

ORDINANCE NO. 229

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE VILLAGE OF QUINCY.

The Village of Quincy determines that it is in the best interest for the health, safety and welfare of the citizens of Quincy that an ordinance to amend the sewer ordinance providing for pretreatment of industrial waste be adopted. Therefore, the following amendment to the Quincy Sewer ordinance is adopted.

51.01 PURPOSE.

The rules, regulations, charges, and rates in this chapter shall apply to all properties located within the boundaries of the Village, together with any extensions, enlargements or additions thereto, on and after November 1, 1970.

This chapter shall regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, industrial waste pretreatment facilities and the discharge of waters and waste into the public sewer system. It shall also provide penalties for violations hereof. This chapter is enacted to set uniform requirements for direct and indirect contributors into the wastewater collection and treatment system and to enable the Village to comply with all applicable state and federal laws required by the Clean Water Act of 1977, and the General Pretreatment Regulations 40 CFR Part 403.

The objectives of this subchapter are as follows:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the POTW (Public owned Treatment Works) or contaminate the resulting sludge.
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with POTW.
- (3) To improve the opportunity to recycle or reclaim wastewater and sludges from the system.
- (4) To provide for fees for equitable distribution of the cost of operation, maintenance and improvement at the POTW.
- (5) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment, and the general public.
- (6) To enable the Village to comply with its NPDES (National Pollutant Discharge Elimination System) permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

(7) To enable the Village, through its POTW, to set affluent limits, including best management practices (BMPs), based upon applicable general pretreatment standards in Part 403 of Title 40 of the Code of Federal Regulations, concerning categorical pretreatment standards, including local limits, and state and local law.

51.02 DEFINITIONS AND ABBREVIATIONS.

(a) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(1) Act. The term Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) Alternative Discharge Limit. Limits set by the Council in accordance with 40 CFR 403.6(e), for integrated facilities in accordance with the combined waste stream formula as set by the EPA.

(3) Approved POTW Pretreatment Program or Program or POTW Pretreatment Program. Approved POTW Pretreatment Program or Program or POTW Pretreatment Program means a program administered by a POTW that meets the criteria established in this regulation (§§403.8 and 403.9) and which has been approved by a Regional Administrator or State Director in accordance with §403.11 of this regulation.

(4) Authorized Representative of Industrial User. An authorized representative of an industrial user may be a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) Baseline Monitoring Report. Baseline Monitoring Report is a report required from industrial user's subject to federal categorical regulations. The report must contain information specified by 40 CFR403.12(b) (1)-(7).

(6) Best Management Practices or BMPs. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also 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.

(7) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration (milligrams per liter).

(8) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the drainage from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(9) Building Sewers. The extension from the building drain to the public sewer or other places of disposal.

(10) Bypass. The intentional diversion of wastewaters from any portion of an industrial user's treatment facility.

(11) Categorical Industrial User – “Categorical Industrial User” or CIU means an industrial user subject to national categorical pretreatment standards.

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

(13) Chlorine Demand. The difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

(14) Combined Sewer. A sewer receiving both surface runoff and sewage.

(15) Combined Waste stream. A waste stream at industrial facilities where a regulated process effluent is mixed with wastewaters other than those generated by the regulated process prior to treatment.

(16) Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

(17) Composite Sample. A series of samples taken over a specific period of time and eventually combined into one sample, whose volume is proportional to the flow in the waste stream. The composite samples may also be timed proportional.

(18) Control Authority. Control Authority refers to:

(a) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of §403.11; or

(b) The Approval Authority if the Submission has not been approved.

(19) Cooling Water. The water discharge from any such use as air conditioning, cooling, or refrigeration. Cooling water may be contact or non-contact cooling water. Contact cooling water shall include water that may come in contact with equipment, materials, or products that contain pollutants other than heat. Non-contact cooling water shall contain no pollutants other than heat.

(20) Council. The Village Council of the Village of Quincy, or its designee.

(21) Direct Discharge. The discharge of treated or untreated waters directly or indirectly via storm sewer to the waters of the State or navigable waters of the United States.

(22) Director. Director means the chief administrative officer of the Michigan Department of Environmental Quality.

(23) Domestic Waste. Domestic waste means water-carried waste of human origin generated by personal activities (kitchens, bathrooms, lavatories, toilets).

(24) Domestic Sewage. Domestic sewage means waste and wastewater from humans and household operations that is discharged to or otherwise enters a treatment works.

(25) Enforcement Response Plan. Enforcement Response Plan is a plan adopted by the Village of Quincy outlining and specifying the options that the Village will take in enforcing the Sewer Use Ordinance and Regulations adopted pursuant to that Ordinance. The Emergency Response Plan is incorporated into this Ordinance by reference.

(26) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

(27) Footing Drain. A pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

(28) Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(29) Grab Sample. A sample which is taken from a waste stream on a one-time basis over a period of time not exceeding fifteen minutes, with no regard to the flow in the waste stream and without consideration of time.

(30) Holding Tank Waste Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, or vacuum-pump tank trucks.

(31) Indirect Discharge or Discharge. Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

(32) Industrial User or User. Industrial User or User means a source of Indirect Discharge.

(33) Industrial Wastes. Any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process of industry.

(34) Inspector. Any person or persons duly authorized by the Council to inspect and approve the installation of building sewers and their connection to the public sewer system.

(35) Integrated Facilities. Industrial facilities with a combined waste stream.

(36) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or 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 SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(37) Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in 40 CFR 136.

(38) Manager. The Village manager of the Village of Quincy, or his or her authorized representative.

(39) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342), and includes any state or interstate program which has been approved by the administration, in whole or in part.

(40) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5.

(41) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(42) Natural Outlet. Any naturally occurring outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(43) New Source.

(1) "New source" is a building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that

- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of sections (41) (1)(ii), or (41) (1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (i) Begun, or caused to begin as part of any continuous onsite construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(44) Normal Domestic Sewage. Sewage of human origin generated from personal activities from sources such as kitchens, bathrooms and toilets, with characteristics not exceeding: 250 mg/L BOD, 180 mg/L TSS, 38 mg/L ammonia, and 7 mg/L phosphorus.

(45) North American Industry Classification System (NAICS). A classification pursuant to the 2002 US NAICS Manual North American Industry Classification.

(46) NPDES Permit or Permit. A permit issued to a POTW pursuant to section 402 of the Act.

(47) NPDES State. A state (as defined in 40 CFR 122.20) or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(48) Operation and Maintenance. All work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works, including the cost of replacement.

(49) Pass Through. A discharge which exits the POTW into the 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 in the magnitude or duration of a violation).

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

(51) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(52) Pollutant. Any of various chemicals, substances and refuse materials, such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat and industrial, municipal and agricultural wastes, which impair the purity of the water and soil.

(53) Pollution. The introduction of pollutants that can or does impair the chemical, physical, biological or radiological integrity of water.

(54) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by §403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with §403.6(e).

(55) Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(56) Pretreatment Standards. National Categorical Pretreatment Standards, Alternative Discharge Limits, or other Federal, State or local standards, whichever are applicable. Any federal or state pollutant discharge limits promulgated in accordance with the CWA or Michigan Act 451 of the Public Acts of 1995, as amended.

(57) Properly Shredded Garbage. Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(58) Publicly Owned Treatment Works (POTW). A treatment works defined by Section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act).. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

(59) POTW Treatment Plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(60) Public Sewer. A sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

(61) Regional Administrator. The appropriate EPA Regional Administrator.

(62) Replacement. The replacement, in whole or in part, of any equipment in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other State and Federal regulations.

(63) Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(64) Severe Property Damage. Substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(65) Sewage or Wastewater. The liquid and water-carried waste from industrial, commercial processes and municipal operations, or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, including excess water, from cooling, condensing, or other sanitary systems.

(66) Sewage Treatment or Wastewater Treatment Plant. Any arrangement of devices and structures used for treating sewage.

(67) Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.

(68) Sewer. A pipe or conduit for carrying sewage.

(69) Shall versus May. Shall is mandatory. May is permissive.

(70) Significant Industrial User.

A. Except as provided in paragraph (71) (B.) of this section, the term "Significant Industrial User" means:

1. All Industrial Users subject to a Categorical Pretreatment Standard under 40 CFR 403.6 and 40 CFR, Chapter 1, Subchapter N; and

2. Any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority 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)).

B. Upon a finding that an Industrial User meeting the criteria in paragraph 71(A)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Village may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(71) Significant Noncompliance (SNC). Significant noncompliance is a violation or violations that meet one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken (for the same pollutant parameter) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) 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 Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 or welfare or to the environment, or that has resulted in the exercise by the sewage works of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater contribution permit or enforcement order for starting construction, completing construction or attaining final compliance;

F. Failure to provide, within thirty days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations, which may include a violation of best management practices, which the Council determines will adversely affect the operation or implementation of the local pretreatment program.

(72) Slug. Any discharge of a non-routine episodic nature including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violate the publicly owned treatment works regulations, local limits, or permit conditions.

(73) State. The State of Michigan.

(74) Storm Sewer; Storm Drain. A sewer or drain intended to carry storm water, snow melt and surface water runoff and drainage, but excludes sewage, wastewater and polluted industrial wastes.

(75) Storm Water. Any flow occurring during, or following, any form of natural precipitation, and resulting therefrom.

(76) Submission.

A. A request by a POTW for approval of a Pretreatment Program to the EPA or a Director.

B. A request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or

C. A request to the EPA by an NPDES State for approval of its State pretreatment program.

(77) Superintendent. The Superintendent of the Municipal Sewage Works of the Village (or the equivalent position if service provided by a contractual arrangement), or his or her authorized deputy, agent or representative.

(78) Surcharge. An extra charge to cover the cost of treating, sampling and testing extra strength sewage.

(79) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(80) Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or the environment, including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(81) Upset. "Upset" is an exceptional incident in which there is unintentional and temporary non-compliance with pretreatment standards, because of factors beyond the reasonable control of the industrial user.

(82) User. Any person who contributes, causes or permits the contribution of wastewater into the sewage works.

(83) Village. The Village of Quincy and its authorized representatives.

(84) Water Management Division Director. One of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or this person's delegated representative.

(85) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

(86) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

(b) Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD - biochemical oxygen demand
- (2) CFR - Code of Federal Regulations
- (3) COD - chemical oxygen demand
- (4) EPA - Environmental Protection Agency
- (5) IU - Industrial User
- (6) l - liter
- (7) MDEQ - Michigan Department of Environmental Quality
- (8) mg - milligrams
- (9) mg/l - milligrams per liter
- (10) NPDES - National Pollutant Discharge Elimination System
- (11) SIC - Standard Industrial Classification
- (12) SS - suspended solids

- (13) USC - United States Code
- (14) O & M - operation and maintenance
- (15) CWA - Clean Water Act
- (16) BMR - Baseline Monitoring Report

51.03 UNSANITARY DEPOSITS; DISCHARGE OF POLLUTED WATER; CONNECTION TO PUBLIC FACILITIES.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- (b) It shall be unlawful to discharge to any natural outlet or storm drain, within the Village or in any area under the jurisdiction of said Village, any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided and applicable permits obtained in accordance with federal, state and local laws and requirements.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.
- (d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the Village and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

51.04 PRIVATE SEWAGE DISPOSAL.

- (a) Where a public sanitary or combined sewer is not available under the provisions of § 51.03 (D), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- (c) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 51.03(d), a direct

connection shall be made to the public sewer in compliance with this chapter, within one year, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(d) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Branch-Hillsdale-St. Joseph District Health Department, or the State Board of Health.

(e) Before the commencement of the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Branch-Hillsdale-St. Joseph District Health Department and countersigned by the Quincy Village Manager. The application for such a permit shall be made on a form furnished by the Branch-Hillsdale-St. Joseph District Health Department, which the applicant shall supplement with any plans, specifications and other information as are deemed necessary by the Branch-Hillsdale-St. Joseph District Health Department.

(f) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Branch-Hillsdale-St. Joseph District Health Department. The District Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Branch-Hillsdale-St. Joseph District Health Department when the work is ready for final inspection, and before any underground portions are covered in accordance with the Environmental Health Ordinance of Branch County.

(g) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Branch-Hillsdale-St. Joseph District Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 12,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

51.05 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make any connections with, or opening into, use, after or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village Council. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed into the Village and deposited with the Treasurer a corporate surety in the sum of \$1,000, conditioned that they will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this

chapter. Such bond shall remain in force and must be executed for a period of two years except that upon such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to expiration.

(b) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation.

(c) All separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.

(d) Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this chapter.

(e) The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current ASTM specifications for standard or extra strength clay sewer pipe, asbestos cement meeting the current ASTM specification, extra heavy cast iron soil pipe meeting the current ASTM specifications or the Department of Commerce commercial standards for extra heavy cast iron soil pipe and fittings or concrete sewer pipe and fittings meeting the current ASTM specifications for standard or extra strength concrete sewer pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or asbestos cement or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by the Inspector.

(f) All joint and connections shall be made gas tight and watertight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meaning the current ASTM specifications for "Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Asbestos cement or concrete, sewer pipe joints shall be of the rubber rung, flexible compression type, similar and equal to joint specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

(g) The size and slope of the building sewer shall be subject to the approval of the Inspector, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than 1/8-inch per foot.

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be

weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

(i) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

(j) The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Inspector.

(k) The applicant for the building sewer shall not notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

(l) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner satisfactory to the Village.

(m) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Council. A permit and inspection fee for a residential or commercial building sewer permit, and for an industrial building sewer permit, shall be paid to the Village at the time the application is filed. Such inspection fee shall be set by the Council from time to time.

(n) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes of the Village or State or other applicable rules and regulations of the State and the Village.

(o) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

51.06 USE OF THE PUBLIC SEWERS

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, or

noncontact cooling water or other unpolluted waters to any sanitary sewer unless authorized in accordance with this ordinance.

(b) No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage, or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling on liquid wastes containing grease in an excessive amount or any flammable wastes, sand and other harmful ingredients. When installed, they shall be maintained by the owner, at their expense, in continuously efficient operation at all times.

(d) The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge of the public sewer. Plans, specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and State Board of Health, and no construction of such facilities shall be commenced until the approval is obtained in writing. Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

(e) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, test, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

51.07 POWERS AND AUTHORITY OF INSPECTORS

The Superintendent, Inspector, and other duly authorized employees of the Village, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

51.08 CHARGES AND RATES FOR USE OF SYSTEM

Rates charged for users of the system shall be as follows:

(a) Effective May 21, 2002, the rates for sewer service shall be set under Resolution adopted from Council from time to time.

(b) The charges for services furnished by the system are hereby constituted to be a lien and whenever any such charge against any such property shall be delinquent for six months, the Village shall certify annually on April 1 of each year to the tax assessing officer of the Village of the facts of such delinquency, whereupon such charge shall be by them entered upon the next tax roll as a charge enforced in the same manner as the general village taxes against such premises are collected, and the lien thereof enforced; provided, however, where notice is given the tenant is responsible for such until a cash deposit of not less than \$25 shall have been made as a security for the payment of such charges and services.

(c) The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever possible, service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

(d) The Village shall in no event be held responsible for claim against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(e) The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village. In the event that the Village, or its representatives determine that there is good indications that a discharge is occurring that is causing pass-through or interference, the Village or its representative, will make reasonable efforts to contact authorized personnel for entry to the premises. If authorized personnel are unable to be located, the Village, or its representatives, may enter upon or into the premises to inspect and if necessary, prevent the discharge.

(f) The Village may adopt charges and fees which may include the following. These fees relate solely to the matters covered by this Chapter, and are separate from other fees chargeable by the Village:

- (1) Fees for reimbursement of costs in setting up and operating the Village's pretreatment program.
- (2) Fees for monitoring the inspection and surveillance procedures.

- (3) Fees for reviewing accidental discharge procedures and construction.
- (4) Fees for permit application.
- (5) Fees for filing appeals.
- (6) Fees for consistent removal by the Village of pollutants otherwise subject to federal pretreatment standards.
- (7) Other fees as the Village may deem necessary to carry out the requirements contained in this Chapter.

51.09 SUFFICIENCY OF RATES AND ESTABLISHMENT OF FUNDS

(a) The rates, as set forth in this chapter, are estimated by the Village Council to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the system as the Council shall deem necessary to preserve the same in good repair and working order and to provide for such other expenditures for the extension, enlargements, and improvements of the system as the council shall deem necessary.

51.10 CONDITIONS OF SERVICE

(A) The Village shall install and maintain at its expense, main sewer lines running throughout the Village and to all areas served. The customer shall install and maintain at his/her own expense, that portion of the service from the main to the premises pursuant to the standards set forth in §51.05.

(B) Applications may be canceled and/or sewer service discontinued by the Village for any violation of any rule, regulation, or condition of service and especially for the following reasons:

(1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

(2) Non-payment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep same in a suitable state of repair.

(C) Bills and notices relating to the conduct of the business of the sewage disposal system will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village Council; and the Village shall not otherwise be responsible for

the delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in the notice.

(D) Bills for sewer service are due and payable in full by the date indicated on the bill. Notice will be given on the following month's bill of the shut off date, with no other method of notice used. A service charge of \$5+4% of the total amount due shall be added on each sewer service account which is not paid by the due date. Any account subject to shut off for nonpayment will be charged, in addition to the service charge, a \$30.00 fee to restore service.

(1) All bills not paid on or before the past due date shall be termed delinquent, and the Village shall have the right to shut off and discontinue sewer service to any premises for the non-payment of the rates herein established when due.

2) The charges for services furnished by the system are hereby constituted to be a lien and whenever any such charge against any such property shall be delinquent for six months, the Village shall certify annually on April 1 of each year to the tax assessing officer of the Village of the facts of such delinquency, whereupon such charge shall be by them entered upon the next tax roll as a charge enforced in the same manner as the general village taxes against such premises are collected, and the lien thereof enforced; provided, however, where notice is given the tenant is responsible for such until a cash deposit of not less than \$25 shall have been made as a security for the payment of such charges and services.

E) These rules may be changed or amended.

51.11 SEWER LINE EXTENSION OUTSIDE OF VILLAGE LIMITS

Any sewer line extension requested by a property owner or property owners (more than one hook-up) who reside outside the Village limits will abide by the following policy and regulations.

(A) Rates for service outside the Village limits shall be 150% of the charges established for users within the Village limits.

(B) All applicants for permission to tap into the sewage disposal system shall be charged a tap fee to be paid in cash at the time of making application for connection to the system set by Resolution adopted by Council from time to time.

(C) All tap charges for users outside the Village limits shall be 150% of above established rate.

51.12 DISCHARGE TO SANITARY AND STORM SEWERS; GREASE, OIL AND SAND INTERCEPTORS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains or roof water to any sanitary sewer or sewer connection, except as otherwise provided in this chapter. Any premises connected to a storm sewer shall comply with County, State and Federal requirements, as well as those of the Village.

(b) Unpolluted storm water, ground water, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this chapter. Approval of the appropriate State agency, together with applicable permits, is required for the discharge of unpolluted industrial process wastewater or cooling water to the waters of the State via a natural outlet or manmade structure such as a pipe or storm sewer.

(c) Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Village, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

51.13 DISCHARGE PROHIBITIONS.

No industrial user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the sewage works. An industrial user may not contribute any of the following substances to the sewage works:

(a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious in any other way to the sewage works or to the operation of the sewage works.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.

(c) Any wastewater having a pH less than 5.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the sewage works.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create

a toxic effect in the receiving waters of the sewage works or exceed the limitation set forth in the National Categorical Pretreatment Standard, or any other Federal, State or County standards.

(e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the sewage works' effluent or any other product of the sewage works, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(g) Any substance which will cause the sewage works to violate its NPDES Permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the sewage works, resulting in interference, but in no case wastewater with a temperature at the introduction into the sewage works which exceeds forty degrees Centigrade (104 degrees Fahrenheit) or is lower than zero degrees Centigrade (thirty-two degrees Fahrenheit). User must comply with all approval requirements of the MDEQ.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference to the sewage works.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the applicable State or Federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any garbage that is not properly shredded.

(n) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or which are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(o) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.

(p) Any substance which, by reason of its nature or quantity, may create a fire or explosion hazard or be injurious to the sewage works or to the operation of the sewage works, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or sixty degrees Centigrade, as determined using the test methods specified in 40 CFR 261.21.

(q) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

(r) Pollutants which result in the presence of toxic gases, vapors or fumes within the sewage works in a quantity that may cause acute worker health and safety problems.

(s) Any trucked or hauled pollutants, except at discharge points designated by the Council.

51.14 IMPOSITION OF FEDERAL OR STATE LIMITATIONS.

Upon the promulgation of a National Categorical Pretreatment Standard, Alternative Discharge Limits, or other Federal or State regulations, for a particular industrial subcategory, and receipt of notice of the effective date of such limitations, the pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall be considered part of this chapter. The Council shall notify all affected users of the applicable reporting requirements.

51.15 SPECIFIC POLLUTANT LIMITATIONS.

No person shall discharge wastewater containing pollutants in excess of the following **Standard Local Limits**:

<u>Mg/l</u>	Substance
0.91	Arsenic
0.40	Cadmium, Total
5.4	Chromium, Total
8.6	Copper, Total
0.10	Cyanide, Total
6	Lead, Total
<0.2 ug/l*	Mercury
22	Molybdenum
2.0	Nickel, Total
0.05	Selenium, Total
0.030	Silver, Total

45	Zinc, Total
0.1	Chromium, Hex
0.17	Cyanide, Available
40	Ammonia
600	BOD ₅
100	Fats, Oil, & Grease (FOG)
20	Phosphorus
600	Total Suspended Solids (TSS)
5.5-10.5	pH

* Monitoring for mercury shall be in accordance with the following test methods: The discharge of mercury at or above the quantification level of 0.2 ug/l shall represent an exceedance of the local limit. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1, unless screening using Method 1631 is required by the Village. The quantification level shall be 0.2 ug/l for Method 245.1 or 0.5 nanograms/liter (ng/l) for Method 1631, unless higher levels are appropriate due to sampling matrix interference.

51.16 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests and analyses of the characteristics of waters and wastes to which references are made shall be determined at the approved monitoring facilities provided for in accordance with Section 51.27, or upon Council approval, at other sampling locations to be determined to be representative of the facility's discharge. Any change in monitoring location must receive prior approval of the Council pursuant to Part 23 of the State of Michigan's Administrative Code.

Sampling shall be carried out by customarily accepted methods, in accordance with 40 CFR 136, to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a facility is appropriate or whether a grab sample or samples should be taken. In accordance with 403.12(b)(5)(vi), the Superintendent shall have the authority to determine and approve the appropriate testing procedures, sampling procedures, or other parameters, as necessary, and appropriate to the pollutants being tested.

51.17 SURCHARGES.

(a) If the character of the sewage from any manufacturing or industrial plant or any other building or premises exceeds the limitations for compatible pollutants contained in Section 51.17(c), or shall be such as to impose any unreasonable burden upon the sewers of the system or upon the sewage treatment plant in excess of a maximum limit prescribed in this chapter, then an

additional charge shall be made over and above the regular rates, or the Council shall require that such sewage be treated by the person, firm or corporation responsible for it being emptied into the sewer, or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof. Surcharges required shall be computed as the prorated share of the annual costs of operation and maintenance, including replacement, attributable to treating a substance, multiplied by the ratio of the weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year.

(b) Any wastewater discharged into the sewer system having a compatible pollutant substance in excess of the limitations in **Section 51.15** shall be permitted only if provided for in a special agreement with the industrial user discharging the wastewater, and only if such agreement provides for the payment by the industrial user for the full cost of treating such excess constituents in the wastewater.

(c) The following pollutants shall be subject to surcharges as set by the Village, for discharges above the concentration stated below:

<u>mg/l</u>	<u>substance</u>
250	BOD
180	TSS
7	Phosphorus

51.18 SPECIAL AGREEMENTS.

Upon receipt of a request by a user to discharge a specified compatible pollutant (BOD, SS, Ammonia or Phosphorus) above the Standard Local Limit listed in Section 51.15, the WWTP Superintendent may allocate a portion of the available industrial loading listed in Section 51.18(B)(b). Approval of such a request shall be by Special Agreement and shall take into consideration the loadings for each pollutant from all other sources. Any discharge limits established through such Special Agreement shall be included in the industrial users permit and are subject to the surcharge provisions of this section.

(A) **Special Alternative Limits:** No statement contained in this division shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(B) Where authorized by the WWTP Superintendent, Special Alternative Limit agreements shall be made such that the allocation to all industrial users in the village service area does not exceed the calculated Maximum Allowable Industrial Loading (MAIL) for any parameter and such that the allocation to all sewer users does not exceed the calculated Maximum Allowable Headworks Loading (MAHL) for any parameter summarized in Section 51.18 (B) (b).

(a) A non-domestic user may, at the time of application for a wastewater discharge permit, or by a special alternative limit application, request that permitted discharge limits be increased from the Standard Local Limits listed in Section 51.15. Such special alternative limits shall be expressed as total daily pounds of pollutant discharged. Special Alternative Limits (SALs) shall be developed in accordance with the procedure for Special Alternative Limits allocation as outlined in the Industrial Pretreatment Program manual for the city and approved by DEQ. The Village's rules and regulations shall be available for inspection at 47 Cole Street, Quincy, Michigan 49082.

The Village reserves the right to reduce or deny special alternative limits if total pollutant discharges near or reach the MAHLs set forth in the table in Section 51.18 (B) (b). The Village reserves the right to amend the MAHLs set forth in Section 51.18 (B) (b). at its discretion. The Special Alternative Limit must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.

A user which requests a Special Alternative Limit through the permit application process must sign a written acknowledgment whereby the user consents to comply with all terms and conditions which may be imposed by the Village. Such acknowledgment shall be in a form provided by the Village, and must be executed by an authorized representative before any Special Alternative Limit is effective. The Village reserves the right to institute a review of any previously permitted Special Alternative Limits at any time, pursuant to which the Village, in its discretion, upon notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted to approved Special Alternative Limit.

Any discharge in excess of the amount permitted by the Special Alternative Limit is prohibited and is therefore a violation of Section 51.18 and the user's wastewater discharge permit.

(b) Headworks Mass Limits. The MDEQ approved (2017) MAHL and MAILs for parameters that may be considered for SALs are as follows:

Parameter	MAHL (lb/day)	MAIL (lb/day)
BOD ₅	540	190
TSS	561	290
Phosphorus	18	8.3
Ammonia (as N)	84	30

51.19 DILUTION OF DISCHARGE.

No user shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment, to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, Alternative Discharge Limits, local limits or in any other pollutant-specific limitation developed by the Council, or its designated appointee, or the State.

51.20 ACCIDENTAL DISCHARGE.

(a) Protection Required. Where required, a user shall provide protection from the accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Council for review, and shall be approved by the Council before the construction of the facility. All required users shall complete such a plan within the time period specified by the Council.

If required by the Council, a user who discharges to the sewage works after the effective date of this chapter shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Council. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Superintendent of the sewage works of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume, and corrective actions, to mitigate and to prevent future discharges.

(b) Immediate Notice. User must, in accordance with R2310(5), immediately report to the Council, or its designated appointee, any discharge, including bypass or slug discharges that may result in problems such as any damage to the sewer works, environmental resources, or damage to any persons or property.

(c) Written Notice. Within five days following an accidental discharge, bypass, or upset, the user shall submit to the Council a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The report should include: a description of the Indirect Discharge and cause of noncompliance; the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewage works, environmental

resources, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this chapter or other applicable law. Failure to file a report shall be a separate violation of this chapter.

51.21 WASTEWATER DISCHARGES.

It shall be unlawful to discharge to the waters of the State within the Village, or in any area under the jurisdiction of said Village, and/or to the sewage works, any wastewater, except as provided by an NPDES Permit and/or as authorized by the Council in accordance with the provisions of this chapter. Nondomestic discharges to the POTW will be required to comply with all applicable pretreatment standards, including categorical standards and local limitations. The Village has the authority to conduct the following activities:

Upon receipt of a request to discharge nondomestic wastewater to the Village collection system (POTW), the Village Shall:

- (i) Evaluate new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW, by the user to determine what conditions shall be imposed on the discharge, including, but not limited to, categorical standards or local limitations, or if the discharge should be denied.
- (ii) Control through wastewater discharge permit, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under Section 51.02 (70) of this Ordinance, this control shall be achieved through permits issued to each such user. Such permits shall contain, at a minimum, requirements under 51.23:
- (iii) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in 40 CFR 403.12. Failure to comply with the pretreatment standards will subject the user to enforcement under Section 51.31 of this ordinance, as well as penalties under Sections 51.32, 51.34 and 51.99.
- (iv) The Village shall carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Compliance will be determined through periodic monitoring and inspections. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under 40 CFR 403.12(m) to assure compliance with Pretreatment Standards.

- (v) (A) Noncompliance by any Industrial User with any pretreatment standard or requirement will subject the Industrial User to the remedies under Sections 51.31; 51.32; 51.34; 51.35; 51.99 or the Enforcement Response Plan, including civil or criminal penalties and injunctive relief.
(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (v)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the Village; any requirements set forth in individual control mechanisms issued by the Village; or any reporting requirements imposed by the Village. The Village shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the Village which reasonably appears to present an imminent endangerment to the health or welfare of persons. The Village shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Village shall have authority to seek judicial relief and may also use administrative penalty authority when the Village has sought a monetary penalty.
- (vi) Comply with the confidentiality requirements set forth in 40 CF 403.14.

51.22 WASTEWATER CONTRIBUTION INFORMATION.

(a) Information Required. All industrial users proposing to connect or contribute to the sewage works shall submit information on the user, processes and wastewater to the Council before connecting or contributing to the sewage works. A new source, or a source that becomes an industrial user subsequent to the promulgation of a categorical pretreatment standard, shall submit its baseline monitoring report (BMR) information at least ninety days prior to discharging into the Village's sanitary sewer system. Within 180 days of the promulgation or revision of a Pretreatment Standard all existing users shall file their BMR. The BMR shall include the information included in paragraphs (1) through (7) below, as required under R 2310 (2) (a)-(h). New source users shall only be required to provide the information required by the EPA, R 2310(2)(a) - (e), and 40 CFR 403.12(b)(C)1-5. All existing industrial users connected or contributing to the sewage works shall submit this information within ninety days after the effective date of the chapter. The information submitted must be sufficient for the Council to determine the impact of the user's discharge on the sewage works and the need for pretreatment. The user shall submit, in units and terms appropriate for evaluation, the following information, which fulfills Federal Categorical Requirements when submitted:

- (1) Name, address and location (if different from the address), which also shall include the name of the operator.
- (2) The industrial user shall submit a list of any environmental control permits held by or for the facility.
- (3) The industrial user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation or operations carried out by the industrial user. The description should include a facility drawing and schematic process diagram that indicates points of discharge to the publicly owned treatment works and from which processes the discharges originate.
- (4) The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the publicly owned treatment works from each of the following:
 - A. Regulated process streams.
 - B. Other streams as necessary to allow use of the combined waste stream formula specified in R323.2311(6). The control authority may allow verifiable estimates of these flows where justified by cost or feasibility considerations.
- (5) All of the following information shall be provided with respect to the measurement of pollutants:
 - A. The industrial user shall identify the pretreatment standards, including state or local standards, applicable to each regulated process.
 - B. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or control authority, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration or mass, where required, shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
 - C. A minimum of 4 grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques unless time-proportional or grab sampling has been approved in Accordance with Section 51.24. For sampling required in support of baseline monitoring and 90-day compliance reports required in this

section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Village may authorize a lower minimum. For the reports required by paragraphs (E) and (H) of this section, the Village shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

D. With the exception of the pollutants specified in paragraph (C) of this subdivision, the user shall take a minimum of 1 representative sample to compile the data necessary to comply with the requirements of this sub-rule.

E. Samples should be taken immediately downstream from pretreatment facilities if the facilities exist or immediately downstream from the regulated process if pretreatment facilities do not exist. If other wastewaters are mixed with the regulated wastewater before pretreatment, the industrial user should measure the flows and concentrations necessary to allow use of the combined wastewater formula specified in R 323.2311(7) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with R 323.2311(5), the adjusted limit and supporting data shall be submitted to the control authority.

F. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136. Where 40 CFR part 136, does not contain sampling or analytical techniques for the pollutant in question, or where the E.P.A. determines that part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the publicly owned treatment works or other parties, approved by the E. P. A.

G. The control authority may allow the submission of a baseline report that utilizes only historical data if the data provides information sufficient to determine the need for industrial pretreatment measures

H. The baseline report shall indicate the time, date, and place of sampling and the methods of analysis and shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the publicly owned treatment works.

(6) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(7) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment or operation and maintenance. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard. All of the following conditions shall apply to the compliance schedules:

A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards. The events may include any of the following:

- (a) The hiring of an engineer
- (b) Completing preliminary plans
- (c) Completing final plans
- (d) Executing contracts for major components
- (e) Commencing construction
- (f) Completing construction
- (g) Other similar major events
- (h) An increment referred to in this subrule shall not be more than 9 months.
- (i) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority, including, at a minimum, whether or not the user complied with the increment of progress to be met on a particular date and, if not, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. Not more than 9 months shall elapse between progress reports to the control authority.

(8) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance under R 323.2313(a), the combined waste stream formula under R 323.2311(7), or fundamentally different factors variance under R 323.2313(b) at the time the industrial user submits the report required by this ordinance, the information required shall pertain to the modified limits. Any changes to information requested under this ordinance shall be submitted by the industrial user to the Council or its designated representative or appointee within sixty days.

(9) SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(10) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Sections 51.07 to 51.21 as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the procedures and methods detailed in: 40 CFR 136.

(11) Time and duration of contribution.

(12) Average daily and maximum daily flows from regulated process streams and other wastewater streams as necessary to allow use for the combined waste stream formula (CWF). The Council may allow for verifiable estimated flows which are justified by cost or feasibility.

(13) For industries identified as significant industries, or which are subject to the National Categorical Pretreatment Standards, or those required to do so by the Council, site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.

(14) A description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged. The points of discharge to the POTW and from which process discharges originate must also be included.

(15) Each product produced by type, amount processed, and the average rate of production.

(16) The type and amount of raw materials processed, average and maximum per day.

(17) The number and type of employees, hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

(18) Any other information as may be deemed by the Council to be necessary to evaluate the impact of the discharge on the sewage

works.

(19) Any user shall, upon request of Council, or its appointed representative, submit a ten-day compliance report.

(b) Discharge Conditions. Wastewater discharges shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Council. The Council may:

(1) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the sewage works, in order to be reimbursed for costs of setting up and operating the pretreatment program as well as costs for maintenance, inspection and surveillance procedures;

(2) Limit the average and maximum wastewater constituents and characteristics;

(3) Limit the average and maximum rate and time of discharge, or make requirements for flow regulations and equalization;

(4) Require the installation and maintenance of inspection and sampling facilities;

(5) Establish specifications for monitoring programs, which may include sampling locations, the frequency of sampling, the number, types and standards for tests and the reporting schedule;

(6) Establish compliance schedules;

(7) Require submission of technical reports or discharge reports;

(8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge; monitoring activities, and results, as specified by the Council, and affording the Council access thereto, and copying thereof, for a period of three years, unless there is unresolved litigation involving the industrial user or the POTW, or if requested by the state or the EPA. If there is unresolved litigation involving the industrial user or the POTW, this period shall be extended. All information shall be made available to the EPA and the MDEQ, upon request.

(9) Require notification of the Council, and the POTW for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system at least sixty days prior to such change. Further, the Council shall evaluate all new or changed discharges with respect to the general and specific prohibitions in R 2303 before acceptance into the POTW;

(10) Require immediate notification of slug discharges and accidental spills followed by written notification within five (5) days or as otherwise indicated under this ordinance;

(11) Require other conditions as deemed appropriate by the Board to ensure compliance with this chapter.

(c) Spill Prevention and Slug Control Plans.

(1) Industrial users shall provide protection from accidental discharges of materials which may interfere with the sewage works by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the Council before construction of the facility.

(2) Industrial users who store hazardous substances shall not contribute to the sewage works after the effective date of this chapter unless a spill prevention plan has been approved by the Council. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances, nor constitutes an affirmative defense in the case of accidental spills or slugs.

(3) The Council shall evaluate each significant industrial user, and other industrial users as necessary, within one year of being designated a Significant Industrial User or one year from adoption of the Sewer Use Ordinance, whichever is later, to determine if the Significant Industrial User needs a plan or other action to control Slug Discharges. Each such User will continue to be evaluated for the need of a slug control plan at least once every two years. If the Council decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

A. A description of discharge practices, including non-routine batch discharges;

B. A description of stored chemicals;

C. Procedures for immediately notifying the Council of slug discharges, including any discharge that would violate a prohibition provided for in Section 51.14, with procedures for follow-up written notification within five days;

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

E. Any user designated as a Significant Industrial User shall notify the publicly owned treatment works supervisor of any changes that occur at the facility which may affect the potential of a slug discharge. Upon such notification, the POTW shall reevaluate the need for a slug control plan or other actions to prevent such discharges.

F. If the Council determines that a slug plan is required, the Wastewater Permit will be modified to include a requirement to develop and implement a plan to control slug discharges.

51.23 WASTEWATER CONTRIBUTION PERMIT REQUIREMENTS.

The following requirements will be contained in the industrial user permit:

- (a) A statement of duration (not greater than five years), including issuance and expiration dates.
- (b) A statement requiring compliance with requirements of applicable pretreatment standards and requirements or local limits imposed.
- (c) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this chapter and State law.
- (d) General and specific discharge prohibitions as established by this chapter.
- (e) A schedule of fees for the discharge of wastewater to the sewage works.
- (f) Limitations on the average and maximum rate and time of discharges, or requirements for flow regulation and equalization.
- (g) Installation and maintenance of inspection and sampling facilities.
- (h) Specifications for monitoring programs, including sampling locations, frequency, number and types of samples, based upon applicable standards, state and local law.
- (i) Compliance schedules.
- (j) Submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Pretreatment Standard or pretreatment requirement.
- (k) Collecting, retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection.
- (l) Notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the discharge.
- (m) Notification of spills and potential problems to the sewage works, including slug loadings, upsets or violations.
- (n) Installation, operation and maintenance of pollution control equipment.
- (o) Develop and implement spill and slug control plans if one is required.

- (p) Other conditions as deemed appropriate by the sewage works to ensure compliance with this chapter and State and Federal pretreatment standards and requirements.
- (q) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (r) A statement of non-transferability, without, at a minimum, prior notification to the POTW, and a copy of the permit to the new owner/operator.
- (s) Conditions for modification or revocation of a permit.
- (t) Requirement that the Industrial User must reapply for a new permit no later than 90 days before the expiration of the current permit.

51.24 REPORTING REQUIREMENTS FOR USERS.

(a) Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 51.22. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in Section 51.22.

(b) *Periodic reports on continued compliance.*

(1) Any Industrial User subject to a categorical Pretreatment Standard after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph Section 51.22 except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in

consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

(i) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

(c) Notice of potential problems, including slug loading. All categorical and non-categorical industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in §403.5(b), by the Industrial User.

(d) *Monitoring and analysis to demonstrate continued compliance.*

(1) The reports required in Section 51.22(a) and Section 51.24(a), (b) and (h) shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Village, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Village in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) If sampling performed by an Industrial User indicates a violation, the User shall notify the Village within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Village within 30 days after becoming aware of the violation. Where the Village has performed the sampling and analysis in lieu of the Industrial User, the Village must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required:

- (i) The Village performs sampling at the Industrial user at a frequency of at least once per month; or
- (ii) The Village performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Village receives the results of this sampling.

(3) The reports required under Section 52.22(a) and Section 51.24(a). (b) and (h) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Village Council shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Village Council. Where time-proportional composite sampling or grab sampling is authorized by the Village Council, the samples must be representative of the Discharge and the decision to allow the alternative sampling will be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Village Council, as appropriate.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For the reports required by paragraphs (e) and (h) of this section, the Village Council shall require the number of grab samples necessary to assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

(5) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(6) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph 39(g)(5) of this section, the results of this

monitoring shall be included in the report.

(e) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-Categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.

(f) *Notification of changed Discharge.* All Industrial Users shall promptly notify the Village and the POTW in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.

(g) *Signatory requirements for Industrial User reports.* The reports required by Section 51.22(a) and Section 51.24(a), (b) and (h) shall include the following certification statement:

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

And shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section 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,₄₀ 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 wastewater permit 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 paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (l)(1) and (l)(2) of this section if:

- (i) The authorization is made in writing by the individual described in paragraph (l)(1) or (l)(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 Village Council.

(4) If an authorization under paragraph (l)(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 (l)(3) of this section must be submitted to the Village Council prior to or together with any reports to be signed by an authorized representative.

(h) *Provisions Governing Fraud and False Statements:* The reports and other documents required to be submitted or maintained under this section shall be subject to:

- (1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;
- (2) The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (3) The provisions of section 309(c)(6) regarding responsible corporate

officers.

(i) *Record-keeping requirements.*

(1) Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses.

(2) Any Industrial User subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available or inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) The Village will retain reports submitted by the Industrial User pursuant to the requirements of this section for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

(k) The Control Authority that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3--(Electronic reporting).

51.25 HAZARDOUS WASTE NOTIFICATION.

(a) Any industrial user, except as specified in subsection (e) hereof, who discharges to the sewage works any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR, Part 261, shall notify the Council, 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 subsection (b) hereof, hazardous waste notifications from industrial users discharging more than 100 kilograms of hazardous waste per calendar month to the sewage works shall contain, to the extent such information is known and readily available to the industrial user:

- (1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

(d) Hazardous waste notifications shall be submitted no later than 180 days from the discharge of the wastes. Any notification submitted according to this section need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted as required by this chapter.

(e) Industrial users are exempt from this hazardous waste notification requirement during a calendar month in which they discharge fifteen kilograms or less of non-acute hazardous wastes. Discharges of fifteen kilograms of nonacute hazardous waste in a calendar month, or any quantity of acute hazardous waste, as specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification.

(f) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations

51.26 MONITORING FACILITIES.

The Council may require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Council and with all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification by the Council.

51.27 INSPECTION AND SAMPLING.

(a) The Village shall be authorized to enter any premises where a discharge source or treatment system is located. The Village, through its designated appointee, shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is generated or discharged shall allow the Council or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of

their duties. The Council, the Michigan Department of Environmental Quality (MDEQ) and the EPA shall have the right to set-up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Village, MDEQ or the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. The MDEQ and EPA are authorized to conduct inspections, as deemed necessary by the MDEQ and EPA, and shall have full right to entry onto premises to do so.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 51.26.

51.28 PRETREATMENT.

(a) Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards and requirements within the time limitations as specified by the Federal pretreatment regulations and as required by the Council. Any facilities required to pretreat wastewater to a level acceptable to the Council shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Council for review, and shall be approved by the Council before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Council under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Council prior to the user's initiation of the changes.

(b) The Council shall annually publish in the largest daily newspaper circulated in the municipality where the POTW is located a list of categorical users that were at any time during the past twelve months, in significant noncompliance, as defined in this ordinance, violating any applicable pretreatment requirements or standards during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDEQ upon request.

(d) New sources will be required to install and start up technology prior to discharge and to achieve compliance within the shortest time feasible, such time period not to exceed ninety days after commencement of discharge.

(e) Net/Gross Calculation

(1) Application - Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Village. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for the pollutants in the intake water) if the requirements of this section are met. This section shall automatically be modified to comply with the requirements of 40 CFR 403.15.

(2) Criteria - (A) Either:

(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of the pollutants in the intake water.

(B) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the intake water or unless appropriate additional limits are placed on the process water pollutants either at the outfall or elsewhere.

(C) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(D) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Village may waive this requirement if it finds that no environmental degradation will result.

51.29 BYPASSES.

(a) Bypasses Not in Violation of Applicable Pretreatment Standards or Requirements. An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to

Section 51.29(b) and (c).

(b) Notice.

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

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

(c) Prohibited Bypasses.

(1) Bypass is prohibited and the Council may take enforcement action against an individual user for a bypass, unless;

A. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

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

C. The industrial user submitted notices as required under Subsection (b) provided for in Section 51.29(b).

(2) The Council may approve an anticipated bypass, after considering its adverse effects, if the Council determines that it will meet the three conditions listed in paragraph (c)(1) hereof.

51.30 CONFIDENTIAL INFORMATION.

(a) Any information submitted by a user pursuant to this ordinance that is obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests and is able to demonstrate in accordance with 40 CFR Part 2 to the satisfaction of the Council that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. A claim of confidentiality by the user must be asserted at the time the information is

submitted.

- (i) Information and data provided to the Control Authority pursuant to this part which is effluent data shall be available to the public without restriction.
- (ii) All other information which is submitted to the Village shall be available to the public at least to the extent provided by 40 CFR 2.302.

(b) When a claim of confidentiality has been asserted for information that may disclose trade secrets or secret processes, that information shall be treated in accordance with the procedures in 40 CFR Part 2. Information for which a claim has been made shall not be made available for inspection by the public, but shall be made available, upon written request to governmental agencies for uses related to this chapter, the NPDES Permit or the pretreatment programs. However, 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 person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the Council as confidential shall not be transmitted to any governmental agency or to the general public by the Council, except as required to the EPA or the MDEQ, until and unless a ten-day notification is given to the user.

51.31 ENFORCEMENT.

(a) Harmful Contributions. The Council may suspend wastewater treatment service when such suspension is necessary, in the opinion of the Council, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or which causes interference to the sewage works or causes the sewage works to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or terminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Council shall take such steps as are deemed necessary, including immediate disconnection of the sewer connection, to prevent or minimize damage to the sewage works system or endangerment to any individuals. The Council shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the Council within five days of the date of occurrence.

(b) Notification of Violation. Whenever the Council finds that any user has violated or is violating this chapter, an industrial user's permit or any

prohibition, limitation or requirement contained herein, the Council may serve upon such person a verbal or written notice stating the nature of the violation. The notice given by the Council shall conform to the standards adopted under Section 4.1 of the Enforcement Response Plan, as adopted by the Village of Quincy, and may include a verbal warning, a written warning, or require an informal meeting. Council may also give notice of violation under Section 4.2 of the Enforcement Response Plan under Section 4.2; and/or assess administrative Fines under Section 4.3 of the Enforcement Response Plan. Council may issue a cease and desist order, requiring the user to immediately cease and desist from any discharges, in whole, or in part, as determined appropriate by the Council. Within thirty days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Council by the user. Within 30 days the Council will approve, disapprove, approve in part, or request modification of the plan.

The Village Manager, upon direction from the Village Council, may utilize any, or all, of the enforcement options adopted under Section 4.4 of the Enforcement Response Plan.

(c) Consent Orders. The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the Superintendent and industry representatives. Consent Orders shall have the same force and effect as administrative orders issued pursuant to the Enforcement Response Plan, or this Ordinance.

(d) Show Cause Hearing.

(1) Any user subject to enforcement action under the provisions of this chapter may request a hearing before the Manager within ten days of the receipt of notification of the proposed enforcement action. A hearing is to be held by the Manager concerning the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the user to show cause before the Manager why the proposed enforcement action should not be taken.

(2) The Manager may conduct the hearing and take the evidence, or may designate any officer or employee to:

A. Issue, in the name of the Council, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

B. Take the evidence; and

C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Council for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be

made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(4) After the Manager has reviewed the evidence, he or she may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that said devices or other related appurtenances are properly operated.

(5) The Village shall also establish appropriate surcharges or fees to reimburse the Village for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this chapter.

(6) Any action by the Manager may be appealed to the Council.

(e) Cease and Desist Orders. When the Superintendent finds that an Industrial User has violated or continues to violate any Chapter of this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all illegal or unauthorized discharges immediately.

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

(2) In non-emergency situations, the cease and desist order may be used to suspend or permanently revoke any permits.

(3) The cease and desist order may direct the Industrial User to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(4) The Village shall be notified of and receive copies of all orders issued pursuant to this Section

(f) Emergency Suspensions.

(1) The Superintendent may suspend the Wastewater treatment service and/or Wastewater permit of an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(2) Any Industrial User notified of a suspension of the Wastewater treatment service and/or Wastewater permit shall immediately stop or eliminate its contributions. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the Industrial

User to recommence its discharge when the endangerment has passed, unless the termination proceedings under this ordinance are initiated against the Industrial User.

(3) An Industrial User which is responsible, in whole or in part, for such imminent or substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent on or before such response deadline date as the Superintendent shall specify.

(g) Termination of Permit Significant Industrial Users proposing to discharge into the POTW, must first obtain a Wastewater Discharge Permit from the Superintendent. Any Industrial User who violates the following conditions of this Ordinance or a Wastewater Contribution Permit or order, or any applicable State or Federal law, is subject to permit termination:

(1) Violation of permit conditions.

(2) Failure to accurately report the Wastewater constituents and characteristics of its discharge.

(3) Failure to report significant changes in operation or Wastewater constituents and characteristics.

(4) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant Industrial Users will be notified by the Superintendent of the proposed termination of their Wastewater Discharge permit and be offered an opportunity to show cause why the proposed action should not be taken. Notice shall also be given to the Village at the same time that notice is given to the Industrial User.

(h) Affirmative Defenses. An Industrial User shall have an affirmative defense as outlined in any action brought against it alleging a violation of the general prohibitions established in R323.2303.1 and the specific prohibitions in R323.2303(2)(c), R323.2303(2)(d), R 323.2303(2)(e) and R323.2303(2)(f), where the Industrial User can demonstrate that:

(1) 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

(2) (A) A local limit designed to prevent Pass-Through and/or Interference, as the case may be, was developed in accordance with 40 CFR 403.5(c) for each Pollutant in the Industrial User's discharge that caused Pass-Through or Interference, and the Industrial User was in compliance with each such local limit directly prior to and during the Pass-Through or Interference; or.

(B) If a local limit designed to prevent Pass-Through and/or Interference,

as the case may be, has not been developed in accordance with 40 CFR 403.5(c) for the Pollutant(s) that caused the Pass-Through or Interference, the Industrial User's discharge directly prior to and during the Pass-Through or Interference did not change substantially in nature or constituents, from the Industrial User's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of Interference, applicable requirements for sewage Sludge use or disposal.

(i) Right of Appeal. Any decision relating to the enforcement of this Ordinance may be appealed to the Village Council on the written request of any Person. Thereafter, the Village Council shall then act to uphold or modify the decision. The action of the Village Council shall be final and binding on all Persons.

(j) Recovery of Costs. Any Person violating any of the provisions of this Ordinance shall become liable to the Superintendent and the Village for any expense, loss, or damage occasioned the Superintendent or the Village by reason of such violation, including reasonable attorney fees and court costs.

(k) Legal Action. If any person or user discharges sewage, industrial wastes or other wastes into the Village wastewater disposal system contrary to the provisions of this chapter, the user's permit, Federal or State pretreatment requirements, or any order of the Council, or its designated appointee or representative, the Council may commence an action for appropriate legal and/or equitable relief.

(l) Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct, and prosecuted pursuant to the Codified Ordinances of the Village of Quincy.

51.32 JUDICIAL REMEDIES.

If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Superintendent, with the prior concurrence of the Village and through the Village Attorney, may commence an action for appropriate legal and/or equitable relief in a court of appropriate jurisdiction.

(a) Injunctive Relief. Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or a permit or order issued thereunder, the Superintendent with the prior written concurrence of the Village, through the Village Attorney, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the User.

(b) Civil Penalties.

(1) Any User who violated or continues to violate this Ordinance or any order or permit issued hereunder, shall to the extent permitted by law, be liable to the Village for a civil fine of at least \$1,000 or the maximum allowable under state law or a civil penalty of not more than the maximum allowable under state law, plus actual damages incurred by the Superintendent and/or the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Superintendent and/or the POTW may recover reasonable attorney fees, court costs, engineering and other expenses associated with the enforcement investigation, surveillance and/or activities, including sampling, monitoring and analysis expenses including the time devoted by administrative and other Superintendent and/or POTW staff.

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

(c) Criminal Prosecution.

Any User who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$500 or the maximum allowable under state law per violation per day or imprisonment for not more than 90 days or both.

(d) Rules for Continuing Violations.

(1) A separate violation occurs for each Pollutant that exceeds an applicable Pretreatment Standard and for each report that is late;

(2) Each day on which a violation occurs is a separate violation;

(3) Any noncompliance with, or violation of, any Pretreatment Standard that is a monthly average, 30-day average, or 4-day average, shall be deemed a violation for each day of the averaging period;

(4) If for any period a User has violated both a maximum and an average Pretreatment Standard for a particular Pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated plus the number of the averaging periods for which the maximum standard was violated; and

(5) One violation occurs on:

1. Each day (including each additional day) that a report is late; and

2. Each day after an action required to be completed is not completed.

(e) Annual Publication of Industrial Users in Significant Noncompliance. The Superintendent shall publish, at least annually, a description of those Categorical Industrial Users which are found to be in Significant Noncompliance, as defined in this Ordinance, with any provisions of this Ordinance or any permit or order issued thereunder during the period since the previous publication.

51.33 FALSIFICATION OF INFORMATION; TAMPERING WITH EQUIPMENT.

No person shall knowingly make any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter. A violation of this section shall be a misdemeanor, and penalties shall be applied pursuant to Section 51.99 below.

51.34 SUPPLEMENTAL ENFORCEMENT REMEDIES.

(a) Performance Bonds. The Superintendent may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued thereunder unless such Industrial User first files with it a satisfactory bond, payable to the Village in a sum not to exceed a value determined by the Village to be necessary to achieve consistent compliance.

(b) Liability Insurance. The Superintendent may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued thereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(c) Water Supply Severance. Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued thereunder, the Village may sever water service to the Industrial User and service will only recommence, at the Industrial User's expense, after it has satisfactorily demonstrated its ability to comply.

(d) Public Nuisances. Any violation of the prohibitions or effluent restrictions of this Ordinance or any permit or order issued thereunder, is hereby declared a public Nuisance and shall be corrected or abated as directed by the Village. Any Person(s) creating a public Nuisance shall be subject to the provisions of Village Ordinance governing Nuisances, including reimbursing the Village for any costs incurred in removing, abating, or remedying said Nuisance.

(e) Contractor Listing.

(1) Industrial Users which have not achieved consistent compliance with applicable Pretreatment Standards and requirements are not

eligible to receive a contractual award for the sale of goods or services to the Village.

(2) Existing contracts for the sale of goods or services to the Village held by an Industrial user found to be in Significant Noncompliance of the Pretreatment standards may be terminated at the discretion of the Village.

51.35 RECOVERY OF DELINQUENT FINES, ASSESSMENTS AND OTHER COSTS.

All fines, assessments, charges and collection costs, including attorney's fees, shall be a lien on the user's premises to which the sewer services are supplied. Where charges are delinquent for six months or more, the fact of such delinquency shall, pursuant to Act 94 of the Public Acts of Michigan, 1933, as amended, be certified by the Manager or his or her designee, on or before April 1 of each year, to the assessing officer of the Village, whereupon such charges shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises are collected and the lien thereof enforced.

51.36 SEVERABILITY

Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of the remaining provisions or sections, which shall remain in full force and effect.

51.37 CONFLICT

Should any provision of this ordinance be found to be in conflict with any other provision of the Codified Ordinances of the Village of Quincy, the provision in this ordinance shall be deemed the controlling provision.

51.99 PENALTY.

(a) Any person found to be violating any provision of this chapter except § 51.32 (e), and 51.33, shall be served by the Village Council with written notice stating the nature of the violation. The user shall cease all violations within the time stated in the notice.

(b) Notwithstanding any other provision of this chapter, any user who is found to have violated any provision of this ordinance, except Section 51.32(e) and 51.33, shall be deemed to have committed a civil infraction. The fines for the civil infraction shall be as follows: Each offense, a fine of up to \$1,000.00.

(c) Violations of Section 51.33, shall be considered a misdemeanor, punishable by a fine of not less than \$100.00 and a maximum fine of not less than \$500.00, plus restitution, and, further, shall be subject to incarceration in the county jail for a period of up to 90 days.

(d) Each day a violation continues shall be deemed a separate and distinct offense and subject to a separate and distinct fine, as well as incarceration, as indicated above.

(e) None of the foregoing sanctions or costs shall prohibit the Village from seeking injunctive or other civil remedies against an alleged or convicted violator, nor prohibit the Village from terminating public water or sewer services to the violator's premises.

(f) Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

This ordinance shall become effective 21 days after the publication in a newspaper of general circulation.

Ayes: _____

Nays: _____
