

## 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 <sub>5</sub>
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 <sub>5</sub>	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