s) according to the North American Industry Classification System manual, Office of Management and Budget, 1997, as amended;
 - (c) Wastewater constituents and characteristics including, but not limited to, toxic pollutants as determined by bona fide chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended;
 - (d) Time and duration of discharges;
 - (e) Average daily and maximum daily wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the City Manager;
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sanitary and storm drain systems, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
 - (g) Description of activities, facilities and plant processes on the premises including all materials which are, or may be, discharged to the POTW;

- (h) The nature and concentration of any pollutants or materials prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Chapter;
 - (i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Chapter by an existing source, the discharger shall enter into a consent agreement consistent with the law, and approved by the City Manager, of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The compliance date for such a schedule shall not be later than the compliance date for any applicable standard. A new source (40 CFR 403.3(k) and Rule 323.2302(r) of the Michigan Administrative Code), or an expansion of an existing source, must have in place all necessary equipment to abate pollution. For a new source this will be prior to the commencement of the discharge. For an expansion of an existing source this shall be before any additional wastewater is introduced to the System.
 1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Chapter including, but not limited to, dates related to hiring a Michigan licensed professional engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Chapter.
 2. Under no circumstance shall the City Manager permit a time increment for any single step directed toward compliance which exceeds six (6) months.
 3. Not later than ten (10) days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City Manager, including a statement as to whether or not they complied with the increment of progress represented by that milestone date and, if not, the date on which they expect to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule.
 - (j) Each product produced by type, amount, process or processes and rate of production;
 - (k) The type and amount of raw materials utilized;
 - (l) All permit applications shall be signed by an authorized representative of the discharger, and a Michigan licensed professional engineer, where pretreatment facilities are required;
 - (m) When required by the City Manager, the discharger shall provide an inspection and sampling manhole(s) or structure(s), non-permitted confined space where feasible, with an opening of no less than twenty-four (24) inches diameter and an internal diameter of no less than thirty-six (36) inches containing flow measuring, recording and sampling equipment as required by the City Manager to assure compliance with this Chapter.
- (2) Non-domestic Users who have previously submitted a survey, as prescribed in this Section, are also required to complete a wastewater discharge survey periodically, at a frequency to be determined by the City Manager.

79.015 Significant Changes.

Sec. 15. The non-domestic User who is not required to obtain a permit is still required to re-apply prior to a significant change in discharge from that shown in the original permit application or survey.

79.016 Permit Issuance (Significant Industrial Users).

Sec. 16. The City Manager will evaluate the completed application and data furnished by the discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the City Manager shall make a determination as to whether the applicant is a Significant Industrial User or will need a discharge authorization. For every applicant, the City Manager shall issue or deny a Discharge Permit subject to terms and conditions provided herein.

79.017 Permit Modifications.

Sec. 17. The City Manager shall have the right to amend any Discharge Permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations and prevent a violation of any NPDES limit, water quality standards or interference with residuals management as specified in Section 79.012(2)(f). Upon the promulgation of a Federal Categorical Pretreatment Standard, the Significant Industrial User Discharge Permit of each discharger subject to such standards will be revised to comply with such standards. Where a discharger, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Significant Industrial User Discharge Permit as required by Section 79.014, the discharger shall apply for a Significant Industrial User Discharge Permit from the City Manager within thirty (30) days after the promulgation of the applicable Federal Categorical Pretreatment Standard and provide the information required. The discharger shall be informed of any proposed changes in the discharger's permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule for compliance, which does not exceed any compliance dates set by 40 CFR 403.6(b) and Rule 323.2311(3) of the Michigan Administrative Code.

79.018 Permit Conditions.

Sec. 18. Significant Industrial User Discharge Permits shall specify the following:

- (1) Statement of duration (not more than five (5) years) including issuance and expiration dates;
- (2) Effluent limitations based on the more stringent of Categorical Pretreatment Standards, BMPs, or local limits as established by this Chapter and State law;
- (3) General and specific discharge prohibitions as established by Sections 79.012 and 79.013 of this Ordinance;
- (4) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Requirements for collecting, retaining and providing access to plant records relating to the User's discharge and for providing entry for sampling and inspection;
- (6) Requirements for notification of spills, bypass or potential problems to the POTW including slug loadings, upsets or violations;
- (7) Requirements to develop and implement spill and slug control plans;
- (8) Requirements for notification and approval of changes prior to discharge. The POTW shall be notified of any proposed substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial User has submitted initial notification under 40 CFR 403.12(p) and Rule 323.2310(15) of the Michigan Administrative Code and operational shift changes of greater than four (4) hours;

- (9) Special conditions as the City Manager may reasonably require under particular circumstances of a given discharge to ensure compliance with this Chapter and State and Federal pretreatment standards and requirements;
- (10) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (11) Statement of non-transferability;
- (12) Conditions for modification or revocation of permit;
- (13) Schedule of fees and charges;
- (14) Limits on the average and maximum wastewater constituents and characteristics, including BMP: based on applicable pretreatment standards or local limits;
- (15) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- (16) Requirements for installation and maintenance of inspection and sampling facilities;
- (17) Compliance schedules;
- (18) Requirements for submission of special technical reports, discharge reports or certification statements. These include any reporting requirements contained in a Federal Categorical Standard or Pretreatment Requirements.

79.019 Permits Duration.

Sec. 19. All Discharge Permits shall be issued for up to five (5) years, subject to amendment or revocation as provided in this Chapter.

79.020 Permit Changes.

Sec. 20.

- (1) Permit Transfer

Individual discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City Manager and the City Manager approves the individual discharge permit transfer. The notice to the City Manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur;
- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and
- (d) Includes all modifications.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(2) Permit Renewal/ Reissuance

SIUs with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 79.014 of this ordinance, a minimum of sixty (60) days prior to the expiration of the SIU's existing wastewater discharge permit.

79.021 Baseline Monitoring Report.

Sec. 21.

- (1) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination request, or ninety (90) days prior to the commencement of discharge in the case of a new source, the Industrial User shall submit a baseline monitoring report, in accordance with 40 CFR 403.12(b) and Rule 323.2310(2) MAC, for any discharge subject to Federal Categorical Pretreatment Standards and requirements signed by an authorized representative.
- (2) Ninety (90) Day Report on Compliance with Federal Categorical Standards. Within ninety (90) days following the date for final compliance with applicable Federal Categorical Pretreatment Standards, or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any discharger subject to Federal Categorical Pretreatment Standards and requirements shall submit a report in accordance with 40 CFR 403.12(d) and Rule 323.2310(3) MAC signed by an authorized representative.
- (3) Significant Non-Categorical User Compliance Report. For dischargers who are not subject to Categorical Pretreatment Standards, but discharge or have the potential to discharge substances which could adversely affect the POTW's operation, or for violating any pretreatment standard or requirement, a report is to be submitted thirty (30) days following the commencement of discharge and every six (6) months thereafter to the City Manager. The report shall specify the nature and concentration of all prohibited or regulated substances contained in their discharge as set forth in 40 CFR 403.12(h) and Rule 323.2310(7) MAC and the average and maximum daily flow in gallons. The report shall state whether the requirements are being met on a consistent basis and, if additional pretreatment is necessary, to bring the discharge into compliance with the requirements. This statement shall be signed by an authorized representative, as set forth in 40 CFR 403.12(l) and Rule 323.2310(11) MAC, of the discharger and certified to by a Michigan licensed professional engineer.
- (4) Hazardous Waste Notification.
 - (a) Any Industrial or Commercial User, except as specified in Part (e) below, who discharges any substance to the POTW which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the POTW, the EPA Regional Waste Management Division Director and the State hazardous waste authorities as set forth in 40 CFR 403.12(p) and Rule 323.2310(15) of the Michigan Administrative Code in writing of such discharge.
 - (b) All hazardous waste notifications shall include:
 1. The name of the hazardous waste as set forth in 40 CFR, Part 261;
 2. The EPA hazardous waste number;
 3. The type of discharge (continuous, batch or other); and

4. A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (c) In addition to the information submitted in Section 79.021(4)(b), the reports from Industrial and Commercial Users discharging more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW shall contain the following information:
 1. An identification of the hazardous constituents contained in the waste;
 2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month;
 3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.
 - (d) Hazardous waste notifications shall be submitted no later than thirty (30) days after the effective date of this chapter or prior to the discharge of listed or characteristic hazardous waste for discharges commencing after the effective date of this Chapter, as required in Section 79.015. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharge must be submitted under Section 79.015 of this Chapter. This Section does not apply to pollutants already reported as part of a Significant Industrial User Discharge Permit self-monitoring requirement.
 - (e) Industrial and Commercial Users are exempt from the hazardous waste notification requirement when they discharge fifteen (15) kilograms or less of non-acute hazardous wastes per calendar month. Discharge of any quantity of acutely hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one (1) time notification.
 - (f) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste, the Industrial User must notify the POTW, the EPA regional waste management division Director, and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.

79.022 Periodic Compliance Reports.

Sec. 22.

- (1) Reporting Requirements.
 - (a) Significant Industrial Users subject to Categorical Pretreatment Standards shall submit to the City Manager a report, as required in 40 CFR 403.12(e), indicating the nature and concentration of prohibited or regulated substances in the effluent. The reports shall be submitted for the six (6) month periods of January through June and July through December. Reports are due within thirty (30) days of the end of the reporting period. If the sampling performed indicates a violation, the User shall notify the City Manager immediately upon becoming aware of the violation. At a minimum, the SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager within thirty (30) days after becoming aware of the violation. In cases where the Pretreatment Standard requires compliance with a best management practice or pollution prevention alternative, the User must submit documentation required by the City Manager or the Pretreatment Standard necessary to determine the compliance status of the SIU. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which during the re-

porting period exceeded the average daily flow reported in Section 79.014(1)(e) hereof. Flows shall be reported on the basis of actual measurement provided, however, where cost or feasibility considerations justify, the City Manager may accept reports of average and maximum flows estimated by verifiable techniques. The City Manager, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

- (b) SIU with discharges that are not subject to Federal Categorical Pretreatment Standards but are subject to local limits shall follow the same sampling and reporting requirements as in (a) above.
- (2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow, nature, concentration, production and/or mass, where required by the City Manager. If approved, reports required in discharge permits will be accepted in an electronically submitted format.

79.023 Inspection, Sampling and Analysis.

Sec. 23.

- (1) The City Manager may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Chapter. The discharger shall allow the City Manager to enter upon the premises of the discharger at all hours, for the purposes of inspection, sampling or records examination. The City Manager shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations and have access to examine and copy any records. All costs associated with this monitoring requirement shall be borne by the discharger.
- (2) The reports required by Sections 79.021 and 79.022 of this Chapter 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 Part 136 and amendments thereto or as specified in the applicable Categorical Pretreatment Standard.
- (3) The frequency of monitoring shall be specified by the City Manager to assess compliance by Industrial and Commercial Users with applicable pretreatment standards and requirements in accordance with 40 CFR 403.12(g)(3) and Rule 323.2310(6)(d) MAC. Where EPA 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedure set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977, and amendments thereto or with any other sampling and analytical procedures approved by the Administrator of the EPA. Where the POTW performs all the required sampling and analyses and collects all the information required for the reports required in Sections 79.021 and 79.022 of this Chapter, the SIU will not be required to submit the report.
- (4) If sampling performed by an SIU indicates a violation, the User shall notify the City Manager within twenty-four (24) hours of becoming aware of the violation. At a minimum, the User is required to resample and analyze within thirty (30) days of becoming aware of the violation. The City Manager may, with the issuance of a modified permit, require more frequent sampling and analysis. Re-sampling by the SIU is not required if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the SIU or City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the SIU.
- (5) If an SIU, subject to the reporting requirement in Sections 79.021 and 79.022, monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this Section, the results of this monitoring shall be included in the report.

- (6) The reports required by Sections 79.021 and 79.022 of this Chapter shall include the following certification statement:

“I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, it is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.”

- (a) Signatory requirements for Industrial User reports - The reports required by Section 79.021 and 79.022 of this chapter shall include the certification statement as set forth in Section 79.023 (6), and shall be signed as follows:

1. By a responsible corporate officer, if the Industrial User submitting the reports required by Section 79.021 and 79.022 of this chapter is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) 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
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the Industrial User submitting the reports required by Section 79.021 and 79.022 of this chapter is a partnership, or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph (a) 1. or (a) 2. of this section if:
 - (i) the authorization is made in writing by the individual described in paragraph (a)1. or (a)2.;
 - (ii) 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, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) the written authorization is submitted to the City Manager.
4. If an authorization under paragraph (a)3. of this section 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 paragraph (a)3. of this section must be submitted to the City Manager prior to or together with any reports to be signed by an authorized representative.

79.024 Monitoring Facilities.

Sec. 24.

- (1) When deemed necessary by the City Manager, each discharger shall provide and operate, at the discharger's own expense, a monitoring facility to allow inspection, representative sampling and flow measurement of each discharge to the POTW. Sampling requirement shall be flow proportional unless time proportional sampling can be demonstrated by the IU to provide a representative sample. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City Manager may concur with the facility being constructed in the public right-of-way providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Upon appropriate notice by the City Manager for monitoring facilities, a compliance schedule may be issued as a permit condition.
- (2) There shall be ample room in or near such sampling facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition, at the expense of the discharger.
- (3) All required monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications (non-permitted confined space structure where feasible).

79.025 Confidential Information.

Sec. 25.

- (1) Information and data furnished to the City Manager with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction. Wastewater constituents and characteristics will not be recognized as confidential information. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public unless required by law, but shall be made available upon written request to governmental agencies for uses related to this Chapter, the NPDES Permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report.
- (2) Where a discharger has mass based limits as allowed by *Federal* Categorical Pretreatment Standards on a production basis, the production data necessary to determine compliance must also be available to the public. Where application of the combined waste stream formula is necessary to apply Federal Categorical Pretreatment Standards to a discharger, the flow measurements and other data used in the calculation must be available to the public.

**ARTICLE 5. ENFORCEMENT, VIOLATIONS, PENALTIES
AND LIABILITIES**

79.026 Enforcement.

Sec. 26. Any discharger who is found to have violated an order of the City Manager, or who has failed to comply with any provision of this Chapter (or permits issued hereunder), and the regulations or rules of the

City, promulgated pursuant to this Chapter, shall be guilty of a violation of the City Code. Whenever the City Manager finds that any User has violated, or is violating, this Chapter, a Significant Industrial User Discharge Permit or order issued hereunder, or any other pretreatment requirement, the City Manager may serve upon said User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the City Manager. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

79.027 Recovery of Costs Incurred by the City.

Sec. 27. Any discharger violating any of the provisions of this Chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's POTW, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. This shall include, but not be limited to, penalties levied upon the City by the EPA or DNRE for violation of its NPDES Permit caused by any violation by a discharger, including all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

79.028 Falsifying Information.

Sec. 28. Any person or entity who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall, upon conviction, be punished as provided for in Sec. 79.036 of this Chapter.

79.029 Emergency Suspension of Service and Discharge Permits.

Sec. 29. The City Manager may for good cause shown, suspend the sewage disposal system service and/or the Discharge Permit of a discharger when it appears that an actual or impending discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or the environment, interferes with the operation of the POTW, violates any pretreatment limits or conditions imposed by this Chapter or any Discharge Permit issued pursuant to this Chapter. Any discharger notified of the suspension of sewage disposal system service and/or the discharger's Discharge Permit, shall, within a reasonable period of time, as determined by the City Manager, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the City Manager may take whatever steps are deemed necessary to eliminate the discharge, including cessation of City water service and/or shall commence judicial proceedings for injunctive relief immediately thereafter to compel the discharger's compliance with such order. The City Manager may reinstate the Discharge Permit and/or sewage disposal system service and terminate judicial proceeding upon presentation of proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

79.030 City Manager's Authority to Issue Administrative Orders.

Sec. 30. Whenever the City Manager determines that any discharger has violated this Chapter, or any other applicable laws or regulations which the City is authorized to enforce, the City Manager may issue administrative orders of the type listed below, as deemed appropriate under the circumstances. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single discharger.

- (1) Cease and Desist Order. A cease and desist order directs the non-complying User to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. Any person who uses, applied for use and/or is connected to the POTW under this Chapter shall be deemed to have

consented to inspection pursuant to this Section, including entrance upon that person's property by the City Manager to take such steps as are necessary to eliminate the discharge should the discharger fail to comply with such order. Such order shall be final and in effect until a hearing, if requested by the User, is conducted and a final decision is made by the City Manager. A written request for such hearing shall be made within ten (10) calendar days after receiving the order.

- (2) Consent Order. An agreement between the City Manager and the User which may contain compliance schedules, requirements for reimbursement of the City for damages and costs incurred or remedial actions, fines and administrative penalties and signatures of the City Manager and the authorized representative. A consent order shall address every identified and potential deficiency in the User's compliance status at the time of the order.
- (3) Show Cause Order. Where the violation is not corrected by timely compliance, the City Manager may order any discharger who causes or allows prohibited conduct, to show cause before the City Manager why a proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, or by certified mail, return receipt requested, specifying the time and place of a hearing to be held by the City Manager regarding the violations, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before the City Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. The proceedings at the hearing shall be considered by the City Manager who shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such order may be taken by the discharger in accordance with applicable State law.
- (4) Compliance Order. A compliance order directs the discharger to achieve compliance by a date specified in the order. Compliance orders require Industrial Users to develop management practices, spill prevention programs and related POTW industrial pretreatment program requirements.
- (5) Stop Work Order. Where there is work in progress that constitutes causes or is causing a violation of any provision of this Chapter, the City Manager may issue a Stop Work Order to prevent further violations or damage.
- (6) Administrative Fines, as specified in Section 79.036 of this Chapter.

79.031 Publishing Non-Compliance List.

Sec. 31. A list of all dischargers in significant noncompliance for the NPDES Industrial Pretreatment Program annual reporting period shall be published by the City in *The Grand Rapids Press* by the date specified in the City's NPDES permit.

79.032 City Manager's Authority to Require Financial Assurances.

Sec. 32. Pursuant to the City Manager's authority to issue administrative orders, the City Manager may require a non-complying Industrial or Commercial User to post a performance bond sufficient to cover expenses which might reasonably be incurred as a result of future violations. Industrial or Commercial Users who have, in the prior two (2) years, been responsible for causing an upset at the POTW, may be required to obtain liability insurance sufficient to cover the reasonable costs of restoring the POTW in the event of another such incident. These requirements may be made conditions of the Significant Industrial User Discharge Permit.

79.033 Judicial Proceedings.

Sec. 33. Following the entry of any order by the City Manager with respect to the conduct of a discharger contrary to the provision of this Chapter, the attorney for the City or his/her designee may, following the authorization of such actions by the City Manager, commence a civil infraction or criminal action for appropriate legal and/or equitable relief in the court of competent jurisdiction. Such relief may include, but is not limited to, the following: injunctive relief against an industrial User for failure to comply with pretreatment standards and requirements; suit for damages and costs to the City including legal expense; municipal civil infraction actions and criminal prosecution seeking fines and imprisonment as permitted by Section 79.036 of this Chapter and State law.

79.034 Right of Appeal.

Sec. 34. Any discharger shall have the right to request, in writing, an interpretation or ruling by the City Manager on any matter covered by this Chapter and shall be entitled to a prompt written reply.

79.035 Operating Upsets.

Sec. 35.

- (1) Any discharger experiencing an upset in operations which places the discharger in a temporary state of noncompliance with this Chapter, or a Discharge Permit issued pursuant hereto, shall inform the City Manager immediately upon becoming aware of the upset. The City Manager shall make a determination whether this discharge can continue. Upon the City Manager allowing the discharge to continue, a written follow-up report thereof shall be filed by the discharger with the City Manager within five (5) days. The report shall include:
 - (a) A description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;
 - (b) The duration of noncompliance, including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur; and
 - (c) All steps taken, or to be taken, to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.
- (2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the City Manager against a discharger for any noncompliance with this Chapter or any Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. It will not, however, be a defense to an action for damages to the POTW or to persons, property or natural resources caused by the upset. An upset will be considered "documented and bona fide" only if the discharger complies with Section 79.035(1) and with 40 CFR 403.16(c) and Rule 323.2315 of the MAC. In any enforcement proceeding the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (3) The User shall have controlled production of 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.
- (4) Conditions necessary for the demonstration of a bona fide upset - A User who wishes to establish the affirmative defense of an operating 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 appropriate manner and in compliance with applicable operation and maintenance procedures;
- (c) The User notified the City Manager immediately upon becoming aware of the upset; and
- (d) A written submission, containing the following information, was provided within five (5) days of commencement of the upset:
 - 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 was expected to continue; and
 - 3. Steps taken to reduce eliminate and prevent recurrence of the noncompliance.

ARTICLE 6. PENALTIES

79.036 Criminal and Civil Liability.

Sec. 36.

- (1) Any person in violation of this Chapter, or of any permit issued pursuant hereto, or standards, rules and regulations, any order of the City Manager issued pursuant to those rules and regulations or this Chapter, shall be: (a) subject to the municipal civil infractions provisions of Chapter 170 of the City Code, which the City Manager is authorized to enforce citations pursuant thereto; and (b) for such violations not covered by the civil infractions provisions of Chapter 170 of the City Code, shall, if convicted, be subject to a criminal penalty of up to five hundred (500) dollars per day or imprisonment for ninety (90) days or both such penalty and imprisonment. Each act of violation and every day upon which any violation is permitted or suffered to exist, shall constitute a separate violation and shall be subject to a separate penalty. The City Manager may issue a notice of violation calling for corrective action prior to issuing a citation pursuant to Chapter 170 of the Code. In the case of a conviction pursuant to this Section of a discharger who is not a natural person, any officer or director of a corporation, any officer or partner of a partnership, or any member of a limited liability company, or any officer or owner of a proprietorship is hereby deemed to be a proper person to serve any term of imprisonment imposed by the court as a result of the conviction.
- (2) In addition to, and expressly not in lieu of the foregoing, any discharger who violates this Chapter, or any permit issued pursuant hereto, or the standards, rules and regulations adopted pursuant to this Chapter, or any order of the City Manager issued pursuant to this Chapter, shall be subject to civil penalties, and to the payment of any damages and costs which may be awarded, by any court of competent jurisdiction.
- (3) In addition to any applicable State and Federal penalties, any person who:
 - (a) At the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Chapter, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the City Manager under this Chapter; or
 - (b) Intentionally makes a false statement, representation, or certification in an application for, or form pertaining to, a permit, or in a notice, report, or record required by this Chapter, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Chapter; or

- (c) Intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Chapter; or
- (d) Commits any other act that is punishable under state law by imprisonment for more than ninety (90) days: shall, upon conviction, be guilty of a misdemeanor punishable by a fine of five hundred (500) dollars per violation, per day, or imprisonment for up to ninety (90) days, or both at the discretion of the court.

ARTICLE 7. RECORD RETENTION

79.037 Record Retention Requirement.

Sec. 37.

- (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 BMP established under Section 79.013 (3e). 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. These records shall remain available for a period of at least three (3) years.
- (2) Any and all records which pertain to matters which are the subject of a Notice of Violation, Administrative Order, Show Cause Hearing, or any other enforcement or litigation activities brought by the City pursuant to this Chapter, shall be retained and preserved for five (5) years, or until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, whichever is later.

ARTICLE 8. MISCELLANEOUS

79.038 Removal Credits.

Sec. 38. Where applicable, the City Manager may elect to initiate a program of removal credits as part of this Chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR 403.7 and Rule 323.2313(a) of the MAC.

79.039 Net/Gross Calculations.

Sec. 39. The City Manager may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR 403.15 and Rule 323.2313(c) of the MAC.

ARTICLE 9. USER CHARGES

79.040 Purpose of Charges.

Sec. 40. Charges for the installation of, connection to and use of the POTW are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation and replacement of the System. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all Users of the System.

79.041 Local Collector Sewer Line Installation Charges.

Sec. 41.

- (1) Whenever a local collector sewer line is constructed either through a special assessment project or as may be ordered or required by law, the property owners for whom the line is designed to serve shall each pay their share of the cost of installation. Similarly, any property owner requesting service that has not previously paid his or her share of the cost of constructing the local collector sewer shall pay those costs before service is permitted.
- (2) The charge shall be known as the front foot rate and be determined by multiplying the rate per foot by the number of feet the property owner has fronting on the local collector sewer line from which he or she will receive service. The front foot rate shall be as follows:
 - (a) Domestic User: \$60.00;
 - (b) Commercial or Industrial User:
 1. The same as a domestic User if the connection is made to a local collector sewer line eight (8) inches or less in diameter.
 2. For a line larger than eight (8) inches diameter: \$81.00.

This charge will be annually reviewed and may change to reflect the current average cost of installation of local collector sewer lines.

- (3) If the City Commission shall determine that it is not advisable to collect the front foot rate at the time of construction or connection (if not previously paid at the time of construction), it may direct that the cost be borne initially by the System and subsequently be collected from the property owner in accordance with this Section.
- (4) Upon completion of construction or at the time connection is requested (if this cost has not been paid at the time of construction), the City Engineer shall certify to the City Comptroller the cost to be charged to the property owner. The Comptroller shall in turn certify the amount thereof to the City Treasurer. The City Treasurer shall bill the owner of the premises affected advising him or her that unless the amount so billed is paid within thirty (30) days from the date of mailing that the same shall be presented to the City Commission at the first meeting thereof after the expiration of thirty (30) days for assessment against said premises as a special assessment. In the event the bill for such installation and connection is not paid within thirty (30) days from the date said notice is mailed, the City Treasurer shall report the same to the City Commission which shall examine the same and if found by it to be correct shall confirm it as a special assessment against the premises affected, at which time the City Commission shall also direct the number of installments into which the same shall be divided, and shall direct the City Assessor to extend the same upon the tax roll as a special assessment in the manner provided in Chapter 10 of this Code. All collection procedures for special assessments established in Chapter 10 of this Code shall be applicable to assessments made hereunder.
- (5) In lieu of the procedure above described, such costs may be made at the expense of the System when the owner of the premises signs a written agreement agreeing to pay the cost upon terms agreeable to the City Manager and that the unpaid balance shall constitute a lien upon his or her property of the same character and subject to the same methods of collection as prescribed for special assessments in Chapter 10 of this Code.

79.042 Integrated Sewer Connection Fee Schedule.

Sec. 42. When a property owner or User is requested or required to connect to the system and has not previously paid or been assessed a connection fee, the following connection fee schedule shall apply:

2010 Integrated Sewer Connection Base Fee Schedule	
Water Meter (or equivalent) Size (inches)	Base Fees
³ / ₄ or less	\$ 2,650.00
1	4,400.00
1 ¹ / ₂	8,750.00
2	14,050.00
3	30,750.00
4	55,300.00
6 and over	122,950.00

Except as otherwise provided in the immediately succeeding paragraph, the foregoing integrated sewer connection base fee schedule for single-family and multi-family residential dwelling units shall be adjusted upward and downward as follows: A single-family residential dwelling unit located on a parcel containing twenty thousand (20,000) square feet shall pay the applicable integrated connection fee in accordance with the forgoing schedule. When determining the square footage of a residential parcel for the purposes of determining the appropriate integrated connection fee, parcel size may be adjusted downward to take into consideration such things as wetlands, lakes, streams and other unusual characteristics of the parcel in accordance with policies approved from time to time by the Utility Advisory Board. To the extent the size of a parcel, as adjusted, is greater than or less than twenty thousand (20,000) square feet, one-half the applicable integrated connection fee will increase or decrease by the same percentage increase or decrease in the parcel above or below twenty thousand (20,000) square feet. In the case of multi-family residential dwellings, in order to determine the size of the parcel assigned to each dwelling unit for purposes of calculating the integrated connection fee to be paid by each multi-family residential dwelling unit, the total square footage of the parcel, as adjusted, on which the multi-family residential dwelling is located shall be divided by the total number of residential units. Notwithstanding any other provision in this subsection, the integrated connection fee for a single-family residential dwelling unit or multi-family residential dwelling unit shall not exceed four and one-half (4 ½) times the applicable base integrated connection fee set forth in forgoing schedule.

There shall be no upward adjustment in the integrated sewer service connection fee payable for a single-family residential dwelling unit connecting to the Sewer System if: (a) each of the following conditions are met: (1) a building permit shall have been obtained; (2) the dwelling unit shall have been constructed; and (3) a certificate of occupancy shall have been issued prior to January 1, 2000; or (b) local building permit fees have been paid to the local governmental unit prior to January 1, 2000 for a single-family residential dwelling unit to be constructed on or after January 1, 2000. When connecting to the Sewer System, Users living in or owning such single-family residential dwelling units shall pay the applicable base integrated connection fee set forth in the Integrated Connection Base Fee Schedule adjusted downward, if applicable, in accordance with the immediate preceding paragraph.

Effective January 1, 2005 and January 1st of every year thereafter, the Integrated Sewer Connection Base Fees shall be adjusted by a percentage, which is determined by the annual change in the Consumer Price Index (the "index") calculated as follows:

- (1) The Consumer Price Index shall be that Index referred to as the Consumer Price Index, US City Average, All Urban Consumers, published by the U.S. Department of Labor-Bureau of Statistics [(1982-84)=100]. In the event the method of determining the Index is substantially altered, the

basis for determining the annual change thereafter shall be the Index which is most comparable to the Index described above.

- (2) For the purpose of computing the percentage change each calendar year, the Index for the month of August for the prior calendar year shall be subtracted from the Index for the immediately preceding August. The result so obtained (if positive) shall be divided by the Index for the month of August for the prior calendar year to obtain the percentage increase which shall be applied to the then current Integrated Sewer Connection Base Fee Schedule to determine the new calendar year schedule.

The foregoing Integrated Connection fee is due and payable at the time a User receives a permit to connect to the Sewer System. A permit issued by the City to connect to the Sewer System shall expire one hundred eighty (180) days from the date the permit was issued.

The User receiving services who applies for a larger water meter than the one presently in service shall pay an Integrated Connection Fee which is the difference in cost between the meter size in service and the one applied for in accordance with the Integrated Connection Fee in effect at the time of application. No credit or rebate shall be made in the case of application for a smaller meter size

79.043 Use Charges.

Sec. 43. Rates and charges for sewage disposal service furnished by the System shall be charged to all persons or entities within or without the City limits using the System. Such charges shall reflect the proportionate costs of providing the service within the City limits. For those Users of the System outside the City limits, charges shall be based on the proportionate actually incurred costs to provide service to the Users within the governmental unit in which they reside. Each unit of government customer class in which Users receive treatment services from the System shall adopt a system of User charges in accordance with the EPA regulations and shall incorporate such User charge system in their appropriate Ordinances or resolutions.

79.044 User Classes.

Sec. 44. For the purposes of determining User charges, three User classes are established: Domestic, Commercial and Industrial.

79.045 Determination of User Charges.

Sec. 45. The charges herein established shall be based upon the water consumption of the User's premises, including water from public and private supplies, as determined by this Chapter and the standards, rules and regulations promulgated pursuant hereto, or at the election of the User upon the actual amount of sewage discharge into the System. However, a monthly service charge shall be based upon the size of the water meter and as determined by this Chapter.

ARTICLE 10. RATES AND CHARGES

79.046 Applicability.

Sec. 46.

- (1) Users of the System complying with the provisions of this Chapter shall pay rates and charges as set forth below. Such rates and charges shall be designed to produce revenues which are proportionate to the cost of providing service to each User class of each customer class. Such cost shall include, but not be limited to, operation, maintenance, replacement, depreciation and a reasonable rate of return of the System's investment. Any bulk User of the System must establish a similar schedule of rates and charges to assure that its individual Users are paying proportionate share of the cost of providing service in conformance with EPA regulations.

- (2) A surcharge shall also be imposed on those Users who exceed normal BOD, TSS, phosphorous and ammonium concentrations established as provided herein.

79.047 Rates and Charges for Retail Users Within the City Grand Rapids.

Sec. 47. The following rates and charges for sewage disposal service shall apply for Users within the City of Grand Rapids:

2010 Commodity Rate per 100 Cubic Feet	
Domestic	\$ 3.33
Commercial	\$ 3.33
Industrial	\$ 3.33

2010 Monthly Service Charge	
Water Meter Size (inches)	Charge
¾ or less	\$13.70
1	21.94
1 ¼	32.54
1 ½	45.50
2	78.48
3	172.70
4	304.61
6 or larger	681.50

79.048 2010 Surcharges and Permit Fees.

Sec. 48.

- (1) If the City Manager determines that a discharge will not cause pass through or interference as defined in this Chapter, Industrial or Commercial Users whether they are located within a retail service area or a bulk service area shall be charged a surcharge if the concentration of their discharge exceeds a five-day BOD of two hundred fifty (250) mg/L, and/or TSS of two hundred fifty (250) mg/L, or any phosphorus of fifteen (15) mg/L. That charge shall be twenty-three and one-tenth cents (\$0.231) per pound of BOD and twenty-eight and five-tenth cents (\$0.285) per pound of TSS and one dollar and sixteen cents (\$1.160) per pound of phosphorus in excess of the above limits. In addition, all Industrial or Commercial Users shall be charged a surcharge for ammonia concentrations exceeding thirty-eight (38) mg/L. The charge shall be twenty-nine and eight-tenth cents (\$0.298) per pound of ammonia in excess of the above limit. Discharge concentrations of these substances and the resulting surcharge shall be based on at least three composite samples per quarter. This sampling shall be performed by either the City or the Industrial User as determined by the City Manager.
- (2) The fee for a Discharge Permit as provided for in Section 79.016 of this Chapter whether they are located within a retail service area or a bulk service area shall be four hundred (400) dollars per year and an analytical fee based on Section 2.102(3).
- (3) The following schedule of charges shall apply to any analysis which may be required as part of a Discharge Permit:

Analysis	2010 Charge each (except where noted otherwise)
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Metals	7.00
TSS	7.00
BOD	14.00
Total Phosphate	13.50
pH	5.00
EPA 624	60.00
EPA 625	115.00
BTEX/MTBE	35.00
Sulfide	12.00
Oil & Grease	25.00
Total Cyanide	15.00
Hexavalent Chromium	10.00
Fecal Coliform	45.00
Labor	56.16 per hour
Sampler	35.00 per day
Vehicle	3.18 per hour

- (4) These charges will be reviewed annually and may change to reflect the current cost of providing these services.

79.049 Review of Rates and Charges.

Sec. 49. Annually, after the close of the fiscal year and prior to the adoption of the System's budget, there shall be a review of rates and charges. Upon completion of the review, a report shall be prepared and presented to the City Commission summarizing the review and recommending rates and charges which assure that all the costs of the System will be recovered from customer and User classes proportionately to the cost of providing service to them.

79.050 Enforcement.

Sec. 50. Delinquent bills shall be collected as provided for in Section 79.053 of this Chapter.

79.051 Effective Date.

Sec. 51. The rates and charges set forth in Section 79.041, 79.047, and 79.048 shall be effective on January 1, 2010. There rates and charges are subject to annual review.

ARTICLE 11. SEWER USE STANDARDS

79.052 Sewer Service Applications and Notification.

Sec. 52.

- (1) A User desiring to obtain sewer service shall make application on forms prescribed by the City. In the event that sewer service at premises is continuous through a change of ownership, the new owner must file a notification of change of ownership within ten (10) days. Failure to complete an application or notification may result in discontinuance of service.
- (2) Whenever a condominium has a single sewer connection servicing the premises, the account shall be made in the name of the condominium association. Sewer service shall not be provided until the condominium association has filed with the Water Business Office written proof that it has the authority to enter into such an arrangement.

79.053 Billing Practice.

Sec. 53.

- (1) Billed usage for residential customers shall be based upon the volume of water used during the winter quarter. Rate amounts for commercial and industrial customers shall be based upon the volume of water used during each quarter. Water usage shall be recorded on a meter installed at each structure. Where no meter exists, a flat rate shall be charged for average usage of water as determined by the annual rate study per billing period for residential Users. A service charge, based on meter size, will be added to each bill.
- (2) If any meter shall fail to register properly, or if a meter reader cannot obtain a meter reading at a premises on the regular reading date, a billing shall be sent based upon an estimate of former consumption of comparable quarters in preceding three (3) years.
- (3) The total amount of the sewer charges shall be the amount of the bill. The Water Business Office shall assign due dates to be no less than fifteen (15) days from the date of mailing of the bill. There shall be no discount for early payment. In the event that the bill is not paid by the due date, a ten percent (10%) penalty is added to the net amount and both become due and payable. All remittances by mail must be postmarked on or before the due date to entitle the User to pay only the net amount. When the due date falls on a legal holiday, Saturday or Sunday, the net amount will be accepted on the first business day following. Failure to receive a bill shall not entitle a customer to pay the net amount unless it can be shown from City records that the bill was not sent.
- (4) If payment is not received within seven (7) days of the due date on the bill, a reminder notice shall be sent by first class mail to inform the User that the account is overdue.
- (5) If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a shut-off notice will be sent by first class mail to inform the User that failure to respond can result in termination of water service. This notice will also inform the User that if he/she has a question regarding the bill he/she should contact the Water Business Office. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shut-off notice is sent to the User, the water/sewer service shall be shut off. No service that has been disconnected, due to non-payment, shall be restored until all past-due bills are paid or satisfactory arrangements for such payment are made at the Water Business Office.
- (6) Whenever sewer service has been furnished to a premises and it is determined that: i) the Water Business Office has not rendered a bill for the service; and ii) the User has done everything normally required of him/her, a back-bill covering the period shall be sent to the User. However, the period covered by the back-bill shall not exceed three (3) years. If it is determined that the User has not done everything normally required of him/her, a back-bill shall be sent to the owner of the premises covering the period that service was rendered, but not to exceed six (6) years. The back-bill will include the monthly service charge at the rate in effect for the period covered plus the commodity rate times the estimated volume of sewage used based upon the best available data. In the absence of a City water meter, the sewer volume for domestic customers shall be the average usage per quarter for domestic Users as determined by the annual rate study. In the absence of a City water meter, commercial and industrial customers shall be required to install metering devices pursuant to Section 79.057(5) of this Chapter, to accurately record waste discharge into the System. The amount of the back-bill will be computed by using the current meter readings for the comparable quarters.
- (7) When a tenant is responsible for payment of bills and a lease has been executed containing a provision that the lessor is not liable for sewer charges. Then it shall be the responsibility of the lessor to so notify the Water Business Office with an affidavit signed by both parties and thereby request a waiver of the lien privilege. The affidavit must state the pertinent provision of the lease and the expiration thereof. Upon receipt of such notification, the POTW will waive its lien privilege and sewer bills to the lessee within the term of the affidavit shall not be a lien against the

property. Upon expiration, a new affidavit must be submitted to retain the lien waiver. Without such notification, sewer bills will be a lien against the property served regardless of any lease provisions between the parties.

- (8) Charges for sewage disposal service furnished to any premise within the City shall be made pursuant to City Code and/or statute. The lien remedy does not preclude any other remedy provided in law. Those premises outside the City that are served by the System that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between the City and the governmental unit.
- (9) When the Water Business Office has received and approved a request from the property owner for waiver of the lien privilege, then a cash deposit will be required of the lessee as security for payment of all sewer charges. Said cash deposit shall be equal to three (3) times the quarterly bill for sewer charges, but, in no case, less than the minimum deposit schedule as referred to in Appendix I of the Water Department Rules and Regulations.
- (10) The Water Business Office shall refund a deposit and the accrued interest thereon upon satisfactory payment by the User on or before the due date of all proper charges for sewer service for a period of twelve (12) successive billing quarters. For these purposes a payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for non-payment. Users who have established credit by the satisfactory payment of sewer charges at one (1) premises shall not be required to make deposits at a subsequent premises unless the deposit at the subsequent premises would exceed the previous one by greater than one hundred percent (100%). A User who has been refunded his/her deposit shall be required to remake a security deposit in the event that his/her service is discontinued for non-payment. Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill and the balance, if any, shall be promptly returned to the User.
- (11) The Water Business Office will apply interest to the deposit accounts of all Users with security deposits. This interest shall be at the rate of six percent (6%) per annum. Interest will be credited to the deposit account annually as of June 30 and said interest will be compounded annually. Accrued interest shall be paid at the time that the deposit is refunded. Accrued interest shall include all annual interest credits plus interest for the time period from the previous June 30 to the date of refund.

79.054 Sewer Lines.

Sec. 54.

- (1) Over sizing shall mean the enlargement of a local collector sewer so that the enlargement will serve as a trunk or interceptor sewer. When the System requires a local collector sewer line to be oversized, it will pay the cost of such over sizing as computed in the following manner:
 - (a) In a residential assessment district or a new residential plot, the over sizing share is the material difference in cost of the oversized sewer;
 - (b) In a commercial, industrial or high density residential development assessment district, the over sizing share is the material difference in the cost of the oversized sewer;
 - (c) In cases where the larger than normal size sewer line is required solely to provide adequate service to a local service area and is not used as part of the larger network, then the entire cost of the enlargement will be treated in the same manner as a normal sized local collector line and the System will not participate in the over sizing cost.
- (2) All extensions of the local collector sewer line are normally paid for by the affected Users through special assessment or front footage charges. However, the City Commission may authorize the

extension of a local collector sewer line to serve an existing structure when the owner of the property requests sewer service because of failure of his/her present system causing an emergency situation and constituting a public health hazard. The POTW, at its own expense, may extend the sewer line to serve said properties under the following conditions:

- (a) The requesting property is within five hundred (500) feet of an existing local collector sewer line;
 - (b) As shown by a poll of the other properties affected by the proposed extension, a majority of the owners having front footage are opposed to the project;
 - (c) There is a reasonable expectation, as determined by the City Commission, that newly constructed or existing properties not presently desiring service will request such service in the foreseeable future;
- (3) When an extension specified in Section 79.054(2) is made in the instances cited, the requesting property owner shall agree to pay the prevailing front footage rate and other applicable charges in the City Code at such time that the extension is made. When property owners connect who have not shared in the expense of the sewer line extension, they shall then pay the front footage and other applicable charges as provided in Section 79.041 of this Chapter.
- (4) All new sewer lines shall conform to the *City of Grand Rapids Standard Construction Specifications* and shall be a minimum of eight (8) inches in diameter in most residential areas and a minimum of twelve (12) inches in diameter in commercial, industrial or high-density residential areas. The City Manager reserves the right to determine the minimum acceptable sewer lateral size in those cases where drainage problems exist.

79.055 Sewer Laterals and Appurtenances.

Sec. 55.

- (1) The property owner shall maintain, at his/her expense, the sewer lateral to insure continuous flow of sewage from the structure to the local collector, trunk or interceptor sewer, and shall be responsible for replacement of lateral sections existing between the structure and the property line or public easement boundary. The City shall be responsible only for the replacement of lateral sewers existing within the street right-of-way or public easement.
- (2) Whenever a sewer lateral is to be extended into the premises, the plumber or contractor may obtain location measurements from the City. However, the City does not assume responsibility for the accuracy of such location measurements.
- (3) Every structure with plumbing fixtures(s) shall have an independent, owner-maintained building sewer lateral to the local collector sewer line when the System is available. There shall not be more than one (1) structure served by a single sewer lateral connection, except with approval of the City Manager.
- (4) When a structure is to be demolished, satisfactory arrangements shall be made with the City to disconnect and seal the sewer lateral at the property line or at the point designated by the City. The lateral disconnection shall be inspected by the City prior to sealing. Failure to make arrangements for inspection and the proper termination of the connection shall cause the City Manager to order excavation of the lateral for the required inspection with all associated costs to be assessed against the bond required by the demolition permit as provided for in the City Code.

- (5) Roof drains shall not be connected to the System. The City Manager shall order the immediate disconnection of all such connections. The owner of the premises shall be responsible for any and all costs associated with these disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this Chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.
- (6) Footing drains shall not be connected to the System on any structure built after 1968. The City Manager shall order the immediate disconnection of such connections. The owner of the premises shall be responsible for any and all costs associated with these disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this Chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.
- (7) Basement waterproofing systems shall not be connected into the System or discharged in such a manner as to cause a public or private nuisance. Prior to installation of a basement waterproofing system the property owner, or the owner's contractor, must obtain a permit from the City. The waterproofing system must be inspected and approved by the City prior to putting the system into operation. Given due cause, the City Manager may order the owner to discontinue the discharge of water from a basement waterproofing system. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.
- (8) Disposal of garbage into the POTW shall be permitted only after it has been pulverized by an installed food-waste-grinder unit. Such units shall be installed in accordance with the current Plumbing Code, adopted by the City and enforced by the City.
- (9) Storm Drains shall not be connected into the System or discharged in such a manner as to cause a public or private nuisance.

79.056 Connection Permits.

Sec. 56. Persons authorized shall obtain a permit for sewer lateral connection from the City in accordance with the Plumbing Code. Said permits shall be obtained before any such work may begin.

79.057 Sewer Connections.

Sec. 57.

- (1) If at any time it is found that any sewer lateral connection has been installed contrary to or in violation of the City Code or rules or regulations governing such installation, the City Manager shall issue an order requiring compliance within thirty (30) days after notification. If compliance has not been obtained, including payment of all fees and charges, within thirty (30) days of the notice, the City Manager may authorize termination of City water/sewer service until the corrections are made. The owner or User will not have redress for any such charges occurring because of shut-off or termination. In addition, the violator may be subject to a municipal civil infraction action.
- (2) Each new sewer lateral installation, or repair of an existing sewer lateral, shall be inspected and approved by the City prior to backfilling.
- (3) If a piece of property that has an existing sewer lateral serving more than one (1) building is subdivided into separate lots or parcels, then the owner of the building that does not have direct sewer service must install his/her own sewer service across his/her property or on an easement and the original sewer lateral to the adjoining subdivided property must be disconnected. Any required easements shall be recorded by the Kent County Clerk.

- (4) Whenever a new sewer lateral is installed or repaired by a contractor or plumber, it shall be guaranteed to be free from any defective material or poor workmanship, in the public right-of-way, for a period of one (1) year from the date of installation.
- (5) Wastewater metering facilities may be installed by a User or as required by the City Manager to measure sewage discharge from the User's premises to the sanitary sewer. All such arrangements shall be made subject to acceptance by the City Manager and the expense thereof, including the installation, maintenance and operation, shall be borne by the User. Plans and specifications for the installation of any wastewater meter must be submitted to the City before actual installation begins. Such metering facilities shall meet the following criteria:
 - (a) A Michigan licensed professional engineer must develop installation plans. Drawings of the location of the primary measuring device and the meter, the location of the meter's data output(s) and specifications for the meter, including its manufacturer, model and logging frequency, must be included with the plans.
 - (b) A plan location map, which accurately shows where the primary measuring device and meter are located, shall be submitted as part of the drawings.
 - (c) Meter reading provisions shall be convenient to any existing water meter reading location.
 - (d) Underground structure, and all associated piping, which contain the primary measuring device and the meter shall be installed in accordance with the Plumbing Code.
 - (e) If possible, the primary measuring device must be located in an open or non-permitted confined space. The recording device may not be located in a confined space.
 - (f) The meter must include a data logger capable of recording and displaying continuous flow data. The data must be inspected each business day, by the User, with documentation of the inspection in the form of the inspector's initials, date and time. All data records must be maintained for a minimum of three (3) years and be available for inspection by the City.
 - (g) The meter installation must be inspected and found to be acceptable by the City Manager before any data from the meter will be used for billing purposes.
 - (h) The User must maintain a meter service contract provided by the manufacturer or the manufacturer's approved representative. The meter shall be checked and calibrated quarterly, or as per manufacturer's recommendation, by the service provider. All calibration records must be maintained for a minimum of three (3) years and be available for inspection by the City.
 - (i) If failure of the meter occurs, the User must notify the City Manager within three (3) business days. Repairs to the meter, which are the responsibility of the owner, must be completed within five (5) business days. If repairs cannot be completed within five (5) business days, a timetable for completion of repairs must be submitted to the City Manager. If, as a result of failure, or suspected failure, the sewer meter readings are in dispute, the volume of water indicated by the City's water meter during the disputed time will be used as the wastewater volume.
 - (j) The City, at its discretion, must be allowed to inspect the meter and all records pertaining to the meter. At the City Manager's discretion, the acceptance of any wastewater metering device and/or data may be revoked.

79.058 Effective Date.

Sec. 58. This ordinance shall be effective thirty (30) days after its adoption.

79.059 Publication.

Sec. 59. After its adoption and before its effective date, this ordinance or a summary thereof, as permitted by law, shall be published by the Township Clerk in *The Grand Rapids Press*, a newspaper of general circulation in the Township.

The foregoing ordinance was offered by Board Member Goldberg, supported by Board Member Goodyke. The roll call vote being as follows:

YEAS: Koessel, Lewis, Peirce, Beahan, Goodyke, Fox, Goldberg

NAYS: None

ABSTAIN: None

ABSENT: None

RATIFIED AND ADOPTED THIS 27th day of October, 2010.