

**Ordinance 4**  
**Charter Township of Madison, Michigan**  
**Sewer Use and Rate Ordinance**

Adopted: October 13, 1980  
Amended: June 11, 2002  
February 13, 2007  
July 14, 2009

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ORDINANCE 4  
SEWER USE AND RATE ORDINANCE

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*An Ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 194, as amended, and Act 191 of the Public Acts of 1939, as amended, to regulate private and Public Sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and to provide for pollutant limitations, data collection, monitoring and sampling, and to preserve, promote and protect the health, safety and general welfare of the person and property within the Charter Township of Madison; and to provide for enforcement hereof; and to provide for penalties and remedies for the violation thereof, in the Charter Township of Madison, County of Lenawee, State of Michigan. This Ordinance defines the requirements for all single and non-single family residences. Non-single residences include attached condominiums, apartments, stores, offices, restaurants, and industries, all of which must meet the industrial pretreatment requirements of this Ordinance.*

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**The Charter Township of Madison, Lenawee County, Michigan Ordains:**

**Section 1      Purpose.**

The objectives of this Ordinance are:

- 1.1      to prevent the introduction of pollutants into the wastewater system, which will interfere with the normal operation of the system or contaminate the resulting municipal sludge; to prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- 1.2      to improve the opportunity to recycle and reclaim wastewater and sludge from the system to provide for equitable distribution of the cost of the municipal wastewater system.

**Section 2      Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- 2.1      Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 2.2      Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (b) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or for environmental matters of the company. Authorization for this representative must be submitted in writing to the Township by the individual designated in (a) or (b) hereof.
- 2.3      Available Public Sanitary Sewer System . A public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than two hundred (200) feet of the property line.

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- 2.4 Backflow. Water of questionable quality, wastes or other contaminants entering a public water supply system due to reversal of flow.
- 2.5 Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter).
- 2.6 Building Drain. That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.
- 2.7 Building Sewer. The extension from the building drain to the Public Sewer or other place of disposal.
- 2.8 Bypass. The intentional diversion of waste streams from any portion of a User's pretreatment facility.
- 2.9 Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- 2.10 Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- 2.11 Collection System. That portion of the POTW which is comprised of all pump stations, forced mains, sanitary sewers that collect and transport sewage to the Treatment Plan.
- 2.12 Combined Sewer. A sewer receiving both surface runoff and sewage.
- 2.13 Commercial Waste. A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
- 2.14 Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, and fats, oils, and greases of animal or vegetable origin.
- 2.15 Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- 2.16 Connection Fees. The charges imposed by the Township to connect a Building Sewer, either directly or indirectly to the Public Sewer.
- 2.17 Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- 2.18 Cross Connection. A connection or arrangement of piping or appurtenances through which a backflow could occur.
- 2.19 Debt Service Charge. Charges levied to customers of the wastewater system which are used to pay principal, interest, and administrative costs of retiring the debt incurred for construction of the sewer system. The debt service charge shall be in addition to the user charge specified below.

- 2.20 Direct Connection. The connection of the Building Sewer directly to the Public Sewer.
- 2.21 Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State.
- 2.22 Dwelling Unit. For purposes of assigning units, a "dwelling" unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower, and a kitchen.
- 2.23 Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, Administrator or other duly authorized official.
- 2.24 Garbage. Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- 2.25 Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 2.26 Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.27 Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
- 2.28 Indirect Connection. The connection of a Building Sewer to an extension of the public sewer system that is installed and paid for by special assessment or private funds, which extension is, after construction, turned over to the Township and becomes part of the Public Sewer (e.g., if a developer constructs sanitary sewers in a plat and connects the sewer line to the public sewer system, the connection of each lot in the plat would be an Indirect Connection).
- 2.29 Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
- 2.30 Industrial Wastes. The wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- 2.31 Infiltration. The waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- 2.32 Infiltration/Inflow. The total quantity of water from both infiltration and inflow.
- 2.33 Inflow. Any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.
- 2.34 Inspector. Any person or persons authorized by Madison Township to inspect and approve the installation of Building Sewers and their connection to the public sewer system and who may be the Operator.
- 2.35 Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of Madison Township's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
- 2.36 Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such

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measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.

- 2.37 Lateral Line. That portion of the public sewer system located between the grinder pump and the Trunk Line located within the easement for the grinder pump and which collects sewage from a particular property for transfer to the Trunk Line.
- 2.38 National Categorical Pretreatment Standard or Pretreatment Standard. Any Federal regulation containing pollutant discharge limits promulgated by the U.S. EPA, which applies to a specific category of Industrial Users.
- 2.39 National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 2.40 National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- 2.41 Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 2.42 New Source. Any building, structure, facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act will be applicable to the source if the standards are thereafter promulgated in accordance with Section 307(c), and if any of the following provisions apply:
- 2.42.1 The building, structure, facility, or installation is constructed at a site where no other source is located;
- 2.42.2 The building, structure, facility, or installation totally replaces the process or production equipment that causes discharge of pollutants at an existing source; or
- 2.42.3 Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.
- Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. (Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items b) or c) above but otherwise alters, replaces, or adds to existing process or production equipment.)
- 2.43 Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than three hundred (300) mg/l of BOD; nor more than three hundred (300) mg/l of suspended solids; nor more than ten (10) mg/l of phosphorus; nor more than one hundred (100) mg/l of fats, oils, and grease; nor more than twenty (20) mg/l of ammonia-nitrogen.
- 2.44 Obstruction. Any object of whatever nature that substantially impedes the flow of sewage from the point of origination to the Trunk Line. This shall include, but not be limited to objects, sewage, tree roots, rocks, and debris of any type.
- 2.45 Operation and Maintenance. All work, materials, equipment, utilities, and other effort required to operate and maintain the wastewater transportation and treatment system consistent with ensuring

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adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable State and Federal regulations, and includes the cost of replacement.

- 2.46 Owner. An owner or owners of record or owners of record of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.
- 2.47 Operator. The Madison Township wastewater treatment plant operator or authorized representative.
- 2.48 Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assignees. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 2.49 Pollutant. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural wastes which impair the purity of the water and soil.
- 2.50 Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 2.51 POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 2.52 Premises. The particular property connected or to be connected to the system and includes appurtenant land and improvements.
- 2.53 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
- 2.54 Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW, including National Categorical Pretreatment Standards.
- 2.55 Private Sewer Lines. All service lines and equipment for the disposal of sewage installed or located on any property outside of any easement controlled by the Township, from the property line or easement line to and including any structure or facility which exists on the property.
- 2.56 Process Flow. Wastewater, from a non-residential source, that has been in contact with an end product or with materials incorporated into an end product.
- 2.57 Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (½) inch in any dimension.
- 2.58 Property. Property shall mean a lot containing:
- 2.58.1 one residential, commercial or industrial structure, or
  - 2.58.2 a condominium unit, or
  - 2.58.3 a commercial or industrial structure located on a lot having more than one structure which is

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either connected to or required to be connected to the Wastewater Disposal System.

- 2.59 Property Owner. The owner of the property which abuts the street, private roads, shared private drives, and easements.
- 2.60 Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by Madison Township sewer system and treatment plant. The POTW is comprised of two components, the Collection System and the Treatment Plant. This definition includes any pump stations, forced mains, sanitary sewers and treatment facilities. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, Users of the Township's Public Sewer.
- 2.61 Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 2.62 Replacement. The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable State and Federal regulations.
- 2.63 Residential Equivalent Unit (REU). That measure of potential wastewater discharge equal to the quantity normally generated by occupants of a residence by a single family of average size. REU factors for other types of occupancy and use shall be determined in the Table of Unit Factors passed by Resolution of the Township Board.
- 2.64 Sanitary Sewage. A liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses, or industrial plants.
- 2.65 Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 2.66 Severe Property Damage. Substantial physical damage to property, damage to the User's pretreatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.
- 2.67 Sewer. A pipe or conduit for carrying sewage.
- 2.68 Sewer Service Charge. The sum of the applicable user charge and/or surcharges.
- 2.69 Shall is mandatory; May is permissive.
- 2.70 Significant Industrial User. Any Industrial User of the Township's wastewater disposal system who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than five (5) percent of the flow in Madison Township's wastewater treatment system; or (d) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or (e) is found by the Township, Michigan Department of Environmental Quality, or the U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- 2.71 Significant Noncompliance. One or more of the following:
- 2.71.1 Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent



or more of all the measurements for a pollutant parameter taken during a six (6) month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;

- 2.71.2 Technical Review Criteria (TRC) violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six (6) month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil, and
- 2.71.3 Any other violation of a daily maximum limit or an average limit that the Madison Township Wastewater Treatment Operator determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public
- 2.71.4 Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;
- 2.71.5 Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Township issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- 2.71.6 Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, and/or reports on compliance with compliance schedules;
- 2.71.7 Failure to accurately report noncompliance; and
- 2.71.8 Any other violation, or group of violations, which the Supervisor or Operator determines as adversely affecting operation or implementation of Madison Township's pretreatment program.
- 2.72 Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- 2.73 Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 2.74 State. State of Michigan.
- 2.75 Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 2.76 Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.77 Supervisor. Township Supervisor or authorized representative.
- 2.78 Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Township shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

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- 2.79 Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- 2.80 Township or Madison Township. The Charter Township of Madison, County of Lenawee, Michigan, its agents and employees.
- 2.81 Township Board. The Board of Trustees of the Charter Township of Madison.
- 2.82 Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- 2.83 Treatment Plant. That portion of the POTW which receives the sewage transported in the Collection System and treats the sewage prior to discharging into a receiving stream in the State of Michigan.
- 2.84 Trunk Line. The main public sewer line located under any street or within any street right-of-way which collects and transmits the sewage of the various properties served by the public sewer system.
- 2.85 Uncontaminated Industrial Waste. Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
- 2.86 Upset. An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards or local Pretreatment Requirements or Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 2.87 User. Any person who contributes, causes, or permits the contribution of wastewater into the POTW.
- 2.88 User Charge. A charge levied on users of a treatment works for the cost of operation and maintenance of Sewage Works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement and may be used for debt repayment.
- 2.89 User Class. The kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional, and governmental.
- 2.89.1 Residential User. User of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- 2.89.2 Industrial User. User who discharges "industrial wastes" as defined in this Ordinance.
- 2.89.3 Commercial User. An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- 2.89.4 Institutional User. Any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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2.89.5 Governmental User. Any Federal, State, or local government user of the publicly owned treatment works.

2.90 Wastewater. The liquid and water-carried industrial or domestic wastes from dwelling units, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

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

### **Section 3      Abbreviations.**

The following abbreviations shall have the designated meanings:

- 3.1 *BOD*: Biochemical Oxygen Demand
- 3.2 *CFR*: Code of Federal Regulations
- 3.3 *COD*: Chemical Oxygen Demand
- 3.4 *CWA*: Clean Water Act
- 3.5 *l*: liter
- 3.6 *mg*: milligrams
- 3.7 *mg/l*: milligrams per liter
- 3.8 *MDEQ*: Michigan Department of Environmental Quality
- 3.9 *NDS*: Normal Domestic Sewage
- 3.10 *NPDES*: National Pollutant Discharge Elimination System
- 3.11 *O & M*: Operation and Maintenance
- 3.12 *P*: Phosphorus *POTW*: Publicly Owned Treatment Works
- 3.13 *REU*: Residential Equivalent Unit
- 3.14 *SIC*: Standard Industrial Classification
- 3.15 *SICM*: Standard Industrial Classification Manual
- 3.16 *SS*: Suspended Solids
- 3.17 *SWDA*: Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- 3.18 *U.S. EPA*: United States Environmental Protection Agency

### **Section 4      Sewer Committee.**

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- 4.1 There shall be formed a committee to be known as the Sewer Committee of Madison Township.
- 4.2 It shall be the function of the Sewer Committee to perform the duties assigned to it by virtue of this ordinance and the other duties delegated to it by the Township Board. All actions of the Sewer Committee shall be subject to the review and approval of the Township Board.
- 4.3 The Sewer Committee shall consist of five property owners of the Township whom shall be appointed by the Township Supervisor with approval of the Township Board and one of whom shall be a member of the Township Board.
- 4.4 The term of each member of the committee shall be two years. Members may be removed by the Township Supervisor after a hearing with the approval of the Township Board. All vacancies for unexpired terms shall be filled for the remainder of such terms.

#### **Section 5 Supervision and Control.**

The operation and maintenance of the system shall be under the supervision and control of the Sewer Committee subject to approval by the Township Board. Where applicable, the supervision and control shall also be exercised pursuant to the terms of the contract between the County of Lenawee and the Township of Madison dated January 17, 1978. Further, Madison Township may employ such person or persons necessary for the operation and maintenance of the system.

#### **Section 6 Establishment of Rates.**

Madison Township retains the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Township may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

#### **Section 7 Unsanitary Deposits, Discharge to Natural Outlets Prohibited**

- 7.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage, or other objectionable waste.
- 7.2 It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the Sewer Committee.
- 7.3 It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the Sewer Committee or as hereinafter provided.
- 7.4 The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice to do so, provided said public sewer is within two hundred (200) feet of the property line.
- 7.5 At the time of connection, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.

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- 7.6 When the premises are not connected to an available Public Sewer within the time specified in this Section, the Township shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.
- 7.6.1 The notice shall give the approximate location of the public sanitary sewer system which is available for connection and shall advise the owner of the requirements and enforcement provisions of State law and any applicable Ordinance and regulation.
- 7.6.2 Where premises are not connected to an available public sanitary sewer system within ninety (90) days after the date of mailing or posting of the written notice, the Township shall bring an action for a mandatory injunction or order in the Lenawee County Circuit Court to compel the owner to connect to the available sanitary sewer system immediately.
- 7.7 Unless the premises exists when this Ordinance is passed, the Township shall not issue a land use permit for construction of such structure until and unless the property on which such structure is located is being specially assessed by the Township for the sanitary system or:
- 7.7.1 The Township Board approves the connection to the system;
- 7.7.2 The property owner complies with all requirements of this Ordinance;
- 7.7.3 There is sufficient excess capacity in the system to permit the connection; and
- 7.7.4 The property owner pays in advance the connection charges approved by the Township.

## **Section 8 Process Wastewater**

- 8.1 *Wastewater Contribution Information.* Any industry or structure discharging process flow to the Sanitary Sewer, storm sewer, or receiving stream shall file the information listed below with the Supervisor. Any industry which does not normally discharge to the Sanitary Sewer, storm sewer, or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below.

The Supervisor may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the information listed below on a disclosure form prescribed by the Township.

- 8.1.1 Name, address, and location (if different from the address).
- 8.1.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- 8.1.3 Wastewater constituents and characteristics including but not limited to those mentioned in Section 8 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
- i "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition; or "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition; or
  - ii "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
- 8.1.4 Time and duration of contribution.

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- 8.1.5 Average daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- 8.1.6 Industries identified as Significant Industrial Users or those required by the Township must submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
- 8.1.7 Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- 8.1.8 Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements. New sources shall include information on any pretreatment methods they intend to use and provide estimates on discharge flow and pollutant concentrations.
- 8.1.9 If additional pretreatment and/or O&M will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
- i The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements;
  - ii No increment referred to in Paragraph (1) shall exceed nine (9) months;
  - iii Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Supervisor including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Supervisor.
- 8.1.10 Each product produced by type, amount, process or processes, and rate of production.
- 8.1.11 Type and amount of raw materials processed, average and maximum per day.
- 8.1.12 Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- 8.1.13 Any other information as may be deemed by the Township to be necessary to evaluate the impact of the discharge on the POTW.
- 8.1.14 The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
- 8.1.15 The Township will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the Township shall notify the User of the acceptance thereof.

8.2 *Discharge Conditions.* Wastewater discharges shall be expressly subject to all provisions of this

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Ordinance, and all other applicable regulations, User Charges, and fees established by the Township. The Township may:

- 8.2.1 Set unit charges or a schedule of User Charges and fees for the wastewater to be discharged to the POTW;
- 8.2.2 Limit the average and maximum wastewater constituents and characteristics;
- 8.2.3 Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- 8.2.4 Require the installation and maintenance of inspection and sampling facilities;
- 8.2.5 Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- 8.2.6 Establish compliance schedules;
- 8.2.7 Require submission of technical reports or discharge reports;
- 8.2.8 Require the maintaining, retaining, and furnishing of plant records relating to wastewater discharge as specified by the Township, and affording Township access thereto, and copying thereof;
- 8.2.9 Require prompt notification of the Township in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- 8.2.10 Require immediate notification of all discharges that could cause problems to the POTW, including slug discharges;
- 8.2.11 Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance;
- 8.2.12 Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities;
- 8.2.13 Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes;
- 8.2.14 Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements;
- 8.2.15 Control through permit, order, or similar means, the contribution to the POTW by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five (5) years, require nontransferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations;
- 8.2.16 Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.

### 8.3 *Baseline Reports.*

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- 8.3.1 Within one hundred eighty (180) days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Township the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(7).
- 8.3.2 At least ninety (90) days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township the information specified by 40 CFR, Section 403.12(b), Paragraphs (1)-(5). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable Pretreatment Standard, and shall give estimates of the required information regarding flow and pollutant discharge.
- 8.4 *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Supervisor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the Industrial User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified by a qualified representative.
- 8.5 *Periodic Compliance Reports.*
- 8.5.1 Any user or New Source discharging into the POTW, shall submit to the Township during the months of June and December, unless required more frequently in the Pretreatment Standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 8.1.5. At the discretion of the Township and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.
- 8.5.2 Madison Township may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by Section 8.5.1 of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
- 8.5.3 If a User, subject to reporting requirements, monitors any pollutant more frequently than required by the Township, using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.
- 8.5.4 If sampling performed by a User indicated a violation, the User shall notify the Township within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to the Township within 30 days after becoming aware of the violation, except when the Township will be performing scheduled

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surveillance sampling/analysis within this thirty- (30) day period.

- 8.6 *Notification of Hazardous Waste Discharges.* All Users shall notify the Supervisor, the POTW, U.S. EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must provide notification of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- 8.7 *Monitoring Facilities.* The Township may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. For commercial users located within strip malls, each business may be required to construct individual monitoring facilities. The monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township, and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Township.
- 8.8 *Inspection and Sampling.* The Township shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and the User is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying, or in the performance of any of their duties. The Township, MDEQ, and U.S. EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, MDEQ, U.S. EPA, or designated representative will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- 8.9 *Pretreatment.* Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the User's initiation of the changes.

The Township will annually publish in the major local newspaper a list of the Users which were in

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Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the U.S. EPA or MDEQ upon request.

- 8.10 *Confidential Information.* Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, or the Pretreatment Programs provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten (10) day notification is given to the User.

- 8.11 *Signatory Requirements.* All reports required by this Section shall be signed by the Authorized Representative of Industrial User and include the following certification statement:

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

If the Authorized Representative of Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Section 2.3 must be submitted to the Township prior to or together with any reports to be signed by that representative.

## **Section 9 Private Sewage Disposal.**

- 9.1 Where a Public Sewer is not available, the Building Sewer shall be connected to an approved private sewage disposal system. Such system shall be constructed in accordance with procedures, rules and regulations established by the Lenawee County Health Department.
- 9.2 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Lenawee County Health Department. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or natural outlet.
- 9.3 At such time as a Public Sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the Public Sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary

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use and filled with a suitable material.

- 9.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
- 9.5 No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.
- 9.6 All private sewage systems shall be constructed in accordance with the latest edition of the "Ten State Standards."

#### **Section 10 Public Sewer Connections.**

- 10.1 All occupied structures serving residential and non-residential uses that are located on property within two hundred (200) feet of the public sanitary sewer system must connect their facilities internal sewage system to the public sanitary sewage system within ninety (90) days of receiving notice from the Township of the duty to connect. No person, other than the Operator, Supervisor, or authorized designee shall uncover, make any connections with or opening into, use, alter, or disturb any public Building Sewer, stub, or Public Sewer or appurtenance thereof, without first obtaining a written permit from the Township. The cost of the Service Connection Permit and Grinder Pump Installation License shall be stated in Madison Township's Fee Schedule and shall be payable at the time that the permit is issued. The Service Connection Permit and Grinder Pump Installation License may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. Any person who shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, stub, or Public Sewer or appurtenance thereof shall be licensed in compliance with all applicable federal, state and local regulations. No Building Sewer, stub, or Public Sewer shall be covered until after it has been inspected and approved by the Operator, and/ or Building Department.
- 10.2 The owner or his agent shall complete an application for a sewer permit on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. Connection Fees and any other sewer fees in an amount established by resolution of the Township Board, shall be paid to the Township Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.
- 10.3 Prior to the approval and issuance of a Service Connection Permit, the applicant may be requested to have executed by the Owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate, maintain, repair, and replace the grinder pump and/or Service Connection installed on the premises.
- 10.4 All cost and expense incident to the installation, connection, and maintenance of the Building Sewer, and stub to the Public Sewer shall be borne by the Owner and are due in advance. All costs and expenses incident to the extension of the collection system for premises connecting to the public system after the original construction shall be borne by the Owner.
- 10.5 All liabilities incident to the installation and connection of the Building Sewer shall be borne by the property owner. The property owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- 10.6 Responsibility for the maintenance, cleaning and repair of all sewer lines shall as follows:
  - 10.6.1 It shall be the duty of each property owner to maintain, clean, and repair the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of

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obstructions and in good working order.

10.6.2 It shall be the duty of the Township to maintain, clean, and repair as necessary and at its expense the sewer Trunk Lines and Lateral Lines.

- 10.7 A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior (lot) and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway, the Building Sewer from the front building may be extended to the rear building provided the two buildings are under the same ownership or an appropriate agreement, approved by the Township, and easements for the pipe are done in writing with a copy filed with the Township.
- 10.8 The Building Sewer shall be constructed of cast iron soil pipe with gasketed or solvent welded joints, Schedule 40 PVC, or as otherwise approved by the Inspector. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Inspector.
- 10.9 The size and slope of the Building Sewer shall be subject to approval by the Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter ( $\frac{1}{4}$ ) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth ( $\frac{1}{8}$ ) inch per foot unless otherwise permitted.
- 10.10 No person shall make connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a Building Sewer or building drain or stub which, in turn, is connected directly or indirectly to a public sanitary sewer.
- 10.11 The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the all applicable state and local Building and Plumbing Codes or other applicable rules and regulations of the Township. All joints shall be approved by the Inspector or his representative. Any deviation from the prescribed procedures and materials must be approved by the Inspector, or his representative, before installation.
- 10.12 All newly constructed Building Sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the Building Sewer.
- 10.13 The applicant for the connection permit shall notify the Township when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his representative.
- 10.14 All excavating for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the Lenawee County Road Commission.
- 10.15 No new connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and the POTW, including capacity for treatment of BOD and suspended solids.
- 10.16 By connecting a building to the Public Sewer all persons, firms, or public or private corporations, having or claiming any interest in the building shall be deemed to have given permission to the Township, and any successor or duly authorized agent to enter the building and the property where the building is located at all reasonable times to install, inspect, maintain, operate, repair, replace, or

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otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises.

- 10.17 Any person, other than the Operator, desiring to uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer, parts thereof or appurtenances thereof, must secure a permit from the Operator. The person applying for such permit shall pay a permit fee as adopted by resolution by the Township Board as referenced in the Fee Schedule and execute unto the Township and deposit with the Clerk a surety in the form of a bond, cash or irrevocable letter of credit, in an amount equal to or greater than one hundred and twenty (120%) of the construction cost of the work to be performed and in form acceptable to the Township, along with the necessary proof of insurance, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of the Township pertaining to sewers and plumbing. The bond(s) shall be acceptable to the Township and shall state that the person will indemnify and hold harmless the Township and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the plumbing, sewer line connection, or excavating for plumbing or sewer line connection as prescribed in this Ordinance. Such bond(s) shall remain in force and must be executed for a period not less than eighteen (18) months from time of permit, except that, upon such expiration, it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. The permit shall also provide public liability insurance for the protection of the Township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of one hundred thousand dollars (\$100,000) for one (1) person, three hundred thousand dollars (\$300,000) for bodily injuries per accident, and one hundred thousand dollars (\$100,000) for property damages. The permit fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the permit of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a permit, the Township Board may require that the person applying for the license attend a training session on the proper procedures and equipment for making connections to the sewer system.

## **Section 11 Use of the Public Sewers**

- 11.1 *General Discharge Prohibitions.* No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements. The Township may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A User may not contribute the following substances to any POTW:

11.1.1 Any liquids, solids, or gases, including but not limited to waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

11.1.2 Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension; animal guts or tissues; paunch manure; bones, hair, hides, or fleshings; entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent

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grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding, or polishing wastes.

- 11.1.3 Any wastewater having a pH less than six point five (6.5) or greater than nine point zero (9.0), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- 11.1.4 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.
- 11.1.5 Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- 11.1.6 Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 11.1.7 Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- 11.1.8 Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 11.1.9 Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Celsius [one hundred four (104) degrees Fahrenheit].
- 11.1.10 Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- 11.1.11 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable State or Federal regulations.
- 11.1.12 Any wastewater which causes a hazard to human life or creates a public nuisance.
- 11.1.13 Any unpolluted water including, but not limited to, stormwater, groundwater, roof water, or noncontact cooling water.
- 11.1.14 Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.
- 11.1.15 Any waste from individual sewage disposal systems; except that waste from any individual sewage disposal system may be disposed of directly into a Sanitary Sewer upon entering into an agreement with the Township which agreement shall specify the site of disposal, sewage disposal charge, and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial,

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household, domestic, or other water-carried sanitary waste or sewage other than a public sanitary sewer.

11.1.16 Any sludge, precipitate, or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

11.1.17 Any trucked or hauled wastewater, except as specifically allowed by the Supervisor.

11.2 *Specific Pollutant Limitations.*

11.2.1 Conventional Pollutants. Except as authorized by the Supervisor, no person shall discharge wastewater containing in excess of:

- i Three hundred (300) mg/l BOD.
- ii Three hundred (300) mg/l total suspended solids.
- iii Twenty (20) mg/l ammonia-nitrogen.
- iv Ten (10) mg/l total phosphorus.

11.2.2 Local Limits. The following pollutants, but not limited to, introduced into the POTW shall not exceed the daily maximum concentration of:

Pollutant	Maximum Daily Concentration
Ammonia as N	300 mg/l
Arsenic	.20 mg/l
5-day BOD	940 mg/l
Cadmium	.03 mg/l
Chromium	4.6 mg/l
Copper	.71 mg/l
Cyanide	.11 mg/l
di-n-butyl Phthalate	120 ug/l
Fats, Oil & Grease (food based)	400 mg/l
Fats, Oil & Grease (petroleum based)	100 mg/l
Lead	.21 mg/l
Lindane	.17 ug/l
Mercury - non-detectable less than	.0002 mg/l
Molybdenum	.094 mg/l
Nickel	1.20 mg/l
Phosphorous	64 mg/l
Silver	.04 mg/l
Suspended Solids	1400 mg/l
Triethylamine	3300 ug/l

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Pollutant	Maximum Daily Concentration
Ammonia as N	300 mg/l
Toluene	4900 ug/l
Zinc	3.06 mg/l

11.2.3 Should any other substances, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Supervisor. Should the Supervisor determine that the above limits can be raised without damage to the POTW exceeding the State or Federal limits, then the Supervisor may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

11.2.4 If any waters are discharged or are proposed to be discharged to the Public Sewers, which contain the substances or possess the characteristics enumerated above, and which in the judgment of the Township may have a deleterious effect upon the sewers, Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- i Reject the wastes;
- ii Require pretreatment to the level defined as "Normal Domestic Sewage;
- iii Require control over the quantities and rates of discharge;
- iv Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges;
- v Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, ordinances and laws.

11.3 *Township's Right of Revision.* The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the Sewage Works if deemed necessary to comply with the objectives presented in this Ordinance.

11.4 No User shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or roof water to any Sanitary Sewer or sewer connection. Any premise connected to a storm sewer shall comply with County, State, and Federal requirements as well as those of the Township.

Downspouts and roof leaders shall be disconnected from Sanitary Sewers within six (6) months of the date of this Ordinance. If this is not done, the Township shall perform this work and bill the User.

Stormwater, groundwater, and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by MDEQ.

11.5 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Supervisor, they are

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necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or Dwelling Units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place shall be gastight and watertight. Each commercial user located in a strip mall may be required to install individual grease, oil, and sand interceptors.

11.6 Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

11.7 The Township may prohibit the admission into the Public Sewers of any waters or wastes as follows:

11.7.1 Containing any quantity of substances that exceed the requirements of Section 11.2.

11.7.2 Having an average daily flow greater than two (2) percent of the average daily sewage flow of the POTW, or having a rate of flow (gallons per day) greater than ten (10) percent of the average daily treatment plant flow for a period of one (1) hour or more, shall be subject to review and approval of the Supervisor.

Where necessary in the opinion of the Township, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5)-day, suspended solids, phosphorus, and total Kjeldahl nitrogen to concentrations given in Section 11.2, or to reduce objectionable characteristics of constituents to within the maximum limits provided for in the Township local limits given in Section 11.2.2, or control the quantities and rates of discharge of such waters or wastes.

11.8 Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds (1) three hundred (300) parts per million of biochemical oxygen demand, or (2) three hundred (300) parts per million by weight of suspended solids, or (3) ten (10) parts per million by weight of phosphorus, or (4) twenty (20) parts per million by weight of ammonia-nitrogen, and where such wastes are permitted to be discharged to the sewer system by the Supervisor, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of taking and making these first samples and the cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Treatment Plant.

Added charges shall be determined by the Township. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the Sewage Works.

11.9 When required by the Township, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

11.10 All measurements, tests, and analyses of the characteristics of water to which reference is made in this Section shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in this Section 10, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

- 11.11 Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:
- 11.11.1 One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the Sanitary Sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the Sanitary Sewers.
- 11.11.2 This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the Sanitary Sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township.
- 11.11.3 The industrial representative shall determine whether or not large process alterations will occur during the next few years; one (1) year, two (2) years, and five (5) years. Management should be consulted to determine if such alterations are scheduled and forthcoming.
- 11.11.4 A drawing of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout drawing.
- 11.11.5 There must be separation of spent concentrations from the Sanitary Sewer to prevent toxic wastes from upsetting the POTW. Supervision and operation of the pretreatment equipment for spent concentrations, as well as all toxic wastes and high-strength organic wastes to an acceptable level as detailed in this Ordinance, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the Treatment Plant.
- 11.11.6 Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold one hundred fifty (150) percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and chemical storage areas.
- 11.11.7 An adequate sampling vault or manhole must be provided in an accessible place for the Treatment Plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determine necessary to

protect the POTW. Should the Township desire continual flow recording and long duration, twenty-four- (24) hour composite sampling, then a more complex manhole would be mandatory, complete with 110 volt AC. Samples collected could be divided between the industry and Township for analysis if so desired by the industry. The sampling vault should be located so as to give access to Township personnel without entering the industrial property.

- 11.11.8 Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processing, or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing the report, the portion of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance. The NPDES Permit, State Disposal System Permit, and/or the pretreatment programs, and wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten- (10) day notification is given to the User.
- 11.12 Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ-approved drainage outlet
- 11.13 Agents of the Township, MDEQ, or U.S. EPA shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge and copying applicable pretreatment records.

## **Section 12 Grinder Pumps.**

- 12.1 *Use and Installation of Grinder Pumps.* Some properties served by the Township sewer system may be connected to the system through a grinder pump. The following regulations govern their installation and usage:
- 12.1.1 The grinder pump location on each property will be coordinated by appointment with the property owner during the construction phase. An access agreement will be required for the installation, operation, and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel, and the electrical line to the grinder pump. The grinder pump access agreement will need to be signed by the property owner before the grinder pump is installed. Madison Township shall prepare the grinder pump access agreement and maintain it with their records.
- 12.1.2 A simplex grinder pump unit shall be provided to all properties with one (1) REU. A duplex grinder pump unit shall be provided to properties with greater than one (1) REUs. The required make, model, and size of the grinder pump unit required for any property shall be determined solely at the discretion of the Township.
- 12.1.3 Once installed, the lid of the grinder pump encasement will extend approximately 3 inches above the ground surface. The grinder pump encasement lid is 24 inches in diameter. No new permanent structures or other items can be placed on top of the grinder pump encasement or grinder easement.
- 12.1.4 The grinder pump must be located at least 10 feet from a building or property line and at least 50 feet from an on-site water supply well. In situations where it is physically impractical to

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locate the grinder pump and associated force main outside the Lenawee County Health Department's (LCHD's) 50-foot isolation distance from an on-site well, the grinder pump location will be subject to the LCHD's approval. The grinder pump must be located within 100 feet of the exterior power company electrical meter.

- 12.1.5 A control / alarm panel for the grinder pump will be mounted on the side of the existing building. The control / alarm panel must be located within sight of the grinder pump.
  - 12.1.6 The red light on top of the control/alarm panel will illuminate when a high-level condition is detected in the grinder pump holding basin. The property owner would need to contact the sewer system operators to inform them that the red light is illuminated.
  - 12.1.7 All installation, operation, and maintenance work for the grinder pump, sewer lead from the grinder pump to the Public Sewer, and the electrical line from the grinder pump to the power company meter is exterior work.
- 12.2 *Township's Responsibilities.* The Township shall have the following responsibilities with respect to grinder pumps:
- 12.2.1 For individual single family residences or businesses:
    - i Coordinate grinder pump location with property owner.
    - ii Prepare an access agreement for the grinder pump, granting the Township access to the grinder pump and all Lateral Lines and sewer leads from any building.
    - iii Maintain grinder pump access agreements.
    - iv Upon payment of the required Connection Fees provide the grinder pump to the Owner or Owner's representative for installation by the owner.
    - v Inspect the installation of the grinder pump system upon notification by the Owner.
    - vi Operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior disconnect to the grinder pump, including a control/alarm). Maintain, repair, and replace (when necessary) the grinder pump core and any other item of the public portion of the grinder pump sewer system within property, except for the grinder pump tank and access riser tube.
    - vii Respond to high-level conditions (reported by property owner).
    - viii Provide an emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
    - ix Respond to service issues reported by property owners received on the emergency phone number. The appropriate service/maintenance will be completed as expediently as possible.
    - x Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system's operation and maintenance activities during each month.
  - 12.2.2 For multi-unit developments:

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- i Review and approve the proposed location for grinder pump installation identified by the Owner or Owner's representative.
- ii Upon payment of the required Connection Fees provide the grinder pump to the Owner or Owner's representative for installation by the Owner.
- iii Inspect the installation of the grinder pump system upon notification by the Owner.
- iv Operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior disconnect to the grinder pump, including a control/alarm).
- v Maintain, repair, and replace (when necessary) the grinder pump cores and any other item of the public portion of the grinder pump sewer system within property, except for the grinder pump tank and access riser tube.
- vi Respond to high-level conditions (reported by property owner).
- vii Provide an emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
- viii Respond to service issues reported by property owners received on the emergency phone number. The appropriate service/maintenance will be completed as expediently as possible.
- ix Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system's operation and maintenance activities during each month.

12.3 *Property Owner's Responsibilities.* Each property owner shall have the following responsibilities with respect to grinder pumps:

12.3.1 For individual single family residences or businesses:

- i Payment of the required Connection Fees.
- ii Coordinate grinder pump location with Township representative.
- iii Sign the grinder pump access agreement.
- iv Contract, hire, and pay a contractor to install the grinder pump and necessary appurtenances including required electrical devices, the sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installation of the system.
- v Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). The property owner would call an emergency phone number to inform the system operators of the red light condition.
- vi Notify the public sewer system operators of power outages (lack of power to grinder pump).
- vii Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric bill for each property served by a

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grinder pump.

- viii Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
- ix Restoration associated with the installation of the public portion of the grinder pump sewer system within property (Lateral Line from the Trunk Line to the grinder pump, the grinder pump, and the electrical lines from the power company's exterior electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing power company meter).
- x Pay the costs for the replacement (purchase and installation) of the grinder pump tank and riser, if it fails for any reason.

12.3.2 For multi-unit developments:

- i Payment of the required Connection Fees.
- ii Identify for the Township Inspector the proposed location for grinder pump installation, which location shall be subject to approval by the Township.
- iii Prepare an access agreement for the grinder pump, granting the Township access to the grinder pump and all Lateral Lines and sewer leads from any building.
- iv Maintain grinder pump access agreement.
- v Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
- vi Contract, hire, and pay a contractor to install the grinder pump and necessary appurtenances including required electrical devices, the sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installation of the system.
- vii Restoration associated with the installation of the public portion of the grinder pump sewer system within property (Lateral Line from the Trunk Line to the grinder pump, the grinder pump, and the electrical lines from the power company's exterior electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing power company meter).
- viii Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). The property owner would call an emergency phone number to inform the system operators of the red light condition.
- ix Notify the public sewer system operators of power outages (lack of power to grinder pump).
- x Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric bill for each property served by a grinder pump.
- xi Pay the cost for the replacement (purchase and installation) of the grinder pump tank and riser, if it fails for any reason.

12.4 *Grinder Pump Operation During Power Outages.* During periods of power outages property owners shall:

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12.4.1 Limit the amount of wastewater generated during power outages to prevent sewage backups within the premises.

12.4.2 Not use portable generators to operate the grinder pumps.

### **Section 13      Schedule of REU Unit Factors.**

- 13.1 All Connection, Usage and other fees and charges for the sewer system shall be based upon the number of REUs on each lot, parcel of land, or premises as set forth in the Schedule of REU Unit Factors (hereafter referred to as the "Schedule") as adopted by resolution of the Township Board or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. The Schedule may be enacted apart from the published Ordinance as necessary.
- 13.2 Classifications not specifically listed in the Schedule shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit.
- 13.3 Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.
- 13.4 In cases of expansion or change of existing water/sewer uses, Connection Fees shall be levied in accordance with the current Connection Fee schedule based upon the difference in the current and expanded or changed use.

### **Section 14      Connection Fees**

- 14.1 The owner of all premises required to connect to the System shall pay the Township Connection Fees which shall comprised of the following components:
- 14.1.1 A Tap Fee, which shall be a per REU rate established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary;
- 14.1.2 A Grinder Pump Fee which shall be established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary. The fee for the grinder pump shall be equal to the purchase price by the Township, including shipping plus a ten (10) percent administrative charge for handling;
- 14.1.3 An Inspection fee to cover the cost of having the Township's designated experts inspect and approve the connection to the System; and
- 14.1.4 An Access/Easement Fee which shall be the cost, as determined by the Township, for preparing and recording any access agreements and/or easements required by this Ordinance.
- 14.1.5 In addition to the Connection Fees as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the connection to the System pursuant to Township specifications on file at the Township and for the payment of any permits required by any other State, County or Local authorities.
- 14.1.6 A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Tap Fee of one Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Tap Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Madison Township Sanitary Sewer System Policies or subsequent revisions adopted by the Township Board but in no case shall it be less than .5 REU.

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- 14.1.7 Upon any subsequent enlargement, addition, extension, or improvement to any structure, the Township shall review and redetermine the REUs for that structure. Upon finding by the Township after such REU review and redetermination that additional Tap Fees are required, the Owner shall immediately pay the required additional fees.
- 14.1.8 Any User that disagrees with the assigned REU values contained in the Table of Unit Factors may request the opportunity to appear before the Township Board in person for the purpose of reducing the assigned REUs and presenting any argument or additional evidence. A denial of reducing the REUs assigned following such a personal appearance before the Township Board shall be final and conclusive.
- 14.1.9 The appropriate Connection Fees shall be paid in full at the time of the connection of the premises to the System unless the Township Board, at sole discretion, permits a deferral of payment over a period of time and at an interest rate determined by the Board in its sole discretion.
- 14.1.10 If it has been determined that REUs assessed/allocated to a particular parcel were assessed in excess or are deemed no longer needed, the Owner, at the discretion and approval of the Township Board, may sell back the REUs to the Township at a rate approved by the Township, but in no event for more than the original rate paid by the Owner.

## **Section 15      Usage Charges**

- 15.1 *Establishment and Basis for Computations.* Rates and charges for use of the POTW shall be established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary. The usage rates shall be based upon the amount necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service. User charges shall be the same for all customers of the system regardless of geographical boundaries. Such charges and rates shall be made against each lot, parcel of land, or premises which may have any sewer connections with the sewer system of the Township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof.
- 15.2 *Amounts, Billings, Sewer Service Charges.* Amounts, Billings, Sewer Service Charges. The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building, or premises, having any sewer connection with such system, on the basis of the number of REUs on each lot, parcel of land, or premises as given in the Schedule included in the Madison Township Sanitary Sewer System Policies or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. Rates and charges shall be collected on a routine basis. In cases where the character of the sewage from a manufacturing or industrial plant, building, or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant (See Section 11.2), the additional cost of treatment created thereby shall be an additional charge (surcharge) over the regular rates hereinafter set forth; or the Township may, if it deems it advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in such manner as shall be specified by the Township before discharging such sewage into the sewage disposal system.
- 15.3 *Annual of Fee Review.* The usage rates adopted by the Township are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual fee review shall be prepared and based on said review, rates for sewage services shall be reviewed annually and revised as necessary by Resolution of the Township Board to meet system expenses and to ensure that all User Classes pay their proportionate share of operation, maintenance, and equipment replacement cost.



15.4 *No Free Service.* No free service shall be allowed for any User of the Public Sewer and POTW, provided, however, that the Township shall receive sewer service at its facilities at no charge.

15.5 *Billing.* Billing for wastewater service shall be the Township's responsibility. All bills shall be rendered on a routine basis. Bills shall be prepared and mailed to the customer of record as closely as possible to the billing cycle. The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. Bills for premises having special rates, unusual charges, or unique circumstances may be billed monthly at rates as established by action of the Township Board.

All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment on any outstanding balance owed on the account prior to being applied to current charges.

15.6 *Initial Billing.* Billing shall begin based on one of the following conditions:

15.6.1 The date that a certificate of occupancy is issued for a new structure; or

15.6.2 The date that the connection to the Building Sewer is approved by the Inspector.

If the date occurs during the billing cycle, costs will be prorated accordingly.

15.7 *Nonpayment.* Current charges shall be due and payable within thirty (30) days after the date the sewer bills are prepared for mailing (hereafter referred to as the "due date"). The due date shall be shown on each bill and current charges that are not paid on or before the due date shall be considered delinquent and shall accrue a ten (10) percent penalty on the unpaid amount. Unpaid previous balances and penalties are not subject to this penalty.

15.8 *Collection of Delinquent Accounts.* Any and all charges, such as property owner's direct charges, operation and maintenance and capital usage charges, special assessment charges, interest, penalties, and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the owner of the premises and shall become a lien against the premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

On the first day of September of each year, any and all balances that are past due for ninety (90) days or more, shall be certified to the next Township tax roll as a lien for collection against the premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a ten (10%) percent penalty on the entire amount of the lien in addition to previous charges.

## **Section 16      Deferral of Special Assessment Charges and Waiver of Operation and Maintenance and Capital Charges**

The property owner upon which is connected or in the process of being connected to the sewer system may submit a hardship application to the Township seeking a partial or total deferment of any applicable charges, including but not limited to Connection Fees and User Charges, based upon a showing of financial hardship, in accordance with the criteria established for granting such deferment by the Township Board, subject to and in accordance with the following:

16.1 The owners of the premises shall, under oath, complete a hardship application provided by the Township, and file said application, together with all other information and documentation reasonably

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required by the Township, with the Township Assessor. An application shall be signed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

- 16.2 Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- 16.3 The decision of the Township Board following shall be final.
- 16.4 In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of any or all applicable fees, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall terminate upon the occurrence of any one of the following events:
- 16.4.1 A change in the financial status of any applicant which removes the basis for financial hardship; or
- 16.4.2 A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest, in the premises or extension thereof; or
- 16.4.3 A death of any of the applicants.
- 16.5 Upon a determination of the Township Board deferring all or part of any or all applicable fees, the amount deferred shall constitute a lien on the subject property, and the property owner shall sign a document, in recordable form, that will provide notice of the lien on the property for the deferred amount.
- 16.6 The Township Board shall keep a record of the number of hardship deferrals 's that have been granted.
- 16.7 Any deferral and/or waiver granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

#### **Section 17 Extension of Time for Compliance.**

Upon written application to the Township Board, Any person who shows that compliance with any provision of this Ordinance would either be impossible or constitute an undue hardship may be granted an extension of time not to exceed one (1) year to comply with the provisions of this Ordinance. Any extension of time granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance. The Township may require, as a condition for granting any extension, that the person seeking the extension first agree in writing to such other terms as the Township deems necessary.

#### **Section 18 Municipal Liability and Insurance.**

- 18.1 The Township shall not be responsible for interruptions of services due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the User that all connected equipment remain in good working order so as not to cause disruption of service or damage to the POTW.
- 18.2 The Township shall not be liable for any injuries to persons or damage to property resulting from any

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work performed by private contractors hired to install, repair or maintain any Lateral Lines.

- 18.3 Any claim for damages as a result of an overflow or back up of the sewage disposal system shall follow the procedures and requirements as set forth in Act No. 222 of the Public Acts of 2001 for the State of Michigan.
- 18.4 The Township will maintain and carry insurance on all publicly owned assets of the Sewer System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Sewage Disposal Systems. All monies received for losses under any such insurance policies shall be used solely for the replacement and restoration of the property damaged or destroyed.

#### **Section 19 Power and Authority of Inspectors**

The Supervisor and other duly authorized employees of the Township acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance.

#### **Section 20 Protection from Damage**

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Sewer system.

#### **Section 21 Enforcement/Penalties**

##### **21.1 Administrative Remedies.**

- 21.1.1 The Township may suspend wastewater treatment services to any User when, in the opinion of the Township, such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or may cause interference to the POTW, or causes or may cause the Township to violate any condition of its NPDES Permit.
- 21.1.2 The Township may revoke, suspend, or terminate the wastewater discharge permit of any User which:
- i fails to accurately report the wastewater constituents and characteristics of its discharge;
  - ii fails to report significant changes in wastewater constituents or characteristics;
  - iii refuses reasonable access to the User's premises by representatives of the Township for the purpose of inspection or monitoring; or
  - iv violates the conditions of this Ordinance or any final judicial order entered with respect thereto.
- 21.1.3 Whenever the Township finds that a User has violated any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, the Supervisor will issue a Notice of Violation to formally document the noncompliance. This document will specify the nature of the violation, establish a date by which the violation shall be corrected, and notify the affected User that failure to correct the violation would constitute a further violation which may result in additional enforcement action. A Notice of Violation will be sent via first-class mail or personally served on an Authorized Representative of the User.

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21.1.4 When the Township finds that a User has violated any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder or other Pretreatment Standard or Requirement, the Supervisor may issue an Administrative Order to Show Cause requiring the affected User to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This document will specify the nature of the violation, establish the time and place for the hearing, and notify the affected User that failure to comply would constitute a violation of this Ordinance which may result in additional enforcement action. An Order to Show Cause will be issued at least ten (10) days prior to the hearing and will be sent via certified mail/return receipt requested or personally served on an Authorized Representative of the User.

21.1.5 When the Township and an affected User agree to a violation and to the remedial solution, the Supervisor may issue an Order of Consent or similar document to formally establish such agreement. This document will specify the nature of the violation and required actions, such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order of Consent will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User, and will require signatures of representatives from both the Township and the affected User.

An Order of Consent or similar document shall have the same force and effect as other administrative orders issued by the Township pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order of Consent or similar document shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Consent Order or similar document shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, against the affected User.

21.1.6 When the Township and affected User do not agree to the violation or to the remedial solution, the Supervisor may issue an Order to Achieve Compliance. This document will specify the nature of the violation and include required actions such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected User and will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User.

An Order to Achieve Compliance shall have the same force and effect as other administrative orders issued by the Township, pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order to Achieve Compliance shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Achieve Compliance shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, against the affected User.

21.1.7 When the Township finds that a User has violated and continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, the Supervisor and the Township Attorney may jointly issue a Cease and Desist Order requiring the affected User to eliminate the violation within twenty-four (24) hours or face suspension of sewer service. This document will specify the nature of the violation, and require that the violation cease. If the violation has not been corrected within twenty-four (24) hours following issuance of the order, the Township may suspend sewer service without further notice until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge requirements. A Cease

and Desist Order will be personally served on an Authorized Representative of the User.

- 21.1.8 Whenever the Township finds that a User's discharge is in violation of any provision of this Ordinance or any permit issued hereunder and that the violation creates or threatens to create an emergency situation such as damage to the POTW, hazard to the receiving stream, endangerment to the public health and safety, or violation of any condition of the NPDES permit issued to the Township, the Supervisor and Township Attorney will jointly issue an Emergency Cease and Desist Order notifying the affected User to eliminate the violating discharge immediately or face service severance via a temporary plug in its sewer connection at any time and without further warning. This document will specify the nature of the violation, and require that the violating discharge cease until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge requirements. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action. An Emergency Cease and Desist Order will be personally served to an Authorized Representative of the User, or may be delivered verbally via telephone to an Authorized Representative of the User and then served personally.
- 21.1.9 Except for emergency situations covered under this Section, whenever the Township finds that a User's continuing violation warrants revocation of its permit or privilege to discharge into the wastewater system, the Supervisor and Township Attorney will jointly issue a Notice of Termination to warn of the impending suspension of the sewer service up to and including severance via temporary plug in the affected User's sewer connection. This document will specify the date and the time of scheduled service suspension in order to allow the affected User to either voluntarily cease the violating discharge or arrange appropriate actions such as production shut-down or alternative means of wastewater disposal. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action.
- 21.1.10 A Notice of Termination will be personally served on an Authorized Representative of the User at least ten (10) days before the scheduled service suspension.
- 21.1.11 Receipt, or non-receipt, of a(n):
- i Notice of Violation; Order to Show Cause; Cease and Desist Order; Emergency Cease and Desist Order; or
  - ii Notice of Termination
- shall in no way relieve the affected User of any and all liability associated with the violation and shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.
- 21.1.12 In addition to the sanctions, orders, liabilities, and other remedies prescribed under this Section, a User shall be liable to the Township for any and all fines, penalties, and associated legal and other costs incurred or expended by the Township as the result of any violation of the Township's NPDES permit that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.
- 21.1.13 *Rights of Appeal.* Except for emergency situations any User desiring to dispute a Notice of Violation or order of the Township, pursuant to this Ordinance, including but not limited to

finest, may present a written request for reconsideration. Such a request shall be submitted to the Township Supervisor within ten (10) days of first being notified of the corresponding order for all but a Notice of Termination, where such a request shall be submitted within five (5) days of notification. If, in the opinion of the Township Supervisor the request has merit, he will convene a hearing on the matter as soon as possible to collect testimony of appropriate persons, take evidence, and render a final determination. In the event the affected User's appeal is unsuccessful, any original fine will become immediately due and the Township may also add any additional costs incurred to administer this appeal. Further appeal of the Township Supervisor's final determination shall be governed by applicable State law.

Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township against the affected User.

- 21.2 *Judicial Penalties.* When the Township finds that a person has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement, the Township may petition the Circuit Court of Lenawee County for appropriate legal and/or equitable relief

- 21.2.1 Injunctive Relief. A person who violates or continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both as may be appropriate. This action will be sought to restrain or compel activities on the part of the affected User.

A petition for injunctive relief shall in no way relieve the affected User of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

- 21.2.2 Civil Penalties. A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or Order issued hereunder, or other Pretreatment Standard or Requirement, will be liable for a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The affected User will also be liable for all costs incurred by the Township for associated enforcement action such as reasonable attorney's fees, court costs, additional sampling, and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon the Township for NPDES permit violations that result in whole or in part from the User's violation and expenses associated with remediation of sites thereby contaminated. The Township Attorney may petition the court to impose, assess, and recover sums up to this limit of liability. In determining the appropriate amount of civil penalty to seek, the Township may take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the affected User as a result of the violation, corrective actions implemented or proposed to be implemented by the affected User, and history of compliance or noncompliance by the affected User.

A suit for civil penalties shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

- 21.2.3 Criminal Prosecution. Any person who:

- i violates any provision of this Ordinance, Industrial Waste Permit, or Order issued

hereunder, or other Pretreatment Standard or Requirement; or

- ii knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit, or Order issued hereunder, or Pretreatment Standard or Requirement; or
- iii falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit, or Order issued hereunder, or Pretreatment Standard or Requirement

is guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both, plus the costs of prosecution. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

## **Section 22      Records Retention**

- 22.1 The Township shall maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the sanitary system.
- 22.2 All Industrial Users subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or on behalf of a User in connection with its discharge. All records that pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- 22.3 Classification of old and new Industrial Users shall also be reviewed annually by the Township.

## **Section 23      Audits**

The Township will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request. In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to ensure proportionality among user classes as required by Federal regulations.

## **Section 24      Validity, Severability, Conflict.**

- 24.1 The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality, or constitutionality of any other provision, word, phrase, clause, or term, and they shall continue in full force and effect.
- 24.2 All laws and parts of laws, all ordinances, codes, and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Ordinance, shall be deemed not to apply; provided

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that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code, or regulation which is more restrictive or establishes a higher standard than those provided in this Ordinance.

**Section 25      Effective Date**

This revised Ordinance shall be effective ten (10) days after publication of said Ordinance as provided by law.

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