

UNIFORM SEWER USE ORDINANCE OF 1994 AS AMENDED 1996

**A sewer use ordinance for the
Townships of Acme, East Bay, Peninsula
and the Charter Township of Garfield in Grand
Traverse County and the Charter Township of Elmwood
in Leelanau County, Michigan**

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UNIFORM SEWER USE ORDINANCE OF 1994

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UNIFORM SEWER USE ORDINANCE OF 1994

An Ordinance establishing rules and regulations for use of and discharge into the Township Wastewater Collection System and the Traverse City Regional Wastewater Treatment Plant.

WHEREAS, the federal "Clean Water Act amendments of 1977," as amended, 33 U.S.C. 1251 et seq. has resulted in a program of cleaning up our nation's water;

WHEREAS, the City of Traverse City (the City) and the surrounding townships of Acme, East Bay, Elmwood, Garfield and Peninsula (the Townships) have made and will continue to make substantial investments in the treatment plant and the wastewater collection systems serving the City and the Townships to achieve the goals of the Act; and,

WHEREAS, the City and of the treatment plant without impairment of the plant's normal function domestic the Townships seek to provide for use and collection system by industries collection system and the treatment of collecting, treating and discharging the treatment wastewater, and without discharge from plant of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

NOW, THEREFORE, THE TOWNSHIP ORDAINS:

Article 1 GENERAL PROVISIONS

1.1 PURPOSE

1.1.1 This Ordinance is adopted to protect the health, safety and welfare of the people; to provide uniform requirements for all use of and discharges into the collection system and treatment plant; to provide for the connection of structures in which sanitary sewage originates to an available public sanitary sewer system; to prescribe limitations on the discharge of certain waters and wastes into the public sewer system; to comply with applicable regulations, prevent pollution, guard against injury to persons and property, to enhance efficient economical operation of the collection system and treatment plant; to provide for the administration of this Ordinance and to establish remedies.

1.1.2 This Ordinance and the companion ordinances adopted by the City of Traverse City and the other Townships set forth uniform requirements for all uses of and discharges into the collection system and treatment plant to enable compliance with applicable state and federal laws and regulations pertaining to wastewater treatment and industrial pretreatment.

1.2 LEGAL AUTHORITY

This Ordinance authorizes the control authority to:

- 1.2.1 Regulate and control discharges into the collection system and the treatment plant in accordance with this Ordinance and applicable state and federal laws and regulations including the National Federal Categorical Pretreatment Standards;**
- 1.2.2 Regulate or prohibit discharges which could interfere with the operation of the collection system or the reclamation or disposal of wastewater or sludge, cause the treatment plant to exceed the NPDES effluent limitations, or cause pass through of pollutants to the receiving stream or the atmosphere;**
- 1.2.3 Control discharges to the collection system and treatment plant by regulation, permit, order and other means;**
- 1.2.4 Inspect and monitor facilities and discharges to determine the extent of compliance;**
- 1.2.5 Require compliance by industrial users with applicable pretreatment standards and requirements;**
- 1.2.6 Require the development of a compliance schedule by each industrial user for the installation of personnel, procedures and facilities necessary or desirable to meet applicable pretreatment standards and requirements and reports from such users necessary to determine adherence to the compliance schedule;**
- 1.2.7 Seek judicial enforcement of the standards of this Ordinance and penalties imposed by the control authority under this Ordinance;**
- 1.2.8 Recover from users all damages to the collection system, treatment plant, and the environment caused by said users including any fines, penalties (and the cost of administrative and judicial proceedings in connection therewith) imposed upon the control authority, the City of Traverse City, Grand Traverse County, and the townships attributable to that user's indirect discharge in whole or in part;**
- 1.2.9 Halt or prevent any indirect discharge which threatens the health or welfare of persons or property, or endangers or may endanger the environment, or interferes or threatens to interfere with the operation of the collection system or treatment plant;**

1.2.10 Comply with the confidentiality requirements imposed by law.

1.2.11 Impose fines and penalties as provided by this Ordinance.

1.3 **SCOPE**

This Ordinance shall apply to all persons discharging to the collection system and treatment plant including those who have agreements or permits from the control authority.

1.3.1 Administration

The control authority will administer and enforce the provisions of this Ordinance subject to any agreement between the control authority and the Township.

1.4 **DEFINITIONS [Amended 1996]**

Unless otherwise indicated, the following terms and phrases shall have the following meanings:

1.4.1 Act or "The Act"

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Part 1251, et seq.

1.4.2 Approval Authority

The Michigan Department of Natural Resources.

1.4.3 Approved Method or Test Procedure

Analysis performed in accordance with the analytical test procedures approved under 40 CFR Part 136. Analysis for those pollutants not covered therein shall be performed in accordance with procedures approved by the approval authority.

1.4.4 Authorized Signatory

1.4.4.1 A responsible corporate officer, if the industrial user is a corporation; a responsible corporate officer means:

- 1.4.4.1.1 A president, vice president, secretary, or treasurer 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
- 1.4.4.1.2 The manager of one or more manufacturing, production or operation facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- 1.4.4.2 A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- 1.4.4.3 A duly authorized representative of the individual designated in Subsections 1.4.4.1 or 1.4.4.2 if:
- 1.4.4.3.1 The authorization is made in writing by the individual described in Subsection 1.4.4.1 or 1.4.4.2; and
- 1.4.4.3.2 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
- 1.4.4.3.3 The written authorization is submitted to the control authority.
- 1.4.5 Biochemical Oxygen Demand (BOD)
- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration [milligrams per liter (mg/l)] in accordance with an approved test procedure.
- 1.4.6 Bypass
- An action which bypasses, in whole or in part, approved pretreatment facilities permitting wastewater to flow into the collection system without the usual treatment;
- 1.4.7 Categorical User
- An industrial user classified according to specific industrial subcategories for which separate regulations have been established under subparts of 40 CFR Chapter I, Subchapter N. These regulations established specific quantities

or concentrations of pollutants or pollutant properties that may be discharged to a collection system and treatment plant.

1.4.8 City

The City of Traverse City.

1.4.9 Collection System

The sanitary sewer system established by the City and the Township which flows directly and indirectly to the treatment plant including all attachments and appurtenances to the collection system as modified and extended from time to time.

1.4.10 Compatible Pollutant

Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria and such additional pollutants in quantities that the collection system and treatment plant has the designed capacity to treat.

1.4.11 Compliance Schedule

A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with water quality standards, an effluent limitation or other limitation, prohibition or standard.

1.4.12 Composite Sample

As defined by 40 CFR 403 Appendix E, a sample comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. The sample may be collected manually or automatically.

1.4.13 Control Authority

The City of Traverse City.

1.4.14 Cooling Water

Any water used for the purpose of carrying away excess heat and which may contain biocides used to control biological growth or other additives to protect the system against corrosion, scaling or other deterioration.

1.4.15 Discharge

An intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant into the waters of the state, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the state, which pollutant enters the waters of the state or the United States. Discharge includes the release of pollutant into a collection system and treatment plant.

1.4.16 Domestic Wastewater

The wastewater discharge from the usual and customary residential use of premises.

1.4.17 Effluent Data

Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics of any pollutant discharge.

1.4.18 Effluent Limitation

Any restriction on quantities, quality, rates and concentration of chemical, physical, thermal, biological and other constituents of pollutants.

1.4.19 Federal Categorical Pretreatment Standards

Pretreatment standards as codified in 40 CFR Section 1(N), specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a collection system and treatment plant by existing or new industrial users in specific industrial subcategories.

1.4.20 Flow-proportioned

A composite sample that is collected continuously or discretely. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of aliquot or to the total flow since the previous aliquot.

1.4.21 Garbage

Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food, fruits, vegetables, poultry, fish or other aquatic organisms or meat.

1.4.22 Grab Sample

An individual sample collected over a period of time not to exceed fifteen (15) minutes. It is a single sample taken at neither a specific time nor flow and is representative of conditions or characteristics of the discharge at the time that it is collected.

1.4.23 Highest Ranking Official

The industrial user's official having day-to-day managerial and operational responsibilities for the discharging facility.

1.4.24 Holding Tank Waste

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

1.4.25 Incompatible Pollutant

Any pollutant which is not a "compatible pollutant" as defined in this Ordinance.

1.4.26 Indirect Discharge

The discharge of wastewater into the collection system and treatment plant.

1.4.27 Industrial Pretreatment Coordinator (IPC)

The authorized representative of the control authority that implements and coordinates the pretreatment program.

1.4.28 Industrial User

A user who is a source of indirect discharge of non-domestic wastewater.

1.4.29 Industrial Waste Survey Questionnaire

A request for information by the control authority of users of the collection system and treatment plant on indirect discharge characteristics, operating procedures and schedules, water consumption, waste disposal methods and amounts.

1.4.30 Interference

An indirect discharge which, alone or in conjunction with a discharge or discharges from other sources;

1.4.30.1 Inhibits or disrupts the collection system or treatment plant, its treatment processes or operations or its sludge processes, use or disposal; or

1.4.30.2 Causes a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of the violation) or the prevention of sewage sludge use or disposal in accordance with applicable permits, laws and regulations.

1.4.31 Liquid Waste Hauler

Any person who transports waste by way of truck or rail.

1.4.32 Maximum Allowable Headworks Loading

(MAHL) means the maximum mass of any pollutant that can enter the wastewater treatment plant per day without causing interference or pass-through.

1.4.33 National Pollutant Discharge Elimination System

The federal system for issuing, modifying, suspending, revoking and reissuing, terminating, monitoring, and enforcing discharge permits pursuant to the Act.

1.4.34 Nondomestic Wastewater

Any wastewater that is not "domestic wastewater" as defined in this Ordinance.

1.4.35 Pass Through

An indirect discharge which exits the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the collection system and treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

1.4.36 Permit

The discharge control mechanism issued by the control authority to a user.

1.4.37 Permit Holder

Any person who has a discharge permit granted by the control authority.

1.4.38 Person

Any individual, corporation, company, partnership, firm, association, owner or operator of a treatment works, political subdivision of this state and any state or interstate agency. "Person" shall also mean any responsible corporate official for the purpose of enforcement action under this program.

1.4.39 pH

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Solutions with a pH greater than 7 are said to be basic; solutions with a pH less than 7 are said to be acidic; pH equal to 7 is considered to be neutral. Analysis shall be performed in accordance with an approved test procedure.

1.4.40 Pollutant

Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, septage, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue directly or indirectly discharged into the waters of the state, the introduction of which renders these waters detrimental or immediately or potentially dangerous to the public health or unfit for public or commercial use. "Pollutant" includes both hazardous and nonhazardous pollutants.

1.4.41 Pretreatment

The alteration, reduction or elimination of pollutants in the wastewater before discharge to the collection system or treatment plant.

1.4.42 Program

The industrial pretreatment program administered by the control authority.

1.4.43 Significant Industrial User

1.4.43.1 All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

1.4.43.2 Any other industrial user which:

1.4.43.2.1 Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or

1.4.43.2.2 Discharges process wastewater which makes up five percent (5%) or more of the hydraulic or organic capacity of the treatment plant; or

1.4.43.2.3 Is designated by the control authority as having reasonable potential for adversely affecting the collection system and treatment plant's operation or for violating any pretreatment standard or requirement.

1.4.44 Significant Noncompliance

The status of an industrial user if its violation meets one or more of the following criteria:

1.4.44.1 Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

1.4.44.2 Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for any pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

- 1.4.44.3 Any other violation of an effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the collection system and treatment plant personnel or the general public);
- 1.4.44.4 Any discharge of a pollutant that has caused imminent danger to human health, welfare, or to the environment or has resulted in the control authority's exercise of its emergency authority to halt or prevent such a discharge;
- 1.4.44.5 Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone or enforcement order for starting construction, completing construction or attaining final compliance;
- 1.4.44.6 Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- 1.4.44.7 Failure to accurately report noncompliance;
- 1.4.44.8 Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the program.
- 1.4.45 Slug
- Any indirect discharge with an instantaneous flow rate or concentration which exceeds five (5) times any daily average limit or which will cause interference with the collection system or treatment plant.
- 1.4.46 State
- The State of Michigan.
- 1.4.47 Storm Water
- Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

1.4.48 Total Suspended Solids

The total nonfilterable residue as defined in Standard Methods for Examination of Water and Wastewater and analyzed in accordance with 40 CFR Part 136.

1.4.49 Township

This township.

1.4.50 Treatment Plant

The Publicly Owned Treatment Works (POTW) known as the Traverse City Regional Wastewater Treatment Plant located in Traverse City, Michigan.

1.4.51 Undefined Terms

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federations; the Clean Water Act, 33 U.S.C. Part 1251 et seq., and the code of Federal Regulations Title 40 Part 403.

1.4.52 Upset

An exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond reasonable control of the permit holder, including fire, riot, sabotage or a flood, storm event, natural cause, or other act of God or other similar circumstance, which is the cause of the violation.

1.4.53 User

A person who is the source of indirect discharges.

1.4.54 Violation

Noncompliance with federal, state or local pretreatment standards or requirements, any provisions pursuant to this Ordinance, or any requirements or conditions of an industrial discharge permit.

1.4.55 Wastewater

The liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities and institutions.

1.5 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

1.5.1 ASPP

Accidental Spill Prevention Plan or Accidental Spill Prevention Program.

1.5.2 BMR

Baseline monitoring report.

1.5.3 BOD

Biochemical oxygen demand.

1.5.4 CFR

Code of Federal Regulations.

1.5.5 EPA

Environmental Protection Agency.

1.5.6 IWSQ

Industrial waste survey questionnaire.

1.5.7 mg/L

Milligrams per liter (i.e., parts per million).

1.5.8 NPDES

National Pollutant Discharge Elimination System.

1.5.9 SIU

Significant industrial user.

1.5.10 TSS

Total suspended solids.

1.5.11 USC

United States Code.

Article 2 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

2.1 PROHIBITIONS ON WASTEWATER DISCHARGES

2.1.1 General Prohibitions

No user may discharge any pollutants into the collection system or treatment plant which cause pass through or interference.

2.1.2.1 SPECIFIC PROHIBITIONS [Amended 1996]

In addition to the provisions of subsection 2.1.1 above, no user shall discharge the following into the collection system or treatment plant:

2.1.2.1.1 Pollutants in such concentrations that, either alone or by interaction with other substances, create a fire or explosion hazard in the collection system or treatment plant, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbide, hydrides, and sulfides;

2.1.2.1.2 Wastewater shall not have a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CRR 261.21.

2.1.2.1.3 Pollutants shall neither create two successive readings on any explosion hazard meter of more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limited (LEL) of the test meter at the point of discharge into the collection system or treatment plant.

2.1.2.2 Any indirect discharges which have a pH lower than 6.0 Standard Units or higher than 11 Standard Units or which will react with water to form products

which have a pH value lower than 6.0 or greater than 11 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the collection system or treatment plant; prohibited wastes include, but are not limited to, concentrated acids, alkalies, chlorides, sulfides, fluoride compounds and any iron pickling wastes or concentrated plating solutions whether neutralized or not;

- 2.1.2.3 Solid or viscous pollutants in amounts which will cause obstruction to the flow in the collection system or treatment plant or other interference with the proper operation of the collection system or treatment plant, and at no time, any water or waste containing floatable grease, oil, fat or wax; any garbage, except domestic wastewater discharged from garbage disposal units in private dwellings, that has not been ground or comminuted to such a degree that all particles float or carry freely in suspension under flow conditions normally prevalent in the collection system and treatment plant, and which contains particles of a size not greater than one-half (1/2) inch in any dimension; other wastes including, but not limited to, bones, hair, hides, or fleshings, whole blood, recognizable portions of the human anatomy, tissue fluids, entrails, ashes, cinders, mud, straw, sand, wood, grass clippings, spent lime, stone or marble dust, shavings, metal, glass, rags, feathers, tar, asphalt residues, spent grains, spent hops, waste paper, styrofoam and residues from refining or processing of fuel or lubricating oil;
- 2.1.2.4 Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in an indirect discharge at a flow rate and/or pollutant concentration which will cause interference with the collection system or treatment plant;
- 2.1.2.5 Heat in amounts which will inhibit biological activity in the treatment plant resulting in interference, but in no case heat of a temperature in excess of 65 degrees Centigrade (150 degrees Fahrenheit) at the sewer connection or of a quantity that causes the temperature at the treatment plant to exceed 40 degrees Centigrade (140 degrees Fahrenheit);
- 2.1.2.6 Pollutants which result in the presence of toxic gases, vapors or fumes within the collection system or treatment plant in a quantity, either singly or by interaction with other pollutants, that may cause acute worker health and safety problems, pass through or interference with the collection system and treatment plant or that exceed standards promulgated by either the EPA pursuant to Section 307(a) of the Act, or the state pursuant to any applicable statutory provisions;
- 2.1.2.7 Any trucked or hauled pollutants or sludge from septic tanks, cesspools, chemical toilets, privies, grease traps or grit traps, unless authorized by a

permit issued by the control authority and disposed of at discharge points designated by the control authority; discharge of such material into a township collection system shall require the consent of the township;

- 2.1.2.8 Any substance which, either singly or by interaction with other substances, is noxious or malodorous, or is capable of creating a public nuisance or hazard to life or health, or whose concentrations prevent entry into the collection system and treatment plant for maintenance, repair or other reasons;
- 2.1.2.9 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by federal or state regulations;
- 2.1.2.10 Stormwater, surfacewater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters, either discharged by gravity or from sump pumps;
- 2.1.2.11 Any waste producing excessive discoloration that may cause the water of the treatment plant to exceed appropriate color criteria;
- 2.1.2.12 Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials in the collection system and treatment plant;
- 2.1.2.13 Any water or wastes containing algicides, fungicides, antibiotics, insecticides, strong oxidizing agents or strong reducing agents;
- 2.1.2.14 Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes or excessive treatment in order to meet the discharge requirements of the collection system and treatment plant;
- 2.1.2.15 Any slug discharge;
- 2.1.2.16 Any water or waste containing substances which are not amenable to treatment or which causes the treatment plant effluent to fail to meet the discharge requirements established by the NPDES permit;
- 2.1.2.17 Any substance which may cause sludge to be unsuitable for reclamation and reuse, or which may interfere with the reclamation process of the treatment plant, or which may preclude the treatment plant from selecting the most cost-effective alternative for sludge disposal or which may cause the

treatment plant to be in noncompliance with sludge use or disposal criteria established by state or federal regulation.

- 2.1.2.18 Any material discharged into a manhole through its top.
- 2.1.2.19 Detectable concentrations of mercury or polychlorinated biphenols (PCBs).
- 2.1.2.20 Ethylene glycol-based antifreeze.
- 2.1.2.21 Any other pollutant which the control authority determines to be or has the potential to be detrimental to the collection system, treatment plant or receiving water.

2.2 LIMITATIONS ON WASTEWATER DISCHARGES [Amended 1996]

- 2.2.1 No user shall discharge wastes to the collection system and treatment plant having pollutant concentrations in excess of those in the following lists without an industrial waste discharge permit issued by the control authority. Permits may be issued by the control authority that specifically permit discharge of greater concentrations, up to maximums established by the control authority, and incorporated into the industrial waste discharge permit.

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/L)</u>
Total Kjeldahl Nitrogen	60.0
Arsenic	0.005
Cadmium	0.005
Chromium (total)	0.09
Copper	0.14
Cyanide	0.07

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/L)</u>
Lead	0.09
Nickel	1.0
Phosphorus (total)	13.0
Silver	0.01
Zinc	0.45
Sulfides plus sulfates	100.0

<u>Pollutant</u>	<u>Maximum Instantaneous Concentration (mg/L)</u>
Oil and grease	100.0
Total BTEX	0.13

- 2.2.2 No user shall discharge wastes to the Collection System and treatment plant having daily pollutant concentrations in excess of the following without an industrial waste discharge permit issued by the control authority and payment of the appropriate surcharge established pursuant to this Code.

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/L)</u>
BOD	250
TSS	250

The control authority reserves the right to establish by ordinance or permit more stringent limitations or requirements on Indirect Discharges to the Collection System and treatment plant if deemed necessary to comply with objectives presented in this Ordinance.

2.3 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

If the federal standard for a particular industry, pursuant to the federal categorical pretreatment standard, and/or a state standard is more stringent than such standard imposed under this Ordinance, then the federal and/or state standard shall apply. Affected industrial users shall comply with the appropriate standard within the stated compliance deadline. The control authority will notify affected industrial users of the applicable reporting requirements under 40 CFR 403.12, but failure of the control authority to notify does not relieve such persons, firm or corporation of the obligation to comply with such reporting requirements.

The control authority may change the way in which categorical users are regulated through the implementation of equivalent mass/concentration limits defined in 40 CFR 403.6 (c) (2) - (7), through the combined wastestream formula defined in 40 CFR 403.6 (e), or through the net/gross calculation defined in 40 CFR 403.15. The control authority will consider requests from any categorical user to examine the use of any of these alternate methods of computing pollutant limits.

2.4 FEDERAL AND STATE REQUIREMENTS

Federal or state requirements and limitations on discharges shall apply in any case where they are more stringent than limitations contained in this Ordinance.

2.5 INDUSTRIAL DISCHARGE PERMIT REQUIREMENTS

Industrial discharge permit requirements shall apply in any case where they are more stringent than limitations contained in this Ordinance.

2.6 DILUTION

No industrial user shall in any way dilute a discharge to achieve compliance with federal categorical pretreatment standards, state limitations or any other pollutant-specific limitation contained in this Ordinance or a permit.

2.7 PREMISES

No person shall suffer or permit any premises belonging to or occupied by him or under his control, located in the jurisdiction covered by this Ordinance, or any cellar, vault, privy, cesspool, sewer or private drain thereon or therein,

to become nauseous, foul or offensive or prejudicial to the public health or public comfort.

2.8 TAMPERING WITH FACILITIES

No unauthorized person shall enter any sewer, manhole, pumping station, collection system, treatment plant or appurtenant facility in the jurisdiction covered by this Ordinance. No person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the collection system and treatment plant.

No unauthorized person shall operate or change the operation of any sewer, pumping station, treatment plant, outfall structure or appurtenant facility in the jurisdiction of the control authority.

Article 3 CONTROL OF PROHIBITED WASTES

3.1 REGULATORY ACTIONS

If waste waters containing any prohibited substance exceeding prescribed limits or violating restrictions imposed by Article 2 of this Ordinance are discharged or proposed to be discharged into the collection system and treatment plant, the control authority may take any one or more of the following actions necessary to protect the collection system and treatment plant:

- 3.1.1** Prohibit the discharge of such wastewater:
- 3.1.2** Require the user to demonstrate that in-plant modifications will bring such discharge into conformance with this Ordinance;
- 3.1.3** Require pretreatment by physical, chemical or biological processes, manufacturing process changes or by other means (except as prohibited by 40 CFR 403.6(d)), including but not limited to, storage facilities or flow equalization necessary to ensure compliance with this Ordinance;
- 3.1.4** Require the person causing the discharge to, within twenty-four (24) hours of the prohibited discharge or violation or both, provide the control authority with additional information regarding the discharge as may be required by the control authority, including but not limited to, requested laboratory analysis results;

- 3.1.5 Require the user creating the prohibited discharge to pay all additional costs or damage attributable to such discharge including but not limited to:
 - 3.1.5.1 Incidental and consequential damages;
 - 3.1.5.2 Fines or penalties assessed against the control authority;
 - 3.1.5.3 Actual attorney fees incurred by the control authority in connection with the discharge including actions relating to Subsections 3.1.5.1 and 3.1.5.2.
- 3.1.6 **Assess** civil penalties, seek injunctive relief and petition for criminal prosecution pursuant to applicable statutory provisions; and
- 3.1.7 Take such other remedial action including, but not limited to, suspension or termination of service as may be deemed to be necessary to achieve the purpose of this Ordinance.

3.2 **ACCIDENTAL DISCHARGES**

Each user shall provide protection against accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Users shall provide and maintain at their expense protective facilities such as, but not limited to, retention basins, dikes, storage tanks or other devices designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or waste discharges in violation of this Ordinance. Prior to construction, or otherwise as required by the control authority, the user shall submit to the control authority for approval detailed plans of the protective facilities or equipment and operating procedures.

- 3.2.2 Any user, if so required by the control authority, shall submit an accidental spill prevention plan. At a minimum, this plan shall include the following elements:
 - 3.2.2.1 Description of discharge practices, including nonroutine batch discharges;
 - 3.2.2.2 Description of stored chemicals;
 - 3.2.2.3 Procedures for immediately notifying the treatment plant and control authority of slug discharges, including any discharge that would violate a prohibition under Article 2 of this Ordinance, with procedures for follow-up written notification within five (5) days;

- 3.2.2.4 If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency responses;
- 3.2.2.5 Other information as required by the control authority.
- 3.2.2.6 Review and approval of such plans and operating procedures by the control authority shall not relieve the user from the responsibility to modify the facility as necessary to meet the requirements of the Ordinance or a permit.
- 3.2.2.7 The user shall cause to be furnished and permanently posted on the user's bulletin board(s) notices advising employees whom to call in case of an accidental discharge.
- 3.2.3 The user shall immediately notify the treatment plant upon the accidental discharge of wastes to the collection system that countermeasures may be taken to minimize damage to the environment, the collection system and treatment plant and the receiving waters. The notification shall include the location of the discharge, date and time thereof, type of waste, concentration and volume, and corrective actions taken by the user. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement to the control authority describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.
- 3.2.3.1 Such notification will not relieve the user of liability for any fines provided for in this or any Ordinance, or for any expense, loss or damage to the environment, the collection system and treatment plant or treatment processes, or for any fines imposed on the control authority on account thereof.
- 3.3 **UPSET**
- 3.3.1 An industrial user experiencing an upset shall submit the following information to the treatment plant and the control authority as soon as possible and no later than twenty-four (24) hours of becoming aware of the upset;
- 3.3.1.1 A description of the indirect discharge and cause of noncompliance;

- 3.3.1.2 The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- 3.3.1.3 Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance;
- 3.3.1.4 Other information as required by the control authority.
- 3.3.2 In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof and may not claim an upset unless it has complied with this Subsection 3.3.
- 3.4 **BYPASS**
 - 3.4.1 A bypass may be approved by the control authority if request is made at least ten (10) days before the proposed date of the bypass if:
 - 3.4.1.1 The bypass is for essential maintenance to assure efficient operation; and
 - 3.4.1.2 Pretreatment standards or requirements will not be violated by the bypass; and
 - 3.4.1.3 The control authority determines that no adverse effect will result from the bypass.
 - 3.4.2 An emergency bypass initiated without the prior approval provided above will not be subject to enforcement if:
 - 3.4.2.1 Bypass was unavoidable to prevent loss of life, personal injury or substantial property damage;
 - 3.4.2.2 There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
 - 3.4.2.3 The need for the bypass shall not have resulted from the failure to install adequate back-up equipment if required by permit or in the exercise of reasonable engineering judgment.
 - 3.4.3 Any user who experiences a bypass whether approved or not shall submit the following information:

- 3.4.3.1 In the case of an emergency or unapproved bypass the user shall submit oral notice to the control authority as soon as reasonably practical following discovery and in any event within twenty-four (24) hours.
- 3.4.3.2 In all cases a written statement shall be submitted to the control authority within five (5)days of the bypass providing the following information at a minimum:
 - 3.4.3.2.1 A description of the bypass and its cause;
 - 3.4.3.2.2 The duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue;
 - 3.4.3.2.3 Steps taken or planned to reduce, eliminate and prevent recurrence of the bypass;
 - 3.4.3.2.4 Other information as required by the control authority.

3.5 HAZARDOUS WASTE DISCHARGES

A user shall notify the control authority, the U.S. EPA regional waste management division director and state hazardous waste authorities in writing (as provided in Subsection 3.5.5) of any discharge into the collection system and treatment plant of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or Section 3001 of the Resource Conservation and Recovery Act. Such notification must include, at a minimum:

- 3.5.1 The name of the hazardous waste as set forth in 40 CFR Part 261;
- 3.5.2 The U.S. EPA hazardous waste number;
- 3.5.3 The type of discharge (continuous, batch or other);
- 3.5.4 The following information to the extent such information is known and readily available to the industrial user:
 - 3.5.4.1 Identification of the hazardous constituents contained in the wastes; and
 - 3.5.4.2 An estimation of the mass and concentration of such constituents in the waste stream discharged.

- 3.5.5 For the purposes of notification under this section, the user must contact, at a minimum, the following:

Industrial Pretreatment Coordinator or Plant Manager Traverse City Regional
Wastewater Treatment Plant
P.O. Box 6350
Traverse City, MI 49685
(616) 922-4921

and Office of Solid Waste and Hazardous Waste
U.S. Environmental Protection Agency
260 South Dearborn Avenue
Chicago, IL 60604

and Chief, Waste Management Division
Michigan Department of Natural Resources
P.O. Box 30241
Lansing, MI 48909

3.6 **NOTICE OF PROHIBITED DISCHARGES**

All users shall notify the treatment plant and the control authority immediately of any discharge that could cause problems to the collection system or treatment plant, including any slug loading.

3.7 **INDUSTRIAL USER CONTROL OF DISCHARGES**

In addition to all other requirements of this Ordinance, each industrial user shall take all reasonable steps to identify and minimize or prevent any discharge in violation of the standards of this Ordinance or of a permit including accelerated or additional monitoring necessary to determine the nature and impact of the noncomplying discharge.

- 3.7.1 The industrial user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards and requirements upon reduction, loss or failure of its pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, in the situation where the primary source of power of the treatment facility is reduced, or fails.

Article 4 ADMINISTRATION

4.1 DISCHARGE TO THE COLLECTION SYSTEM AND TREATMENT PLANT

It shall be unlawful for any person to discharge directly or indirectly into the collection system and treatment plant without having satisfied all applicable terms and conditions of this Ordinance.

4.2 INDUSTRIAL WASTE SURVEY QUESTIONNAIRE

All industrial users shall complete and file an industrial waste survey questionnaire (IWSQ) with the control authority prior to connecting to the collection system and treatment plant. Each existing industrial user shall file an IWSQ periodically as required by the control authority. All IWSQs shall be signed by an authorized signatory of the user.

4.3 INDUSTRIAL DISCHARGE PERMITS [Amended 1996]

4.3.1 If the control authority determines, following review of the IWSQ for a user, that the user is a significant industrial user, or if the control authority deems it necessary to impose special requirements on the user, the user shall provide any further information, including a baseline monitoring report, and payment of any applicable fees that may be required by the control authority and shall obtain an industrial discharge permit. This permit shall be in addition to all other permits required by the city or local agency. The application form and required information for such permit shall be at the discretion of the control authority.

4.3.2 The control authority will evaluate such application and either approve and issue the permit, deny the permit, or require the submission of additional information. Notice of denial of completed applications shall be given expeditiously, and shall contain a statement of reasons for denial. Written notices will be sent to the address provided by the applicant. Any user whose permit application is proposed to be denied shall have the opportunity for a hearing before the control authority before the application is denied unless immediate action is necessary to protect the collection system, treatment plant or the public health, safety or welfare. Approvals may be subject to certain pre-conditions which, if not met, shall negate and void the permit without further action of the control authority. Approvals may be subject to certain requirements, the failure of which may result in revocation of the permit.

- 4.3.3 Each permit shall be deemed to incorporate all provisions of this Ordinance as if the same were fully set forth. Each permit requires the permit holder to take the following steps and meet the following standards (whether or not expressly recited in the permit) except as the permit may otherwise provide:
- 4.3.3.1 To achieve effluent limitations based upon standards and requirements established pursuant to any and all applicable federal, state or local regulations including this Ordinance, together with such further discharge restrictions and safeguards against unauthorized discharge as may be necessary to meet water quality standards, area wide plans adopted pursuant to law or other legally applicable requirements;
- 4.3.3.2 Where appropriate, to meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;
- 4.3.3.3 To insure that all discharges are consistent at all times with the terms and conditions of the permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit;
- 4.3.3.4 To submit a written request for revision of the permit prior to any contemplated facility expansion, process modification or changes in production that would result in new or increased discharge or, if these would not violate effluent permit, to notify the control authority of such new or increased discharges;
- 4.3.3.5 To install, use and maintain such monitoring equipment, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities for a minimum of three (3) years, and to submit to the control authority reports of monitoring results, as may be stipulated in the permit, or required by the control authority. Users shall report their monitoring results to the control authority as required by the permit unless otherwise required by the control authority. Users shall identify the authorized signatory, as defined in this Ordinance, and discharge monitoring reports shall be signed by the authorized signatory of the industrial user.
- 4.3.3.6 At all times, to maintain in good working order and operate as effectively as possible, all facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

- 4.3.4 Permits shall be issued for a specified time period, but in no case more than five (5) years. The permit holder shall submit such information, forms and fees as are required by the control authority for renewal no later than 30 days prior to the date of expiration. If the permit holder is not notified of reissuance or denial of the permit by the control authority prior to the expiration of the permit, the permit shall be extended until such time as the control authority reissues or denies a new permit.
- 4.3.5 Transfer by way of incorporation of an unincorporated entity, or transfer of control of a corporate entity by way of merger or consolidation shall not require an assignment of the permit. The permit shall be deemed transferred by operation of law unless the transferee shall give written notice to the control authority within thirty (30) days of transfer that the transferee does not accept the permit. If all or substantially all of the assets of the user at the facility are sold and the operation for which the permit is issued is carried on without substantial change, the purchaser shall be deemed the permit holder with the same rights and responsibilities. The original permit holder shall give notice in writing to the control authority prior to transfer and shall provide a copy of the permit to the purchaser. The purchaser shall identify an authorized signatory and shall submit a letter to the control authority within thirty (30) days stating that a transfer has occurred.
- 4.3.6 Any permittee who violates any conditions of the permit, this Ordinance, or 40 CFR 403 is subject to revocation of the permit.
- 4.3.7 Unless payment is waived by the control authority, no permit may be issued, modified or renewed by the control authority until the applicant has paid all fees, charges, penalties or fines due and owing, with respect to the permit or has entered into an agreement with the control authority establishing a payment schedule therefor; except that if a penalty or fine is contested, the applicant or permittee shall satisfy the provisions of this Section by posting financial security as required pursuant to applicable statutory provisions.
- 4.3.8 The control authority may revise a permit or conditions of a permit in order to meet the changing needs of the collection system and treatment plant or the user or to meet the requirements of new or revised regulations. When a permit is to be revised, the permit holder shall be given written notice of the proposed revision and the opportunity to comment, if time permits, prior to issuance of the revised permit.
- 4.3.9 If pretreatment, change in operations, or maintenance or any combination of them, is required to meet the requirements of the user's permit, the user shall develop and submit a compliance schedule to the control authority. 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 and noncategorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed nine (9) months and the total length of the compliance schedule shall not exceed eighteen (18) months. The control authority will review the proposed schedule and decide whether it is appropriate for the improvements needed to meet applicable standards. The control authority will notify the user of its decision and may then incorporate the compliance schedule in a permit or other control document and issue it to the user. Not later than fourteen (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 it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

- 4.3.10 No permit shall be issued allowing an indirect discharge to the collection system and treatment plant, that, taken together with existing and projected discharges, would exceed the design average capacity of the treatment plant or exceed a Maximum Allowable Headworks Loading or probably exceed the ability of the treatment plant to effectively treat the wastewater inflow. Provided that, no such permit shall issue which would cause the total inflow of any factor or pollutant to exceed the capacity allocated to the unit of government in which the permit holder is discharging into the system.

4.4 LIQUID WASTE HAULERS

It shall be unlawful for any person to transport and discharge liquid waste or septage into the collection system or treatment plant without first obtaining an industrial discharge permit from the control authority. Each such liquid waste hauler shall discharge only at the point designated by the control authority and comply with all the provisions of this Ordinance, the permit and all applicable federal, state or local regulations. If the discharge is to be made into a township sewer system, the approval of the township is a precedent to issuance of the permit by the control authority.

4.5 MONITORING AND REPORTING

- 4.5.1** Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a collection system and treatment plant shall submit to the control authority a report which contains the following information, at a minimum:
- 4.5.1.1** The name and address of the facility including the name of the operator and owners;
 - 4.5.1.2** A list of any environmental control permits held by or for the facility;
 - 4.5.1.3** A brief description of the nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the collection system and treatment plant from the regulated processes;
 - 4.5.1.4** Information showing the measured average daily and maximum daily flow, in gallons per day, to the treatment plant from each of the following:
 - 4.5.1.4.1** Regulated process streams; and
 - 4.5.1.4.2** Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e);
 - 4.5.1.5** The federal categorical pretreatment standards applicable to each regulated process;
 - 4.5.1.6** 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. The sample shall be representative of daily operations and performed in accordance with 40 CFR 403.12 (b)(5)(iii) and (IV);
 - 4.5.1.7** Other information as required by the control authority;
 - 4.5.1.8** All significant industrial users, and any other users required by the control authority, shall submit a baseline monitoring report containing the above

information as a requirement of application for a permit to discharge to the collection system and treatment plant.

- 4.5.2 Within ninety (90) days following the date for final compliance with applicable pretreatment standards or in the case of a new source as defined in 40 CFR 403.5(k)(1) following commencement of the introduction of wastewater into the collection system and treatment plant, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a compliance status report.
- 4.5.3 Each industrial user shall complete monitoring and submit monitoring reports to the control authority as required by the Ordinance the program and the permit. If during any reporting period, an industrial user fails to comply with permit requirements and limitations, the industrial user shall include in the report an explanation of the noncompliance, any known or suspected causes, and actions taken or to be taken to prevent further occurrences.
- 4.5.4 If an industrial user monitors any pollutant more frequently than required by the control authority, using approved procedures, the results of this monitoring shall be included in the report.
- 4.5.5 All sampling, analysis and flow measurements shall be performed by a laboratory approved by the control authority. Monitoring and analysis shall be conducted according to methods approved under 40 CFR Part 136, unless other test procedures have been specified by the control authority.
- 4.5.6 All users shall furnish to the control authority, upon request, any information which may be requested to determine if cause exists for modifying, revoking or reissuing the permit or to determine compliance with this Ordinance, the program or the permit.
- 4.5.7 All users shall provide any and all information to the control authority that may be required to determine the characteristics or nature of the potential discharge.
- 4.5.8 If monitoring or analysis is performed by the control authority in lieu of the user performing it the user may be charged and shall pay the costs thereof.
- 4.6 **NOTIFICATION**
- 4.6.1 All users shall promptly notify the treatment plant or the control authority in advance of any substantial change in the volume or character of pollutants in their discharge.

4.6.2 A user shall notify the control authority of any discharge that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment as soon as the user becomes aware of the occurrence.

4.6.3 If sampling performed by an industrial user, or other information available to it, indicates a violation, the user shall notify the control authority with twenty-four (24) hours of becoming aware of the violation. If the standard violated is a Categorical Pretreatment Standard, or if the control authority requires it, the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation, except that the industrial user is not required to sample if the control authority performs sampling of the industrial user within thirty (30) days of the initial violation.

4.6.4 All users shall comply with the notification requirements of Article 3 of this Ordinance.

4.7 RECORDKEEPING

Any industrial user subject to the reporting requirements required by this Ordinance, the program or a permit shall be required to retain for a minimum of three (3) years from the date of the sample, measurement, report or application any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the control authority. Records include all calibration and maintenance records, copies of all reports required by this Ordinance, the program or a permit and records of all data used to complete the application for the permit. This period may be extended by request of the control authority at any time. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the EPA or Michigan Department of Natural Resources.

4.7.2 The following information, at a minimum required for all samples:

4.7.2.1 The date, exact place, method and time of sampling and the names of the person or persons taking the samples;

4.7.2.2 The date analyses were performed;

4.7.2.3 Who performed the analyses;

4.7.2.4 The analytical techniques/methods used; and

4.7.2.5 The results of such analyses.

4.7.3 The reports and other documents required to be submitted or maintained under this Ordinance, the program, or a permit are subject to the provisions of: 18 U.S.C. Section 1001 relating to fraud and false statements, the provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification, and the provisions of Section 309(c)(6) regarding responsible corporate officers which provide for civil and/or criminal penalties for making any false statement, record, report, plan or other document.

4.8 ADMISSION TO PROPERTY FOR INSPECTION SAMPLING AND ANALYSIS

All users shall allow any authorized representative of the control authority bearing proper credentials to enter upon the premises of any facility without delay where a real or potential discharge is located to inspect the facility, monitor equipment and practices, pretreatment operations, and for measuring, sampling or testing any discharge of wastewater to the collection system and treatment plant. Where records are required to be kept under the terms and conditions of this Ordinance or a permit, access must be granted at reasonable times to copy records in order to determine compliance therewith or with 40 CFR 403.

4.9 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS

4.9.1 Except as otherwise provided in 40 CFR 2.302, any records, reports or other information obtained pursuant to this Ordinance, the program or a permit, including any correspondence relating thereto, shall be available to the public; however, any information submitted by a user which the user believes to be entitled to protection as a trade secret should specifically be identified by the user when submitted. If the control authority determines that making public of any report or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the control authority will, to the extent permitted by law, consider such record, report or information, or part thereof, to be confidential, and access thereto shall be limited to authorized officers or employees of federal or state agencies or the control authority.

4.9.2 The control authority will serve upon the furnisher of such confidential information verbal notice of the intent to disclose such information prior to disclosure and written notice of the disclosure of such information and the person which properly requested such information. The control authority will

submit the claim of confidentiality with the information to the requesting person.

- 4.9.3 Information provided by users or the control authority pursuant to this Ordinance and the program, that has not been classified as confidential, are open for public inspection. Requests for such review are to be made in writing and an appointment for review may be required.

Article 5 ENFORCEMENT PROCEDURES

5.1 NOTICE OF VIOLATION

A notice of violation will be issued in writing by the control authority to any user for failure to meet any pretreatment standards or requirements pursuant to federal, state or local regulations, this Ordinance or a permit. The notice shall be delivered to the user or mailed. If mailed, the notice shall be addressed to the permit holder if a permit has been issued or, if not, to the user, registered or certified mail to the user's last known address.

5.2 ENFORCEMENT RESPONSE PLAN

- 5.2.1 The control authority will enforce the provisions of this Ordinance according to an Enforcement Response Plan which contains detailed procedures for investigation and response to violations of this Ordinance or a permit. The plan:

- 5.2.1.1 Describes escalating enforcement responses to all anticipated types of violations by users and the time periods within which enforcement action should be taken;

- 5.2.1.2 Identifies by title the officials responsible within the control authority for taking enforcement action;

- 5.2.1.3 Will be made available to users in such manner as the control authority will determine, and, at a minimum will be distributed to each permit holder at the time the permit is issued.

- 5.2.2 The control authority will at all times retain the authority to vary from the express terms of the plan if it determines that the public interest and the interests served by this Ordinance will be furthered by the variance.

5.3 SUSPENSION OF SERVICE OR PERMIT

- 5.3.1** The control authority may suspend wastewater treatment service or a permit, or both, without notice, or with such notice including notice by telephone or facsimile as the control authority deems feasible, when in the opinion of the control authority an indirect discharge or other act or omission violates or threatens to violate this Ordinance or a permit and such suspension is immediately necessary to prevent an actual or threatened discharge or other activity which presents a serious danger to the health, safety, or welfare of the public, environment, the collection system or the treatment plant. Immediately following a suspension under this section, the control authority will promptly proceed under Subsection 5.3.2.
- 5.3.2** In the event the control authority determines that an indirect discharge to the collection system or treatment plant, or other act or omission, violates, or threatens to violate this Ordinance or a permit, the control authority may take action under this Section to suspend sewer service or a permit or both. The control authority will give written notice of such proposed action to the user or permit holder, as the case may be, by personal delivery or certified mail. In case of delivery, notice shall be given not less than thirty (30) days in advance of the proposed action counting the date of delivery as the first day, and in the case of certified mail counting the date the mail was deposited with postage fully prepaid in a U.S. Postal Service receptacle as the first day. The notice shall be addressed to the user or permit holder's last known address, as the case may be. If the address is unknown, the notice shall be addressed to the user or permit holder's last known address, as the case may be. If the address is unknown, the notice shall be sent to the address of the owner of the premises at which the indirect discharge is made into the collection system. The notice shall contain a statement of the reasons for the proposed action. The permit holder or the user, as the case may be, shall be given the opportunity for a hearing before the control authority or its designee prior to taking final action. Failure to respond in writing to the notice of violation during the notice period shall be deemed consent to the proposed action.
- 5.3.3** Thirty (30) days after notice (and following hearing, if requested by the user or permit holder, as the case may be), the control authority may modify or suspend the permit, limit, regulate or suspend the user's discharge into the collection system and treatment plant, and impose fines and costs as provided in this Ordinance, all as the control authority deems appropriate, or may terminate the notice if the violation or threat of violation has abated. The control authority will provide written notice of its actions to the user or the permit holder, as the case may be, in like manner as the notice of action.

5.3.4 Any user or permit holder notified of suspension of wastewater treatment service or a permit, or both, shall immediately stop its discharge or eliminate the violation. In the event the indirect discharge is not stopped or the violation eliminated, the control authority may take such steps it deems necessary including, but not limited to, immediate capping of the sewer connection, to prevent or minimize the violation.

5.3.5 The control authority may reinstate the wastewater treatment service or permit, or both, if it is satisfied that the violation has been or will be corrected and upon payment of all fines and costs outstanding against the user or permit holder assessed by the control authority in connection with the sewer service. Prior to reinstatement, the control authority may require a written statement submitted from the user or permit holder describing the cause of the violation and describing the measures completed to prevent future violations. Reinstatement may be conditioned upon completion of such measures. The control authority may require the posting of a bond or other financial security as a condition of restoring sewer service or the permit or both.

5.4 **LEGAL ACTION**

5.4.1 Any person who violates the terms of this Ordinance shall be guilty of a misdemeanor subject to a fine not to exceed one thousand dollars (\$1,000.00) for each violation (or such lesser sum as may be established by law as a maximum penalty for violation of this Ordinance) and not to be less than one hundred dollars (\$100.00). Any continuing violation shall be deemed a separate offense for each day during which the violation occurs. Violation of the terms of a permit or compliance schedule established under this Ordinance shall be deemed a violation of this Ordinance.

5.4.2 The control authority and any township affected may recover from any person violating this Ordinance or a permit all costs and damages as set forth in detail in Article 7. Suit may be commenced in any court of competent jurisdiction.

5.4.3 In addition to all other penalties and remedies for violation of this Ordinance, a permit, or a compliance schedule, an action may be commenced under this Ordinance for an injunctive order restraining violation of this Ordinance or a permit or requiring compliance therewith in the Circuit Court for the County in which the user is located.

5.5 PUBLIC NOTICE

The control authority, at least annually, will publish notice in the daily newspaper with the greatest circulation in the City of Traverse City and the townships of Acme, East Bay, Elmwood, Garfield and Peninsula a public notice which will identify all users meeting the criteria for "significant noncompliance" with pretreatment requirements during the period since the last publication. The notice will identify the user and state the basis for the finding of "significant noncompliance" together with such other information as the control authority deems appropriate in light of the purpose of this Ordinance.

5.6 COSTS OF ABATEMENT

All costs of abatement of any and all violations by any user shall be borne by the user.

5.7 AFFIRMATIVE DEFENSES [Amended 1996]

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Subsection 2.1.1 and the specific prohibitions in Subsections 2.1.2.3 through 2.1.2.6 inclusive where the user can demonstrate that:

5.7.1 An upset as provided in Subsection 3.3 occurred; or

5.7.2 It did not know or have reason to know that its indirect discharge, along or in conjunction with indirect discharge or discharges from other sources, would cause pass through or interference; and

5.7.3.1 A local limit designed to prevent pass through or interference, or both, was developed for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

5.7.3.2 If no such local limit has been developed, the user's indirect discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the treatment plant was regularly in compliance with the applicable NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Article 6 CONSTRUCTION OF USER FACILITIES

6.1 PRETREATMENT FACILITY

A wastewater pretreatment system or device may be required to treat flows prior to discharge to the collection system and treatment plant of certain waste constituents not in compliance with this Ordinance, the program, or a permit in order to distribute more equally over a longer time period any peak discharges of wastewater, or to meet effluent limits required by this Ordinance, the program or a permit. All pretreatment systems or devices shall be approved by the control authority but such approval shall not relieve the user of the responsibility of meeting any requirement of this Ordinance, the program or a permit.

6.2 MONITORING

All users shall be required to install, use and maintain such monitoring equipment or methods as may be required to carry out the objective of this Ordinance including, but not limited to, suitable manhole(s), meters and appurtenances or other facilities to facilitate observation, sampling, and measurement of the combined wastes from the premises. All monitoring equipment and facilities shall be installed by the user at the user's expense and shall be maintained by the user so as to be safe, operable and accessible at all times. All manholes installed to meet the requirements of this section shall be located on the user's premises unless such a location would be impractical or cause an undue hardship. If no suitable location exists on the user's premises, the control authority may permit construction of a manhole in the public right of way or easement subject to the approval of the local unit of government. If the monitoring facilities are located within a locked fence, the control authority shall be provided with keys to the gate lock. Unrestricted access to this manhole or other meters, appurtenances or other monitoring facilities shall be available to authorized personnel of the control authority at all times.

6.3 METERS

All significant industrial users and any other users as required by the control authority shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter or similar device approved by the control authority and suitable to measure the flow rate and total volume of the combined wastestream or other discharge. A flow indicating, recording and totalizing register may be required by the control authority.

6.4 GREASE TRAPS

Grease, oil and sand interceptors shall be provided by any user when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the control authority, and shall be so located as to be readily and easily accessible for cleaning and inspection.

6.5 MONITORING FACILITIES

All monitoring facilities, whether on public or private property, shall be constructed in accordance with applicable state and local construction standards and specifications. Plans and specifications for all such work shall be submitted prior to construction, to the control authority for approval as conforming to requirements of the program and this or other ordinances.

6.6 CONSTRUCTION APPROVAL

All users shall obtain approval from the control authority prior to construction, installation, modification or operation of any facility for the collection, treatment or discharge of any pollutant into the collection system and treatment plant.

Article 7 FEES

7.1 CHARGES AND FEES

The control authority may establish by resolution reasonable charges and fees which may include, at a minimum:

7.1.1 Fees for reviewing accidental discharge procedures and construction;

7.1.2 Fees for permit applications, modifications or renewals;

7.1.3 Fees for treatment of extra-strength pollutants;

7.1.4 Fees for monitoring and/or analysis of a user's indirect discharge;

7.1.5 Fees for filing appeals;

7.1.6 Other fees as the control authority may deem necessary to carry out the requirements of this Ordinance.

7.1.7 Such charges and fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by any local unit of government.

7.2 RECOVERY OF COSTS

For each and every occurrence of any impact to the environment, the collection system, treatment facilities or other appurtenances, or the receiving waters caused by a discharge, and notwithstanding any fines, penalties and/or surcharges that may be applicable to the discharge, the control authority may recover the direct and indirect costs associated with the clean up, repair, recovery or any other activity required directly or indirectly due to the impact of the discharge. The costs shall include, but not be limited to:

7.2.1 The actual direct and indirect costs of any labor required to monitor, test, repair, clean up, pick up, pump, vacuum, sweep or in any other way recover from the discharge and return the affected facility to the conditions required by permit;

7.2.2 The actual direct and indirect costs of any outside services billed to the authority and/or its representatives for any services, monitoring, testing, repairs, clean up, pumping, recording, containment, work, or other activity engaged in to directly or indirectly assist the control authority in returning the affected facility to the conditions required by permit;

7.2.3 The actual direct and indirect costs of any supplies, parts and/or equipment used materials, by the control authority and/or its representatives for any services, monitoring, testing, repairs, clean up, pumping, recording, containment, work or other activity engaged in to directly or indirectly assist the control authority in returning the affected facility to the conditions required by the permit;

7.2.4 The actual direct and indirect costs of any services related to the discharge provided to the control authority by any public agency;

7.2.5 The actual amount of any and all attorney fees and costs incurred by the control authority in defending against fines, penalties, administrative fees, judgments and/or settlements against the user or its representatives resulting directly or indirectly from the discharge;

7.2.6 The actual amount of any and all attorney fees and costs incurred by the control authority in collecting any and all fines, penalties, administrative fees,

judgments and/or settlements against the user or its representatives resulting directly or indirectly from the discharge; or

7.2.7 The actual amount of any fines, penalties, administrative fees, judgments and/or settlements against the control authority or its representatives resulting directly or indirectly from the discharge whether imposed, adjudicated, negotiated or required by any legal means.

7.2.8 The foregoing costs shall be calculated by the control authority from the records, reports, documents and/or invoices submitted by the contractors, vendors, suppliers, agencies and/or claimants and verified by legal counsel to the control authority. The user shall be invoiced for these costs as they are developed and submitted and payment is due net ten (10) days, with the control authority receiving interest at the highest rate of interest permitted by law.

Article 8 SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

Article 9 CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Article 10 EFFECTIVE DATE

10.1 PASSAGE BY TOWNSHIP BOARDS

This Ordinance was passed by the respective township boards of the townships of Acme, East Bay, Garfield and Peninsula in Grand Traverse County and Elmwood in Leelanau County on the day indicated:

Acme Township	January 3, 1994
East Bay Township	January 10, 1994
Elmwood Township	January 10, 1994
Garfield Township	January 27, 1994
Peninsula Township	January 11, 1994

10.2 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication pursuant to law.

10.3 EFFECTIVE DATE OF AMENDMENT

The 1996 Amendment was passed by the respective township boards of the townships of Acme, East Bay, and Peninsula in Grand Traverse County and the charter townships of Garfield in Grand Traverse County, and the charter township of Elmwood in Leelanau County on the date indicated:

Acme	November 11, 1996
East Bay	November 11, 1996
Elmwood	November 11, 1996
Garfield	November 14, 1996
Peninsula	November 12, 1996

2. This Amendment shall take effect thirty (30) days after publication pursuant to law.

PUBLICATION

The Uniform Sewer Construction Ordinance of 1994 was published December 7, 1993 prior to adoption and February 1, 1994 after adoption in the Record Eagle newspaper of Traverse City, Michigan. An affidavit of publication by the publisher is on file with the respective township clerks and the county clerks of Grand Traverse and Leelanau Counties.

The First Amendment to the Uniform Sewer Use Ordinance of 1994 was published September 27, 1996 and after adoption on December 11, 1996 in the Traverse City Record Eagle newspaper of Traverse City, Michigan. The original affidavit of publication is on file with the Grand Traverse County Clerk and a copy of the affidavits of publication is on file with the respective townships clerks and the Leelanau County Clerk.

3870

Michael J. Houlahan

STATE OF MICHIGAN }
County of Grand Traverse } SS.

M.C. Nae being duly sworn
deposes and says he is one of the printers and
publishers of the RECORD EAGLE, a daily
newspaper printed and published in Traverse City,
Grand Traverse County, Michigan, and circulating
in said county, that the

Notice (see attached)

a copy of which is hereunto annexed, has been
published in said RECORD EAGLE once each day
as follows:

September 27, 1996

MJH

Subscribed and sworn to before me this
6th day of December
19 96

E. Dolores Ekey

Notary Public in and for Grand Traverse
County.

Commission Expires.....

19

E. DOLORES EKEY

Notary Public, Gr. Traverse County, MI
My Commission Expires Sept. 14, 2000

1.4.21	Garbage	Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food, fruits, vegetables, poultry, fish or other aquatic organisms or meat.	1.4.21	Garbage	Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food, fruits, vegetables, poultry, fish or other aquatic organisms or meat.
1.4.22	Garbage	An individual sample collected over a period of time not to exceed fifteen (15) minutes. It is a single sample taken at neither a specific time nor flow and is representative of conditions or characteristics of the discharge at the time that it is collected.	1.4.22	Garbage	An individual sample collected over a period of time not to exceed fifteen (15) minutes. It is a single sample taken at neither a specific time nor flow and is representative of conditions or characteristics of the discharge at the time that it is collected.
1.4.23	Industrial Building Official	The industrial user's official having day-to-day managerial and operational responsibilities for the discharging facility.	1.4.23	Industrial Building Official	The industrial user's official having day-to-day managerial and operational responsibilities for the discharging facility.
1.4.24	Industrial Tank Waste	Any waste from holding tanks such as vessels, chemical tanks, canisters, trailers, septic tanks and vacuum-pump tank trucks.	1.4.24	Industrial Tank Waste	Any waste from holding tanks such as vessels, chemical tanks, canisters, trailers, septic tanks and vacuum-pump tank trucks.
1.4.25	Incompatible Pollutant	Any pollutant which is not a "compatible pollutant" as defined in this Ordinance.	1.4.25	Incompatible Pollutant	Any pollutant which is not a "compatible pollutant" as defined in this Ordinance.
1.4.26	Indirect Discharge	The discharge of wastewater into the collection system and treatment plant.	1.4.26	Indirect Discharge	The discharge of wastewater into the collection system and treatment plant.
1.4.27	Industrial Pre-treatment Coordinator (IPC)	The authorized representative of the control authority that implements and coordinates the pre-treatment program.	1.4.27	Industrial Pre-treatment Coordinator (IPC)	The authorized representative of the control authority that implements and coordinates the pre-treatment program.
1.4.28	Industrial User	A user who is a source of indirect discharge of non-domestic wastewater.	1.4.28	Industrial User	A user who is a source of indirect discharge of non-domestic wastewater.
1.4.29	Industrial Waste Stream Characterization	A request for information by the control authority of users of the collection system and treatment plant on indirect discharge characteristics, operating procedures and schedules, water consumption, waste disposal methods and discharge amounts.	1.4.29	Industrial Waste Stream Characterization	A request for information by the control authority of users of the collection system and treatment plant on indirect discharge characteristics, operating procedures and schedules, water consumption, waste disposal methods and discharge amounts.
1.4.30	Infiltration	An indirect discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the collection system or treatment plant, its treatment processes or operations or its sludge processes, use or disposal, or	1.4.30	Infiltration	An indirect discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the collection system or treatment plant, its treatment processes or operations or its sludge processes, use or disposal, or
1.4.30.1	use or disposal, or		1.4.30.1	use or disposal, or	
1.4.30.2	Causes a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of the violation) or the prevention of average sludge use or disposal in accordance with applicable permits, laws and regulations.		1.4.30.2	Causes a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of the violation) or the prevention of average sludge use or disposal in accordance with applicable permits, laws and regulations.	
1.4.31	Liquid Waste Hauler	Any person who transports waste by way of truck or rail.	1.4.31	Liquid Waste Hauler	Any person who transports waste by way of truck or rail.
1.4.32	Maximum Allowable Hazardous Loading (MAHL)	MAHL means the maximum mass of any pollutant that can enter the wastewater treatment plant per day without causing interference or pass-through.	1.4.32	Maximum Allowable Hazardous Loading (MAHL)	MAHL means the maximum mass of any pollutant that can enter the wastewater treatment plant per day without causing interference or pass-through.
1.4.33	National Pollutant Discharge Elimination System	The federal system for testing, modifying, suspending, revoking and reissuing, terminating, monitoring, and enforcing discharge permits pursuant to the Act.	1.4.33	National Pollutant Discharge Elimination System	The federal system for testing, modifying, suspending, revoking and reissuing, terminating, monitoring, and enforcing discharge permits pursuant to the Act.
1.4.34	Non-domestic Wastewater	Any wastewater that is not "domestic wastewater" as defined in this Ordinance.	1.4.34	Non-domestic Wastewater	Any wastewater that is not "domestic wastewater" as defined in this Ordinance.
1.4.35	Pass Through	An indirect discharge which enters the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the collection system and treatment plant's NPDES permit (including an increase in the magnitude or duration of the violation).	1.4.35	Pass Through	An indirect discharge which enters the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the collection system and treatment plant's NPDES permit (including an increase in the magnitude or duration of the violation).
1.4.36	Pump	The discharge control mechanism issued by the control authority to a user.	1.4.36	Pump	The discharge control mechanism issued by the control authority to a user.
1.4.37	Permit Holder	Any person who has a discharge permit granted by the control authority.	1.4.37	Permit Holder	Any person who has a discharge permit granted by the control authority.
1.4.38	Person	Individual, corporation, company, partnership, firm, association, owner or operator of a treatment works, political subdivision of this state and any state or interstate agency. "Person" shall also mean any responsible corporate official for the purpose of enforcement action under this program.	1.4.38	Person	Individual, corporation, company, partnership, firm, association, owner or operator of a treatment works, political subdivision of this state and any state or interstate agency. "Person" shall also mean any responsible corporate official for the purpose of enforcement action under this program.
1.4.39	pH	The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Solutions with a pH greater than 7 are said to be basic; solutions with a pH less than 7 are said to be acidic; pH equal to 7 is said to be neutral. Analysis shall be performed in accordance with an approved test procedure.	1.4.39	pH	The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Solutions with a pH greater than 7 are said to be basic; solutions with a pH less than 7 are said to be acidic; pH equal to 7 is said to be neutral. Analysis shall be performed in accordance with an approved test procedure.
1.4.40	Pollutant	Any dredged spoil, solid waste, holding tank waste, incinerator residue, sludge, garbage, refuse, oil, grease, sewage sludge, sewage, manure, chemical wastes, biological materials, radioactive substances, thermal waste, wrecked or discarded equipment, rock, sand, silt, oil, and industrial, municipal or agricultural waste or other residue directly or indirectly discharged into the waters of the state, the introduction of which endangers these waters detrimental or immediately or potentially dangerous to the public health or welfare for public or commercial use. "Pollutant" includes both hazardous and nonhazardous pollutants.	1.4.40	Pollutant	Any dredged spoil, solid waste, holding tank waste, incinerator residue, sludge, garbage, refuse, oil, grease, sewage sludge, sewage, manure, chemical wastes, biological materials, radioactive substances, thermal waste, wrecked or discarded equipment, rock, sand, silt, oil, and industrial, municipal or agricultural waste or other residue directly or indirectly discharged into the waters of the state, the introduction of which endangers these waters detrimental or immediately or potentially dangerous to the public health or welfare for public or commercial use. "Pollutant" includes both hazardous and nonhazardous pollutants.
1.4.41	Pre-treatment	The treatment, reduction or elimination of pollutants in the wastewater before discharge to the collection system or treatment plant.	1.4.41	Pre-treatment	The treatment, reduction or elimination of pollutants in the wastewater before discharge to the collection system or treatment plant.
1.4.42	Pre-treatment	The treatment, reduction or elimination of pollutants in the wastewater before discharge to the collection system or treatment plant.	1.4.42	Pre-treatment	The treatment, reduction or elimination of pollutants in the wastewater before discharge to the collection system or treatment plant.
1.4.43	Significant Industrial User	All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, and	1.4.43	Significant Industrial User	All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, and
1.4.43.1	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or		1.4.43.1	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or	
1.4.43.2	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or		1.4.43.2	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or	
1.4.43.3	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or		1.4.43.3	Discharges an average of 25,000 gallons per day or more of process wastewater to the collection system; or	
1.4.44	Significant Nonpoint Source	The status of an industrial user if its violation results in one or more of the following criteria:	1.4.44	Significant Nonpoint Source	The status of an industrial user if its violation results in one or more of the following criteria:
1.4.44.1	Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average maximum limit of the pollutant parameter;		1.4.44.1	Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average maximum limit of the pollutant parameter;	
1.4.44.2	Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for any pollutant parameter taken during a six-month period exceed or approach the product of the daily maximum limit of the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fecal, oil and grease, and 1.2 for all other pollutants except pH);		1.4.44.2	Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for any pollutant parameter taken during a six-month period exceed or approach the product of the daily maximum limit of the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fecal, oil and grease, and 1.2 for all other pollutants except pH);	
1.4.44.3	Any other violation of an effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of the collection system and treatment plant personnel or the general public);		1.4.44.3	Any other violation of an effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of the collection system and treatment plant personnel or the general public);	
1.4.44.4	Any discharge of a pollutant that has caused imminent danger to human health, welfare, or to the environment or has resulted in the control authority's issuance of its emergency authority to limit or prevent such a discharge;		1.4.44.4	Any discharge of a pollutant that has caused imminent danger to human health, welfare, or to the environment or has resulted in the control authority's issuance of its emergency authority to limit or prevent such a discharge;	
1.4.44.5	Failure to provide, within ninety (90) days after the date of the violation, a compliance schedule or enforcement order for starting construction, completing construction or attaining full compliance;		1.4.44.5	Failure to provide, within ninety (90) days after the date of the violation, a compliance schedule or enforcement order for starting construction, completing construction or attaining full compliance;	
1.4.44.6	Failure to provide, within thirty (30) days after the date of the violation, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on correlations with compliance schedules;		1.4.44.6	Failure to provide, within thirty (30) days after the date of the violation, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on correlations with compliance schedules;	
1.4.44.7	Failure to accurately report noncompliance;		1.4.44.7	Failure to accurately report noncompliance;	

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- 1.4.44.8 Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the program.
- 1.4.45 Any indirect discharge with an instantaneous flow rate or concentration which exceeds five (5) times any daily average flow rate or concentration which would cause interference with the collection system or treatment plant.
- 1.4.46 The State of Michigan.
- 1.4.47 Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
- 1.4.48 Total Suspended Solids.
- 1.4.49 The total nonfilterable residue as defined in Standard Methods for Examination of Water and Wastewater and analyzed in accordance with 40 CFR Part 136.
- 1.4.50 The township.
- 1.4.51 The Publicly Owned Treatment Works (POTW) known as the Traverse City Regional Wastewater Treatment Plant located in Traverse City, Michigan.
- 1.4.52 Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Clean Water Act, 33 U.S.C. Part 1251 et seq., and the code of Federal Regulations Title 40 Part 403.
- 1.4.53 An exceptional incident in which there is substantial and temporary noncompliance with an effluent limitation because of an event beyond reasonable control of the permit holder, including fire, riot, sabotage or a flood, storm event, natural cause, or other act of God or other similar circumstances, which is the cause of the violation.
- 1.4.54 A person who is the source of indirect discharges.
- 1.4.55 Noncompliance with federal, state or local pretreatment standards or requirements, any provisions pursuant to this Ordinance, or any requirements or conditions of an industrial discharge permit.
- 1.4.56 Wastewater.
- 1.4.57 The liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities and institutions.
- (2) Article 2 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES Section 2.1.2. is hereby amended to read in its entirety as follows:
- 2.1.2.1 In addition to the provisions of subsection 2.1.1 above, no user shall discharge the following into the collection system or treatment plant:

- 4.6.4 Categorical Pretreatment Standard, or if the control authority requires it, the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation, except that the industrial user is not required to sample if the control authority performs sampling of the industrial user within thirty (30) days of the initial violation.
- (6) All users shall comply with the notification requirements of Article 3 of this Ordinance.
- 5.7 Article 5 ENFORCEMENT PROCEDURES Section 5.7 Administrative Penalties is hereby amended to read as follows:
- Administrative Penalties
- A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Subsection 2.1.1 and the specific prohibitions in Subsections 2.1.2.3 through 2.1.2.6 inclusive where the user can demonstrate that:
- 5.7.1 An upset as provided in Subsection 3.3 occurred; or
- 5.7.2 It did not know or have reason to know that its indirect discharge, alone or in conjunction with indirect discharge or discharges from other sources, would cause a pass through or interference; and
- 5.7.3.1 A local limit designed to prevent pass through or interference, or both, was developed for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
- 5.7.3.2 If no such local limit had been developed, the user's indirect discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the treatment plant was regularly in compliance with the applicable NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.
- (7) Except as set forth in this Amendment, the Uniform Sewer Use Ordinance of 1994 remains in full force and effect.
- (8) Effective Date:
1. This Amendment was passed by the respective township boards of the townships of Acme, East Bay, and Peninsula in Grand Traverse County and the charter townships of Garfield in Grand Traverse County, and the charter township of Elmwood in Leelanau County on the date indicated:
- Acme
East Bay
Elmwood
Garfield
Peninsula
2. This Amendment shall take effect thirty (30) days after publication pursuant to law.
- Michael J. Houlton (P16187)
Attorney for Grand Traverse County Board of Public Works
538 S. Garfield
P.O. Box 28
Traverse City, Michigan 49603-0028

Michael J. Houlihan
C.T. County Public Works

STATE OF MICHIGAN }
County of Grand Traverse } SS.

M. C. Naubeing duly sworn
deposes and says he is one of the printers and
publishers of the RECORD EAGLE, a daily
newspaper printed and published in Traverse City,
Grand Traverse County, Michigan, and circulating
in said county, that the

Notice (see attached)

a copy of which is hereunto annexed, has been
published in said RECORD EAGLE once each day

as follows:

December 11, 1996

M. C. Nau

Subscribed and sworn to before me this

14th day of January
1997

E. Dolores Eikey

Notary Public in and for Grand Traverse
County.

Commission Expires

19

E. DOLORES EIKEY

Notary Public, Gr. Traverse County, MI
My Commission Expires Sept. 14, 2000

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adversely affect the operation or implementation of the program.

1.4.6--SLUG
Any indirect discharge with an instantaneous flow rate or concentration which exceeds five (5) times any daily average limit or which will cause interference with the collection system or treatment plant.

1.4.6--STATE

The State of Michigan.

1.4.7--STORM WATER

Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

1.4.8--TOTAL SUSPENDED SOLIDS

The suspended solids as defined in Standard Methods for Examination of Water and Wastewater and employed in accordance with 40 CFR Part 135.

1.4.9--TOWNSHIP

This township.

1.4.10--TREATMENT PLANT

The Publicly Owned Treatment Works (POTW) known as the Traverse City Regional Wastewater Treatment Plant located in Traverse City, Michigan.

1.4.11--UNDEFINED TERMS

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Clean Water Act, 33 U.S.C. Part 1251 et seq., and the code of Federal Regulations Title 40 Part 403.

1.4.12--UPSET

An exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond reasonable control of the permit holder including fire, riot, sabotage or a flood, storm event, natural cause, or other act of God or other similar circumstance, which is the cause of the violation.

1.4.13--USER

A person who is the source of indirect discharges.

1.4.14--VIOLATION

Noncompliance with federal, state or local pretreatment standards or requirements, any provisions pursuant to this Ordinance, or any requirements or conditions of an industrial discharge permit.

1.4.15--WASTEWATER

The liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities and institutions.

(2) Article 2 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES Section

2.1.2 is hereby amended to read in its entirety, as follows:

2.1.2.1--STORM PRECIPITATION

For the purpose of subsection 2.1.1 above, no user shall discharge the following into the collection system or treatment plant:

2.1.2.1.1--Pollutants in such concentrations that, either alone or by interaction with other substances, create a fire or explosion hazard in the collection system or treatment plant, including, but not limited to, gasoline, kerosene, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbide, hydrides, and sulfides

4.4.3--If sampling performed by an industrial user, or other information available to it, indicates a violation, the user shall notify the control authority with twenty-four (24) hours of becoming aware of the violation. If the standard violated is a Category Pretreatment Standard, or if the control authority notifies the user of a violation, the user shall report the violation to the control authority within thirty (30) days of becoming aware of the violation, except that the industrial user is not required to sample if the control authority performs sampling of the industrial user within thirty (30) days of the initial violation.

4.4.4--All users shall comply with the notification requirements of Article 3 of this Ordinance.

(6) Article 5 ENFORCEMENT PROCEDURES Section 5.7 Affirmative Defenses is hereby amended to read as follows:

5.7--Affirmative Defenses

A user shall have an affirmative defense in any action brought against it alleging a violation of the pretreatment standards established in Subsection 2.1.1 and the specific prohibitions in Subsections 2.1.2.1 through 2.1.2.4 including when the user can demonstrate:

5.7.1--An upset as provided in subsection 3.2 occurred;

5.7.2--It did not know or have reason to know that its indirect discharge, alone or in conjunction with indirect discharge or discharges from other sources, would cause pass through or interference; and

5.7.3.1--A local limit designed to prevent pass through or interference, or both, was developed for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

5.7.3.2--If no such local limit has been developed, the user's indirect discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge or discharges that were in compliance with the regularly scheduled applicable NPDES permit requirements and, in the case of interference-applicable requirements for sewage sludge use or disposal.

7)--Except as set forth in this Amendment, the Uniform Sewer Use Ordinance of 1994 remains in full force and effect.

(8)--Effective Date:

1)--This Amendment was passed by the respective township boards of the townships of Acme, East Bay, and Peninsula in Grand Traverse County and the Charter Township of Garfield in Grand Traverse County, and the Charter Township of Elmwood in

Acme

November 11, 1996

November 11, 1996

November 11, 1996

November 12, 1996

2)--This Amendment shall take effect thirty (30) days after publication pursuant to law.

Michael J. Heullman (P15157)

Secretary of the Grand Traverse County Board of Public Works

500 West Grand

P.O. Box 28

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Dec. 11, 1996 -- 11