

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE AMENDING
UTILITY ORDINANCE NO. 169**

WHEREAS, the Charter Township of Superior is currently operating under Superior Township Utility Ordinance 169; and,

WHEREAS, the Superior Township Utility Ordinance Section 169-85 requires users to connect to the Superior Township utility system for the discharge of sanitary wastewater, and to pay the attendant fees and costs and to abide by all other provisions of the Ordinance 169; and,

WHEREAS, the Superior Township Utility Ordinance is for the use and benefit of the people of Superior Township except when necessary to provide service to non-residents to avert a public health emergency.

WHEREAS, this amendment was introduced on May 21, 2018.

NOW THEREFORE, BE IT RESOLVED that the Charter Township of Superior ordains:

Section 1. Amendment to Section 169-85

Section 169-85 of the Charter Township of Superior Utility Ordinance No. 169, is amended in its entirety to read as follows:

Section 169-85. Permit or authorization required.

- A. It shall be unlawful to discharge to the waters of the state within or through the Township, or in any area under the jurisdiction of such Township and/or to the sewage works, sewerage lines and appurtenances owned by private parties or other entities, private and/or municipal, any wastewater except as provided by an NPDES permit and/or as authorized by the Township and the YCUA in accordance with the provisions of this Ordinance. Sewage lines, equipment and appurtenances, not owned by or under the control of the Township, to serve areas outside of the Township, are prohibited in the Township and in all road right-of-ways within the Township, unless: (a) a public health emergency exists and (b) the proposed connection, sewer line and appurtenances is the only feasible way to avert the public health emergency and (c) the parties have executed an agreement setting forth the terms of use, fees, limitations and other pertinent issues.
- B. Any and all entities or persons seeking permission to place sewage lines, equipment and appurtenances not owned by or under the control of the Township, in a road right-of-way within the Township, to serve areas outside of the Township, must:
 - (1) Submit an application to the Township Board. The application must detail the basis for the applicant's claim that utilizing the road rights-of-way within Township meets the standards set forth subsection A, above.

- (2) Deposit funds into an escrow account with the Township an amount equal to the requirements set forth in the Township's engineering standards, unless a difference amount is deemed appropriate and reasonable by the Township Board.

Section 2. Saving Clause.

All provisions of Ordinance 169, the Superior Charter Township Utility Ordinance, not amended by this ordinance remain in full force and effect.

Section 3. Publication and Effective Date.

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website - www.superior-twp.org - pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within thirty (30) days following the final adoption thereof. This Ordinance shall become effective upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ordinance declared adopted on February 18, 2020.



Kenneth Schwartz, Supervisor
Superior Charter Township

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Lynette Findley, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on January 21, 2020 and for final reading on February 18, 2020 and published.



Lynette Findley, Clerk
Superior Charter Township

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE No. 169

UTILITIES ORDINANCE

TABLE OF CONTENTS

Article I. In General

Sec. 1.	Connections or openings to water mains, sewer lines or fire hydrants; permit require; penalty for violation of section.
Sec. 2.	Maintenance of sewer and water lines.
Sec. 3.	Definition.
Sec. 4.	Findings.
Sec. 5.	Establishment of System.

Article II. Water Service

Division 1. Generally

Sec. 31.	Definitions
Sec. 32.	Penalty for violation of article.
Sec. 33.	Utilities connections
Sec. 34.	Turning on or off; authority.
Sec. 35.	Access to metes.
Sec. 36.	Injury to facilities.
Sec. 37.	Temporary water use restrictions.

Division 2. Cross Connections

Sec. 56.	Penalty for violation of division
Sec. 57.	Adoption of state public health rules.
Sec. 58.	Inspections.
Sec. 59.	Right of entry of Utility Dept. agent for inspection
Sec. 60.	Discontinuance of service; restoration.
Sec. 61.	Water not supplied by potable system.
Sec. 62.	Article not to supersede plumbing code.

Article III. Sewer Service

Division 1. Generally

Sec. 76.	Applicability of Ordinance
Sec. 81.	Definitions.
Sec. 82.	Abbreviations.
Sec. 83.	Protection from damage.

Division 2. Administration and Enforcement

Sec. 85.	Permit or authorization required.
Sec. 86.	Information required prior to connection to system.
Sec. 87.	Reporting required after promulgation or revision of a pretreatment standard and reporting from a new source.
Sec. 88.	Additional reporting required and periodic report requirements.
Sec. 89.	Powers of YCUA and Superior Township.
Sec. 90.	Sampling and monitoring facilities may be required.
Sec. 91.	Right to access of facilities for inspection, sampling, records examination, record copying, or other duties.
Sec. 92.	Compliance with Ordinance provisions required.
Sec. 93.	Confidentiality of information.
Sec. 94.	Enforcement by Township.
Sec. 95.	Records, accounts, audits, classification of users insurance.
Sec. 96.	Powers and authority of inspectors.
Sec. 97.	Enforcement process.
Sec. 98.	Surcharges, fees.
Sec. 99.	Requirements for nondomestic users' application.
Sec. 100.	Application.
Sec. 101.	Contents.
Sec. 102.	Issuance process.
Sec. 103.	Penalty for violation of Ordinance; liability of user.
Sec. 104.	Funding/fees.

Division 3. Building Sewers and Connections

Sec. 105.	Connection to public sewer required.
Sec. 106.	Permit required.
Sec. 107.	Classes of permits; application; fees.
Sec. 108.	Costs of connection to be borne by owner; indemnification of Township and YCUA.
Sec. 109.	Separate building sewer for each building required; exception.
Sec. 110.	Use of old building sewers with new buildings.
Sec. 111.	Construction specifications.
Sec. 112.	Elevation.
Sec. 113.	Prohibited connections.
Sec. 114.	Connection specifications.
Sec. 115.	Inspection; Supervision of connection guards for evacuations; Restoration of public property.

Sec. 116. Guards for excavations; Restoration of public property.

Division 4. Use of Public Sewers

Sec. 126. Required.
Sec. 127. Unpolluted discharges.
Sec. 128. Fats, oils, and grease (FOG) interceptor and sand interceptors.
Sec. 129. Prohibited discharges.
Sec. 130. Promulgation of more stringent standards.
Sec 131. Prohibited concentrations of certain pollutants and mercury reduction plan.
Sec. 132. Sampling, measurements, tests and analyses.
Sec. 133. Surcharge for discharges of unusual strength.
Sec. 134. Special agreements authorized.
Sec. 135. Dilution of discharge.
Sec. 136. Accidental discharges.
Sec. 137. Determination of sewage flow.
Sec. 138. Disposal at sewage treatment plant.
Sec. 139. Bypass.
Sec. 140. Report of violation.
Sec. 141. Notification of authorities upon discharge of hazardous waste.

Division 5. Private Sewage Disposal.

Sec. 151. Prohibited generally.
Sec. 152. Exceptions.
Sec. 153. Permit required for construction; inspection specifications.
Sec. 154. Operation and Maintenance facilities.
Sec. 155. Public sewer availability.

Article IV. Rates, Fees, Charges and Billing Procedure

Sec. 286. Definitions.
Sec. 287. Combined system.
Sec. 288. Management system.
Sec. 289. Records and accounts.
Sec. 290. Custodian of Funds.
Sec. 291. Fiscal year.
Sec. 292. Free service.

ARTICLE I. IN GENERAL

Section 169- 01. Connections or openings to water mains, sewer lines or fire hydrants; permit required; penalty for violation of section.

- (a) No connection or opening shall be made or permitted to be made to any water mains, sewer lines or fire hydrants of the combined system without obtaining a permit. Application for such permit shall be made and filed with the Utility Department, who shall issue such permit when all prescribed conditions have been met, subject to regulations to be established by the Township Board.
- (b) Any person violating the provisions of this section by making unauthorized connection to the combined system shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 169-02. Maintenance of sewer and water lines.

- (a) *Responsibilities of the Township.* The Township Utility Department shall maintain, repair, and replace the water and sewer trunk lines at Township Utility Department expense. The Township Utilities Department shall maintain, repair, and replace the water service line to the curbstop at Township Utility Department expense.
- (b) *Responsibilities of the property owner.* The property owner shall be responsible for all costs of repair and replacement of the water service line to the curbstop, and shall be responsible for all costs of repair and replacement of the curbstop when the owner or the owner's agent has caused damage to the service line or has cause damage to the curbstop.

The property owner shall be responsible to maintain, repair, and replace the sewer service line from the building, dwelling, or structure to the trunkline/main of the Township's sanitary sewer collection system. The property owner shall be responsible to repair and replace any plumbing within a building, dwelling, or structure necessitated by meter replacement. The property owner is responsible to maintain, repair, and replace meter pits on private property, including but not limited to meters, pits and covers. The property owner is responsible for any damage to the meter, the remote register or the wiring for any cause except normal wear and tear. The property owner is responsible for any repair or replacement due to a malfunction or damage within a sanitary lead line.

No repair work at the curbstop or between the property line and the dwelling, building, or structure will be performed by the Township Utility Department until a written authorization form is signed by the property owner except in an emergency as determined by the Utility Department. In the event of an emergency repair, the property owner shall remain responsible for the costs of repair or replacement notwithstanding that no written authorization was obtained.

- (c) *Removal, repair or tampering with meter: sanction.* No person except an employee of the Township Utility Department shall remove, repair or in any way tamper with a meter, unless pursuant to written permit from the department. Any person who violates this section shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Repeat offenders under this article shall be subject to increased fines on file at the Township Municipal Civil Infractions Ordinance Violations Bureau.
- (d) *Enforcement and lien for collection of repair charges.* All charges for repair of the water and sewer systems which are performed by the Township Utility Department shall be in accordance with a schedule of such charges established by resolution of the Township Board and are the responsibility of the property owner and shall be paid promptly upon receipt of the bill for such

services. All bills must be paid within 24 days from the date on the bill and ten percent will be added to the bill if not paid within 24 days. Such repair charges are under the provisions of section 21, Act No. 94 of the Public Acts of Michigan of MCL 141.121, MSA 5.2751), as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien. Whenever such charges against any piece of property shall be delinquent for six months, the Township official in charge of the collection thereof shall certify annually on July 1 of each year to the Treasurer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.

Section 169-03. Definition.

The following term, when used in the Article, shall have the meaning set forth in this Section, except where the context clearly indicates a different meaning:

System means the complete water supply and sewage disposal system of the Township Utility Department, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all pumps, pumphouses, sewage treatment facilities, sewers, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances to the System, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

Section 169-04. Findings.

- (a) *Necessity for Potable Water.* The Township Board has previously found, and currently reaffirms, that the businesses, industries, governmental and charitable agencies, and residents located in the township need to have potable and otherwise usable water.
- (b) *Availability of Potable Water.* The Township Board has previously found, and currently reaffirms, that the supply of potable water available from private wells or other sources within the sewer district of the township as delineated in the Growth Management Plan of Superior Charter Township, is insufficient to assure that all businesses, industries, governmental and charitable agencies, and residents will have sufficient potable water available for their use and other water necessary for industrial and fire prevention and control unless the Township offers water to all properties located within the Township designated urban service area sewer district.
- (c) *Necessity of Sewer Service.* The Township Board has previously found, and currently reaffirms, that the use of septic tanks, privies, privy vaults, cesspools, or similar private sewage disposal facilities in the sewer district as delineated in the Growth Management Plan of Superior Charter Township, is deleterious to the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents of the Township and that the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents is enhanced by the creation of a public sewage disposal system, with regulation by the Township of pollutants and other harmful materials according to state and federal standards.
- (d) *Method of Measuring Use of Water Supply System.* Based on advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that the

most practical, cost-effective and accurate methods, given available technology, of measuring the use of the water supply from the System by an user is by a meter or meters controlled by the Township.

- (e) *Method of Measuring Use of Sewage Disposal System.* Based on advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that the most practical and accurate method, given available technology, of measuring the use of the System's sewers by any user is by the meter or meters used to measure water usage. The Township Board has previously found, and currently reaffirms, that for unmetered premises or premises for which metering is otherwise impractical, the methods for measuring use specified in subsections (2) through (5) of Section 169-137 of the code of Ordinances represent the most practical and equitable means of measuring use of the System's sewers.
- (f) *Continuation of Water Supply Service.* The Township Board has previously found, and further currently reaffirms, that in order to provide and continue to provide clean and potable and other usable water to all users of the System, in quantities necessary for all varieties of use, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the System.
- (g) *Continuation of Sewage Disposal Service.* The Township Board has previously found, and further currently reaffirms, that in order to provide and continue to provide for the safe and uninterrupted removal and treatment of sewage, pollutants, and other harmful materials, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the System.
- (h) *Purpose of Fees.* The fees for the use of and connection to the System are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the System and to comply with Federal and State laws and regulations, to provide for the payment of principal of and interest on any bonds authorized to be issued as and when the same become due and payable, to create a bond and interest redemption account therefore and to provide an account for reasonable and necessary improvements to the System. Such fees shall be made against all users of the System in a fair and equitable manner and based on the level of service provided, in accordance with the purposes herein described, as well as the following:
 - 1. All premises connected directly or indirectly to the System, except as hereinafter provided, shall be charged and shall make payments to the Township in amounts computed on the basis of this Ordinance No. 169 of the code of Ordinances.
 - 2. The rates and fees for water supply and sewage disposal service by the System are established herein to adequately provide for bond requirements and to ensure that the System does not operate at a deficit.
 - 3. The Township's Utility Department shall periodically review the charges, rates, fees, rules and regulations of the System, which review shall be completed not less than one (1) time per fiscal year. Results of the Review shall be reported to the Township Board with recommendations for any adjustments.
 - 4. The charges, rates and fees shall be set so as to recover costs from users in reasonable proportion to the cost of serving those users.

- (i) *Proportionality, Fairness, and Benefits of Rates and Fees.* The Township Board has previously found, and further currently reaffirms, that the fairest and most reasonable method of providing for the operation, maintenance, repair replacement and improvement of the System is to charge each user, based in all cases on amount of use, for the costs of: (i) retiring debt secured by the net revenues of the System issued to pay for improvements and replacements to the System; (ii) ongoing repair, replacement and improvement and budgeted as part of the annual costs of the System; and (iii) operation, administration and maintenance costs of the System.
- (j) *Water and Sewer Service Charges.* The Township has investigated several methods of apportioning the costs of the water and sewer service provided by the System. Based on its investigation and on the advice of its consulting engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that to ensure the stability and viability of the system for the benefit of its users, the fairest and most accurate way to apportion the costs of operation, maintenance, replacement and improvement of the System is to charge each user: (i) a commodity charge for water usage which is based on the user's actual metered use of water supplied by the System, (ii) a commodity charge for sewer usage based on the user's actual metered water use, (iii) a Township set connection fee which reflects such user's proportionate share of debt service and capital expenditures of the System, and (iv) such other fees and costs for services as authorized by this Ordinance No. 169 of the Code of Ordinances.

The Township Board further has previously found, and currently reaffirms, that the charges, rates and fees set forth herein and by resolution fairly and accurately apportion the fixed and variable costs of providing water and sewer service among the users of the System and that the connection fees provide actual benefits to such users in the form of ready access to water and sewer services that would be unavailable if such charges were not imposed.

- (k) *Useful Life of Improvements.* Based on the advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that any improvements to or capital expenditures for the System did not, at the time such improvements were constructed and financed, have an expected useful or design life that would exceed the term of the respective bonds issued to finance such improvements or capital expenditures and paid for by rates and charges.

Section 169-05. Establishment of System.

Based on the above findings and for the purposes set forth above, and pursuant to the authority granted to the Township under Act 94, Public Acts of Michigan, 1933, as amended, the Township has previously established and hereby re-establishes the System, as an enterprise system, consisting of the complete water supply and sewage disposal system of the Township, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, and all pumps, pumphouses, sewage treatment facilities, sewers, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, and all other appurtenances to the System, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

Sections 169-06 – 30. Reserved

ARTICLE II. WATER SERVICE

DIVISION 1. GENERALLY

Section 169-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Utility Department means the department in charge of the Superior Charter Township Utilities System.

Water connections means that part of the water distribution system connecting with the water main to a point between the curbline and property line, including the curb box and curbstop.

Water mains/ Trunk lines mean that part of the water distribution system located within easement lines or streets and designed to supply more than one water connection.

Water service pipe has the meaning that is assigned to such term in the Township building code.

Water curb stop means the shut off valve located on the water service pipe located at the property line.

Water supply system means the complete system for the supply of water, including all plants, works, instrumentalities and properties used or useful in connection with obtaining a water supply, treatment of water and/or the distribution of water.

Section 169-32. Penalty for violation of article.

- (a) The violation of any provision of this article shall be deemed to be a nuisance per se. Any person, or the agent or the employee of the Utility Department, who violates, disobeys, neglects, or refuses to comply with, or resists enforcement of any provision of this article, or any amendment thereof, shall, upon conviction, be punished as provided by law.
- (b) Each and every day during which any section of this article is violated shall be deemed a separate offense. The Township Board or the Director of the Township Utility Department may institute any appropriate action or proceeding to prevent, enjoin, abate, or remove any unlawful violation of this article. The rights and remedies in this section are cumulative and in addition to all other remedies prescribed by law.

Section 169-33. Utilities connections.

- (a) All utilities connections shall be made by the Utility Department on payment of the required connection fee as provided in Section 293. All users (homes, business establishments, etc.) shall have approved meters installed to the Township meter sizing standards chart. Meters five-eighths of an inch through two inches inclusive shall be

“Sensus Sealed Register with Remote Readers.” Meters larger than two inches shall be of a brand and type approved by the Township Utility Department.

- (b) Fee for water meters shall be sold based on current Township Resolution.

Section 169-34. Turning on or off; authority.

No person other than an authorized employee of the Township Utility Department shall turn on or off any water service.

Section 169-35. Access to Meters.

The Utility Department shall have the right to shut off the supply of water to any premises where the Utility Department is not able to obtain access to the meter. Any qualified employee of the Utility Department shall at all reasonable hours have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the meters. No person shall hinder, obstruct or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meters. A suitable area shall be reserved for the installation of the water meter and shall be readily accessible for inspection and reading purposes. The meter shall be mounted not less than 24 inches above the floor.

Section 169-36. Injury to facilities.

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Township Utilities System. Any damages which may be sustained to such structure, appurtenance or equipment shall be paid by the owner of the property on which such damage occurs to the Township on presentation of a bill therefore, and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the Township. Intentional damage may result in perpetrator being charged criminally in a court of competent jurisdiction.

Section 169-37. Temporary water use restrictions.

- (a) *Definition.* The term “Supervisor” as used in this section shall mean the Supervisor of the Township or a person designated by the Supervisor to act under this section.
- (b) Temporary emergency sprinkling restrictions:
 - (1) Whenever the Supervisor of the Township or Utility Department Director or designee receives notification from YCUA in conjunction with the water and radiological protection division of the state department of environmental quality that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the Supervisor or designee shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the Township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.

- (2) Whenever the Supervisor or designee receives notification from the YCUA in conjunction with the drinking water and radiological protection division of the state department of environmental quality that provisions in subsection (b)(1) of this section are not sufficient, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the following emergency regulations shall apply in the township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.
 - (3) The Township Utility Department and YCUA shall, within 24 hours of notification, cause these regulations to be posted at the Township office and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the Township, and may cause such announcement to be further declared in newspapers of general circulation or other recognized providers when feasible. The regulations shall become effective immediately after notice of enforcement of this section is posted at the Township offices. Upon notification from the YCUA in conjunction with the drinking water and radiological protection division of the state department of environmental quality that the emergency regulations are no longer necessary, or when conditions within the water system of the Township are deemed satisfactory by the Supervisor or designee, the Township shall cause a public announcement lifting the water restrictions.
 - (4) It shall be the responsibility of the Township to enforce the provisions of the section.
- (c) *Penalty.* Any person who violates any provision of this section or any emergency regulation prescribed pursuant to this section shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Repeat offenders under this article shall be subject to increased fines on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Each day of violation shall be deemed a separate violation.

Sections 169-38 - 169-55 Reserved

DIVISION 2. CROSS CONNECTIONS

Section 169-56. Penalty for violation of division.

Any persons or customer found guilty of violating any of the provisions of this division, or any written order of the Township Utility Department, in pursuance of this division, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50.00 nor more than \$500.00 for each violation. Each day upon which a violation of the provisions of this division shall occur shall be deemed a separate and additional violation for the purpose of this division.

Section 169-57. Adoption of state public health rules.

The Township adopts by reference the Water Supply Cross Connection Rules of the state department of public health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

Section 169-58. Inspections.

It shall be the duty of the Township Utility Department to cause inspections to be made of all properties served by public water supply and deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be performed every two years as approved by the state department of public health. The inspection must be done by a state certified inspector. The Township's representative may be present during the inspections, at a rate authorized by resolution of the Township Board, to be paid to the Township by the owner of the building being inspected.

Section 169-59. Right of entry of Utility Department agent for inspection.

The representative of the Township Utility Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Township for the purpose of inspecting the piping system for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

Section 169-60. Discontinuance of service; restoration.

The Township Utility Department is hereby authorized to discontinue water service after notice to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service may be eliminated in compliance with the provisions of this division. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this division.

Section 169-61. Water not supplied by potable system.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state and Township plumbing code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled conspicuously as follows: "Water unsafe for drinking."

Section 169-62. Article not to supersede plumbing code.

This article does not supersede the Township plumbing code adopted in section 18-31 but is supplementary to such code.

Section 169-63 – 169-75. Reserved

ARTICLE III. SEWER SERVICE

DIVISION 1. GENERALLY

Section 169-76. Applicability of Ordinance.

This Ordinance shall apply to all Users that discharge into the Ypsilanti Community Utilities Authority's (YCUA) publicly owned treatment works (the POTW). In addition, it shall be unlawful for any User located outside the Township limits to continue discharges to the POTW except as provided in this Ordinance. In addition, this Ordinance shall establish permit requirements for connections or alterations to Township or YCUA sewage works facilities or the POTW; govern the design, construction, alteration or use of and connection to the sewage works and POTW; regulate the discharge of wastewater into the sewage works and POTW; prohibit certain detrimental conduct; authorize the issuance of permits; authorize inspections; provide for administration and enforcement of this Ordinance; establish civil and criminal penalties for violations; and authorize the enforcement of and ensure compliance within the Township of the Federal Water Pollution Control Act, the Clean Water Act and the Michigan Natural Resources and Environmental Protection Act, more specifically defined herein, and regulations promulgated and adopted under said acts and statutes.

Sections 169-77 – 80. Reserved.

Section 169-81. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act, "the Act," the Federal Water Pollution Control Act and the Clean Water Act are used interchangeably in this Ordinance and refer to Public Law 92-500, as adopted in 1972 and amended by Public Law 95-217 in 1977, and any succeeding amendments and any administrative rules promulgated thereunder, as amended or revised from time to time.

Alternative discharge limit means limits set by the YCUA or Superior Township in lieu of the promulgated national categorical pretreatment standard for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

Authorized representative of Industrial User means:

- (1) A responsible corporate officer, if the Industrial User is a corporation, who shall be a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation or means the principal manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above and if all of the following apply:
 - (a) The authorization is made in writing by the individual described in subsections 1 or 2 of this definition.
 - (b) This authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the Director. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this definition shall be submitted to the Director or YCUA or Superior Township prior to or together with any reports to be signed by an authorized representative.

Best Management Practices (BMP) means programs, practices, procedures or other directed efforts, initiated and implemented by Users, which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but not limited to the Ypsilanti Community Utilities Authority (YCUA) publicly owned treatment system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or design of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control, and may include technical and economic considerations. BMP's may be structural or non-structural or both. In determining what BMPs will be required of an User in a particular case, the Director may consider all relevant technological, economical, practical, and institutional considerations as determined relevant and appropriate by the Director, consistent with achieving and maintaining compliance with the requirements of this Ordinance and other applicable laws and regulations.

Best Management Practices Plan (BMPP) means a written document that describes how the BMPs will be accomplished.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

Board means the Board of Commissioners of the Ypsilanti Community Utilities Authority.

Building drain means that part of the lowest horizontal piping of a drainage system which

receives the drainage from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means that extension from the building drain to the public sewer or other places of disposal.

Bypass means intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

Chemical oxygen demand (COD) means 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.

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

City means the City of Ypsilanti, or the City Council of Ypsilanti.

Combined sewer means a sewer receiving both surface runoff and sewage.

Combined wastestream means the wastestream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.

Compatible pollutant means 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 pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, and phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Composite sample means a sample formed either by continuous sampling or by mixing discrete samples obtained at intervals over a period of time. The individual samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the YCUA or Superior Township. Where time-proportional composite sampling or grab sampling is authorized by the YCUA or Superior Township, the samples must be representative of the Discharge. Manual generation of a composite sample through the collection and combining of grab samples may be approved if the User demonstrates to the satisfaction of the Director that this will provide a representative sample of the effluent being discharged. The decision to allow the alternative sampling must be documented in the Industrial User's file for that facility or facilities. Composite sampling protocols delineated in the User's Permit take precedence.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Daily maximum means the concentration or mass loading that shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical average measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample. If the pollutant concentration in any sample is less than the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration.

Debt service charges means the 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 sewage works.

Department of Natural Resources and Environment or DNRE means the State of Michigan Department of Natural Resources and Environment, Administrator or other duly authorized official.

Director means the Director of the YCUA or Superior Township Utility Department or their authorized deputy, agent or representative.

Domestic sewage means waste and wastewater from humans or household operations, which is discharged to, or otherwise enters, a POTW.

Environmental protection agency, or EPA means the U.S. Environmental Protection Agency, administrator or other duly authorized official.

“Fats, Oils, and Grease” (FOG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other non-volatile or semi-volatile material of animal, vegetable or mineral origin that is extractable by solvents in accordance with standard methods.

Flow Proportional Sample means a composite sample taken with regard to the flow rate of the wastestream.

Food Service Establishment (FSE) means a non-domestic User that engages in one or more of the following food preparation activities: cooking by frying (all methods); baking (all methods); grilling; sautéing, rotisserie cooking; broiling (all methods); boiling; blanching; roasting; toasting; poaching; infrared heating; searing; barbecuing; and any other food preparation activity that produces a hot, non-drinkable food product in or on a

receptacle that requires washing.

Footing drain means a pipe or conduit, which is placed around the perimeter of a building foundation and which intentionally admits ground water.

Garbage means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab sample means a sample taken from a wastestream on a 1-time basis over a period of time of not more than 15 minutes without regard to the flow in the wastestream.

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

Incompatible pollutants means any pollutant, which is not a compatible pollutant.

Industrial wastes means 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.

Industrial User means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable, but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

Industrial User Permit or *Industrial User Pretreatment Permit* means a discharge permit issued by the Director under this Ordinance and the YCUA or Superior Township Industrial Pretreatment Program.

Infiltration means that portion of groundwater which is unintentionally admitted to a sewer.

Interference means a discharge, alone or in conjunction with a discharge or discharges from other sources, to which both of the following provisions apply:

- (1) The discharge inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use or disposal;
- (2) Pursuant to paragraph (1) of this definition, the discharge is a cause of a violation of any requirement of the YCUA or Superior Township or the Act or the State Act, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under, or more stringent state or local regulations: Section 405 of the clean water act; the solid waste disposal act, 42 USC Section 2601 et seq, including Title II, more commonly referred to as the resource conservation and recovery act, and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the solid waste disposal act: the clean air act, 42 USC Section 7401 et seq; the toxic substances control act, 15 USC Section 2601 et seq; the marine protection, research, and sanctuaries act, 33 USC Section 1401 et seq.

Instantaneous maximum concentration means the maximum concentration of a pollutant allowed to be discharged at any instant in time (independent of the flow rate or duration of the sampling event). If the concentration determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum concentration, the instantaneous maximum concentration shall be deemed to have been exceeded. Any discharge of a pollutant at or above a specified instantaneous maximum concentration is a violation of this Ordinance and the YCUA or Superior Township Industrial Pretreatment Program.

Mercury reduction plan means a plan to ensure that the maximum allowable mercury loading to the POTW is not exceeded as described in Section 169-131 of this ordinance.

National categorical pretreatment standard, categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the clean water act, 33 USC Section 1317, which apply to a specific category of nondomestic Users and which appear in 40 CFR Chapter I, subchapter N (1990), parts 405-471.

National pollutant discharge elimination system or NPDES permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

New source means 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© 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:

- (1) the building, structure, facility, or installation is constructed at a site at which no other source is located;
- (2) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
or
- (3) the production of wastewater-generated processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which the new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent.

Nondomestic User means an industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage.

Operation and maintenance means all work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works consistent with insuring 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.

Operator means the person responsible for the overall operation of a facility.

Owner means the person who owns a facility or part of a facility.

Pass through means a discharge that exits the WWTP into State waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Act, the State Act, or the NPDES permit, including an increase in the magnitude or duration of a violation.

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

pH means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution or expressed in Standard Units (SU).

Pollutant means any of the following: substances regulated by categorical standards; substances discharged to the POTW that are required to be monitored, are limited in the POTW's permit, or are or are to be identified in the POTW's permit application; substances for which control measures on nondomestic Users are necessary to avoid restricting the approved residuals management program of the POTW; substances for which control measures on nondomestic Users are necessary to avoid operational problems at the POTW; substances for which control measures on nondomestic sources are necessary to avoid worker health and safety problems in the POTW.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Pretreatment or treatment means 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 the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a nondomestic user.

Pretreatment standards means any regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the clean water act and the state act. This term includes prohibited discharges and local limits defined in R 323.2303 and categorical standards.

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

Publicly owned treatment works (POTW) means the treatment works owned and/or operated by the YCUA and includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also includes sewers, pipes, and other conveyances if they convey wastewater to or through the publicly owned treatment works. The term also means the municipality (the Township of Ypsilanti) that has jurisdiction over indirect discharges to, and discharges from, the treatment works.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Replacement means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other state and federal regulations.

Sanitary Sewer means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage or wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, 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 sewage works.

Sewage treatment or wastewater treatment plant means any arrangement of devices and structures used for treating sewage

Sewage works means all municipal facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer service charge means the sum of any applicable User charges, surcharges and debt service charges.

Shall is mandatory; *may* is permissive.

Significant Industrial User (SIU) means either of the following:

- (1) A nondomestic User subject to categorical pretreatment standards under 40 CFR S403 (1992) and 40 CFR Chapter I, subchapter N (1990); or

- (2) A nondomestic User that, in the opinion of YCUA or Superior Township or of the Township, has a reasonable potential to adversely affect the POTW's operation, or for violating any pretreatment standard or requirement or that contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling, and boiler blowdown wastewater. Any User designated as significant may petition the Township to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement. The Director may determine that a User that meets the criteria of Subsections (1) and (2) of this definition above is not currently a Significant Industrial User, if the Director finds that the User has no reasonable potential to adversely affect the operation of the POTW, to violate any pretreatment standard or requirement, or that a Industrial User Permit is not required to meet the purposes and objectives of this Ordinance. A determination that a User is not a Significant Industrial User (or that a permit is therefore not required) shall not be binding and may be reversed by the Director at any time based on changed circumstances, new information, or as otherwise determined necessary by the Director to meet the purposes and objectives of this Ordinance.

Significant noncompliance means any of the following:

- (1) chronic violations of wastewater discharge limits, defined as results of analyses in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- (2) technical review criteria (TRC) violations, defined as results of analyses in which 33% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period equal or exceed the product of the Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable technical review criteria. (Technical review criteria equals 1.4 for compatible pollutants and 1.2 for all other pollutants, except pH.);
- (3) any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1), (daily maximum, longer-term average, instantaneous limits, or Narrative Standard) that the YCUA or Superior Township determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of YCUA or Superior Township personnel or the general public;
- (4) any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the YCUA or Superior Township's exercise of its emergency authority under Rule 323.2306(a) (vi) of the Part 23 Rules under the State Act or its emergency authority under this Ordinance to halt or prevent the discharge; (5) failure to meet, within 90 days after a scheduled date, a compliance schedule milestone contained in a YCUA or Superior Township or other local control mechanism or

enforcement order for starting construction, completing construction, or attaining final compliance; (6) failure to provide, within 30 days after the due date, a required report such as, but not limited to, a baseline monitoring report, 90 day or other compliance report, periodic self-monitoring report, or report on compliance with a compliance schedule; (7) failure to timely or accurately report noncompliance; or (8) any other violation or group of violations, which may include a violation of Best Management Practices, that YCUA or Superior Township determines will affect or has adversely affected the operation or implementation of the YCUA or Superior Township pretreatment program or operation of the POTW.

Slug, Slug Loading, Slug Discharge means either:

- (1) Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass-through of pollutants to receiving waters, or
- (2) Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five (5) times the composite or grab sample discharge limit, or
- (3) Any discharge of wastewater outside the pH range of 5 – 11 S.U. for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day, or
- (4) Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.

State means State of Michigan.

State Act means Public Act 451 of 1994, the Natural Resources and Environmental Protection Act (NREPA), as amended, and any administrative rules promulgated there under, as amended or revised from time to time.

Storm sewer or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting there from.

Surcharge means an extra charge to cover the cost of treating, sampling and testing extra strength sewage.

Suspended solids means 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.

Township means the Charter Township of Superior, Michigan or its board of trustees.

Toxic pollutant means any pollutant or combination of pollutants which is or can

potentially be harmful to the public health or the 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.

User means any person who contributes, causes or permits the contribution of wastewater into the sewage works.

User charge means a charge levied on Users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement

User class means the kind of User connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental, defined as follows:

- (1) *Residential User* means a 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, semidetached and row houses, mobile homes, apartments, or permanent multifamily dwellings (transient lodging is not included, it is considered commercial);
- (2) *Industrial User* means any User who discharges an “industrial waste” as defined in this Ordinance or any nondomestic source who discharges pollutants to the sewage works or POTW;
- (3) *Commercial User* means an establishment involved in a commercial enterprise, business or service which, based on a determination by the YCUA or Superior Township discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a Residential User or an Industrial User;
- (4) *Institutional User* means any establishment involved in a social, charitable, religious, or educational function which, based on a determination by the YCUA or Superior Township discharges primarily segregated domestic wastes or wastes from sanitary conveniences; and
- (5) *Governmental User* means any federal, state or local government User of the wastewater treatment works.

Waters of the state means 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 169-82. Abbreviations.

The following abbreviations shall have the following meanings:

ASTM—American Society for Testing and Materials
BMP – Best Management Practices
BMPP – Best Management Practices Plan

BOD—Biochemical oxygen demand
CFR—Code of Federal Regulations
COD—Chemical oxygen demand
CWA—Clean Water Act
DNRE - - Department of Natural Resources and Environment (State of Michigan)
EPA—Environmental Protection Agency
FOG – Fats, Oils, and Grease
l – liter
MRP - - Mercury Reduction Plan
mg – milligrams
mg/l—milligrams per liter
NPDES—National Pollutant Discharge Elimination System
O&M—Operation and Maintenance
POTW—Publicly Owned Treatment Works
SIC—Standard Industrial Classification
SS—Suspended solids
USC—United States Code
WWTP – The Ypsilanti Community Utilities Authority Wastewater Treatment Plant
WEF – Water Environment Federation
YCUA or Superior Township—Ypsilanti Community Utilities Authority

Section 169-83. Protection from Damage.

It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works or POTW

Section 169-84. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Section 169-85. Permit or authorization required.

It shall be unlawful to discharge to the waters of the state within the Township, or in any area under the jurisdiction of such Township and/or to the sewage works, any wastewater except as provided by an NPDES permit and/or as authorized by the Township and the YCUA in accordance with the provisions of this Ordinance.

Section 169-86. Information required prior to connection to system.

All Industrial Users proposing to connect to or to contribute to the sewage works shall submit information on the use, processes and wastewater to the Director before connecting to or contributing to the sewage works. The information submitted must be sufficient for the YCUA or Superior Township to determine the impact of the User's discharge on the sewage works and the need for pretreatment. The User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name, address and location of the User.

- (2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended and the Industrial Category subject to National Categorical Pretreatment Standards, 40 CFR, Chapter 1, Subchapter N, Part 403, Appendix C, if applicable.
- (3) Wastewater constituents and characteristics including but not limited to those pollutants mentioned in section 169-127 through 169-137 of this Ordinance, when required by the Director, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (March 26, 2007), as amended from time to time. Where 40 CFR part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods of any other applicable sampling and analytical procedures, including procedures suggested by the publicly owned treatment works or other parties, approved by the EPA.
- (4) The time and duration of contribution.
- (5) The average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, if the User is a SIU or as required by the YCUA or Superior Township.
- (7) A description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged.
- (8) The nature and concentration of any pollutants in the discharge which are limited by any YCUA or Superior Township, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required by the Industrial User to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment shall be provided. 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:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards.
 - (b) No increment referred to in subsection (9)a of this section shall exceed nine months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director 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 months elapse between such progress reports to the Director.

- (10) Each product produced by type, amount, process or processes and rate of production
- (11) The type and amount of raw materials processed, average and maximum per day.
- (12) The number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the Director to be necessary to evaluate the impact of the discharge on the sewage works.

Section 169-87. Reporting required after promulgation or revision of a pretreatment standard and reporting from a new source.

Within 180 days of the promulgation or revision of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under R 323.2311(2) of the Part 23 Rules promulgated under the State Act, whichever is later, existing nondomestic Users subject to the categorical pretreatment standards and currently discharging, or scheduled to discharge, to the POTW shall submit, to the YCUA or Superior Township, a report that contains all of the information listed in this Section. Where reports containing this information already have been submitted to the YCUA or Superior Township or EPA in compliance with the requirements of 40 C.F.R. S128.140(b) (1977), the nondomestic User will not be required to submit the information again. Not less than 90 days before the commencement of a discharge, sources that become nondomestic Users subsequent to the promulgation of an applicable categorical standard and new sources shall be required to submit, to the YCUA or Superior Township, a report that contains the information listed in subdivisions (1) to (5) of this Section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subdivisions (4) and (5) of this Section. All of the following information shall be submitted pursuant to this Section.

- (1) The name and address of the facility including the name of the operator and owners.
- (2) A list of any environmental control permits held by or for the facility.
- (3) A brief description of the nature, average rate of production, and standard industrial classification of the operation or operations carried out by the nondomestic User. The description shall include a facility drawing and schematic process diagram that indicates points of discharge to the POTW and from which processes the discharges originate.

- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW for each of the following:
- (a) Regulated process streams.
 - (b) Other streams as necessary to allow use of the combined wastestream formula specified in R 323.2311(6). YCUA or Superior Township may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (5) All of the following information shall be provided with respect to the measurement of pollutants:
- (a) The identity of the pretreatment standards, including state or local standards, applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or YCUA or Superior Township, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration or mass, where required, shall be reported. The sample shall be representative of daily operations.
 - (c) A minimum of 4 grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques.. The YCUA or Superior Township may waive flow-proportional composite sampling for any nondomestic User that demonstrates that time-proportional sampling is representative of the discharge during the sampling period. Samples obtained through time-proportional composite sampling techniques or through a minimum of 4 grab samples may be approved by the Director or designee when the User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (d) With the exception of the pollutants specified in paragraph © of this subsection, the User shall take a minimum of 1 representative sample to compile the data necessary to comply with the requirements of this subsection.
 - (e) Samples should be taken immediately downstream from pretreatment facilities If the facilities exist or immediately downstream from the regulated process if pretreatment facilities do not exist. If other wastewaters are mixed with the regulated wastewater before pretreatment, the nondomestic User should measure the flows and concentrations necessary to allow use of the combined wastestream formula specified in R 323.2311(7) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with R 323.2311(5), the adjusted limit and supporting data shall be submitted to YCUA or Superior Township.

- (f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 (March 26, 2007). Where 40 C.F.R. part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA or Superior Township or other parties, approved by the EPA.
 - (g) The YCUA or Superior Township may allow the submission of a baseline report that utilizes only historical data if the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (h) The baseline report shall indicate the time, date, and place of sampling and the methods of analysis and shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) A statement, reviewed by an authorized representative of the nondomestic User and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional pretreatment is required for the nondomestic User to meet the pretreatment standards and requirements.
- (7) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the nondomestic User will provide such additional pretreatment or operation and maintenance. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard. All of the following conditions shall apply to compliance schedules:
- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the nondomestic User to meet the applicable categorical pretreatment standards. The events may include any of the following: (i) The hiring of an engineer; (ii) Completing preliminary plans; (iii) Completing final plans; (iv) Executing contracts for major components; (v) Commencing construction; (vi) Completing construction; or (vii) Other similar major events;
 - (b) An increment referred to in this sub-section shall not be more than 9 months
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the nondomestic User shall submit a progress report to YCUA or Superior Township, including, at a minimum, whether or not the User complied with the increment of progress to be met on a particular date and, if not, the date on which the User expects to comply with the increment of progress, the reason for delay, and the steps being

taken by the nondomestic User to return the construction to the schedule established. Not more than 9 months shall elapse between progress reports to YCUA or Superior Township.

- (8) Where the nondomestic User's categorical pretreatment standard has been modified by a removal allowance under R 323.2311(7) or a fundamentally different factors variance under R 323.2313(b) at the time the nondomestic User submits the report required by this rule, the information required by subdivisions (6) and (7) of this section shall pertain to the modified limits.
- (9) Any changes to information requested under subdivisions (1) to (5) of this section shall be submitted by the nondomestic User to YCUA or Superior Township within 60 days.

Section 169-88. Additional reporting required and periodic report requirements.

- (1) Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the sewage works, POTW or the WWTP, any nondomestic User subject to pretreatment standards and requirements shall submit to the Director and/or YCUA or Superior Township a report containing the information required in subsections (4) through (6), inclusive, of Section 169-87 of this Ordinance. For Industrial Users subject to equivalent mass or concentration limits established by YCUA or Superior Township in accordance with the procedures in R 323.2311(5) of the Part 23 Rules promulgated under the State Act or otherwise established by the Act or the State Act or rules promulgated thereunder, the report shall contain a reasonable measure of the nondomestic User's long-term production rate. For all other nondomestic 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 nondomestic User's actual production during the appropriate sampling period.
- (2) The YCUA or Superior Township may 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.
- (3) All of the following provisions shall apply to periodic reports on continued compliance:
 - (a) Any nondomestic User subject to a categorical pretreatment standard after the compliance date of the pretreatment standard or, in the case of a new source, after commencement of the discharge into the publicly owned treatment works shall submit, to the YCUA or Superior Township semiannually, unless required more frequently in the pretreatment standard or by the YCUA or Superior Township, a report indicating the nature and concentration of pollutants in the effluent that are limited by the categorical pretreatment standards. In addition, the report shall include a record of measured or appropriately estimated average and maximum daily flows for the reporting period for the discharge reported in subsection 169-187 (4) or this Ordinance, except that YCUA or Superior Township may require more detailed reporting of flows.

- (b) Where YCUA or Superior Township has imposed mass limitations on nondomestic Users as provided for by R 323.2311(5) of the Part 23 Rules promulgated under the State Act or where such limitations are otherwise established by the Act or the State Act or Rules promulgated thereunder, the report required by subsection (1) immediately above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the nondomestic User.¹¹
- (c) For nondomestic Users subject to equivalent mass or concentration limits established by the YCUA or Superior Township or under the Act or the State Act or Rules promulgated thereunder, the report required by subsection (1) immediately above shall contain a reasonable measure of the nondomestic User's long-term production rate. For all other nondomestic Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (1) immediately above shall include the nondomestic User's actual average production rate for the reporting period.
- (4) All categorical and non-categorical nondomestic Users shall notify the YCUA or Superior Township immediately of all discharges that could cause problems to the POTW, including any slug loadings.
- (5) All of the following provisions apply to Significant Industrial Users that are Categorical Industrial Users or Non-categorical Industrial Users in regards to monitoring and analysis to demonstrate continued compliance:
 - (a) The reports required in Section 169-87 or this Ordinance or in this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the YCUA or Superior Township, of pollutants contained in the discharge that are limited by the applicable pretreatment standards. The sampling and analysis may be performed by the YCUA or Superior Township instead of the nondomestic User. Where the YCUA or Superior Township elects to perform the required sampling and analysis instead of the nondomestic User, the nondomestic User will not be required to submit the compliance certification required under Section 169-87 (6) and subsection (1) of this Section. In addition, where the YCUA or Superior Township collects all the information required for the report, including flow data, the nondomestic User will not be required to submit the report. The YCUA or Superior Township shall provide, to the nondomestic User, within 10 days after the results are available, the results of any sampling the YCUA or Superior Township performs for nondomestic User self-monitoring that show a violation of any pretreatment standard. Any certification required by a categorical pretreatment standard shall be included with the semiannual compliance reports.
 - (b) If sampling performed by a nondomestic User indicates a violation of pretreatment standards, the nondomestic User shall notify the YCUA or Superior Township within 24 hours of becoming aware of the violation.

The nondomestic User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the YCUA or Superior Township within 30 days after becoming aware of the violation; however, the nondomestic User is not required to resample if the YCUA or Superior Township performs sampling at the nondomestic User at a frequency of at least once per month or if the YCUA or Superior Township performs sampling at the nondomestic User between the time when the nondomestic User performs its initial sampling and the time when the nondomestic User receives the results of the sampling.

- (c) The reports required in subsection (c) of this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The YCUA or Superior Township may require a frequency of monitoring that is necessary to assess and assure compliance by nondomestic Users with applicable pretreatment standards and requirements.
 - (d) All analyses shall be performed in accordance with procedures established by the E.P.A. pursuant to section 304(h) of the clean water act and contained in 40 C.F.R. part 136 (March 26, 2007) or with any other test procedures approved by the E.P.A. Sampling shall be performed in accordance with the techniques approved by the E.P.A. Where the provisions of 40 C.F.R. part 136 (March 26, 2007) do not include sampling or analytical techniques for the pollutants in question, or where the E.P.A. determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the YCUA or Superior Township or other parties and approved by the E.P.A.
 - (e) If a nondomestic User monitors any pollutant more frequently than required by the YCUA or Superior Township using the procedures prescribed in subsection (d) immediately above, the results of the monitoring shall be included in the report.
- (6) A minimum of one (1) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques. The YCUA or Superior Township may waive flow-proportional composite sampling for any nondomestic user that demonstrates that time-proportional sampling is representative of the discharge during the sampling period. Samples obtained through time-proportional composite sampling techniques or through a minimum of 4 grab samples may be approved by the Director or designee when the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (7) The YCUA or Superior Township may require appropriate reporting from nondomestic Users that have discharges, which are not subject to categorical pretreatment standards. Significant industrial Users shall submit, to the YCUA or

Superior Township, at least semiannually, a description of the nature, concentration, and flow of the pollutants required to be reported by the YCUA or Superior Township. The reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 C.F.R. part 136 (March 26, 2007). Where the provisions of 40 C.F.R. part 136 (March 26, 2007) do not contain sampling or analytical techniques for the pollutant in question, or where the E.P.A. determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the YCUA or Superior Township or other persons and approved by the E.P.A. The sampling and analysis may be performed by the YCUA or Superior Township instead of the significant Industrial User. Where the YCUA or Superior Township collects all of the information required for the report, the Significant Industrial User will not be required to submit the report. The YCUA or Superior Township shall provide, to the nondomestic User, within 10 days after the results are available, the results of any sampling it performs for nondomestic User self-monitoring that show a violation of any pretreatment standard. Where YCUA or Superior Township performs sampling for a Significant Industrial User, YCUA or Superior Township must perform any required repeat sampling and analysis within thirty (30) days of becoming aware of a violation.

- (8) All periodic compliance reports shall be certified and signed by the authorized representative of the industrial user. The authorized representative shall state the following certification when submitting the periodic compliance reports to YCUA or Superior Township: *“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.”*

Section 169-89. Powers of the YCUA or Superior Township.

Wastewater discharges shall be expressly subject to all provisions of this Ordinance, the Act and State Act and all other applicable regulations established by the YCUA or Superior Township. The YCUA or Superior Township may:

- (1) Limit the average and maximum wastewater constituents and characteristics.
- (2) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization.
- (3) Require the installation and maintenance of inspection and sampling facilities.

- (4) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (5) Establish compliance schedules.
- (6) Require submission of technical reports or discharge reports.
- (7) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the YCUA or Superior Township, and affording YCUA or Superior Township access thereto, and copying thereof.
- (8) Require notification of slug discharges and accidental spills.
- (9) Require other conditions as deemed appropriate by the YCUA or Superior Township to ensure compliance with this Ordinance, the Act and the State Act. The YCUA or Superior Township shall require notification of the YCUA or Superior Township for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

Section 169-90. Sampling and monitoring facilities may be required.

The YCUA or Superior Township shall, when determined necessary by the Director, require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the YCUA or Superior Township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the YCUA or Superior Township.

Section 169-91. Right to access of facilities for inspection, sampling, records examination, record copying or other duties.

The YCUA or Superior Township shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the YCUA or Superior 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 YCUA or Superior Township, DNRE and EPA shall have the right to set up on the User's property, at the User's expense, 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 or other appropriate personnel so that upon presentation of suitable identification, personnel from the YCUA or Superior Township, DNRE and EPA will be permitted to enter, without delay, for the purposes of performing their specific

responsibilities.

Section 169-92. Compliance with Ordinance provisions required.

- (1) Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance, the Act and State Act and shall achieve compliance with all pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the YCUA, the Act or the State Act. Any Industrial User that qualifies as a new source is required to have pretreatment equipment installed and operational before discharging and shall be in full compliance within 90 days of initial discharge. Any facilities required to pretreat wastewater to a level acceptable to the YCUA 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 YCUA for review, and shall be approved by the YCUA 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 YCUA under the provisions of this Ordinance, the Act or the State Act. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the YCUA prior to the User's initiation of the changes.
- (2) As required by Section 403.8(D)(viii) of the Federal Register, the YCUA shall publish at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of the Industrial Users, which during the previous 12 months, were in significant noncompliance with any applicable pretreatment requirements. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or DNRE upon request.

Section 169-93. Confidentiality of 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 DNRE and the EPA without restriction and shall be available to the public without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User, in accord with applicable provisions of the state freedom of information act, Public Act 442 of 1976, as amended and Rule 323.2314 of the Part 23 Rules promulgated under the State Act.

Section 169-94. Enforcement by Township.

All orders, directives, legal and/or equitable actions, which are necessary and appropriate to enforce this Ordinance, the Act and State Act shall be carried out by YCUA and/or the Township. Nothing contained in subsection (a) of this section shall preclude the Township or YCUA from instituting, maintaining or joining any legal and/or equitable

actions to enforce this Ordinance, the Act and State Act.

Section 169-95. Records, accounts, audits, classification of Users, insurance.

- (1) The YCUA will 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 POTW. The YCUA 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.
- (2) 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.
- (3) Classification of old and new Industrial Users may also be reviewed annually.
- (4) The YCUA or Superior Township will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems.
- (5) Retention of Records - A User shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Ordinance, an order, or a permit, all documentation associated with Best Management Practices, and the records of all data used to complete the application for a permit, for a period of at least three years from the date of a sample, measurement, report application or orders. This period may be extended by the Ypsilanti Community Utilities Authority at any time.

Section 169-96. Powers and authority of inspectors.

The Director and other duly authorized employees of the Ypsilanti Community Utilities Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance, the Act and State Act.

Section 169-97. Enforcement Process.

- (1) Emergency Suspension - The Director may suspend the wastewater treatment service and/or any permit issued under this Ordinance when such a suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial danger to the health or welfare of persons or the environment, the POTW, or constitutes a violation of any condition of a NPDES or other permit, this Ordinance, the Act or State Act. Any User notified of a suspension of wastewater treatment services or a permit shall immediately stop or eliminate its discharge into a Township or YCUA sanitary sewer. If a User fails to immediately comply with such a

suspension order and as required in this section, the YCUA or Superior Township shall take such steps as deemed necessary, including immediate termination or severance of the User's sewer connection to prevent or minimize damage to any person, the POTW or the environment. The YCUA or Superior Township shall allow the User to recommence its discharge upon receipt of proof of compliance with this Ordinance and the elimination of the discharge and/or identified danger. A User whose wastewater treatment service or permit has been suspended under this Ordinance shall submit, within fifteen (15) days of the suspension, a written statement to the Director describing the causes of the harmful discharge and the measures taken to prevent future harmful discharges in addition to other information required by this Ordinance or otherwise required by the Act or State Act under such circumstances.

- (2) Notice Letter – The minimum enforcement response that the Director or his/her designee will use to notify a User that a violation of the local applicable sewer use ordinance or YCUA or Superior Township Industrial Pretreatment Program has occurred or is occurring.
- (3) Notification of Violation - Whenever the Director finds that any User has violated or is violating any provision of this Ordinance or a wastewater discharge permit, an order issued under this Ordinance, the Act or State Act, the Director may serve upon said User written notice of the violation. Within thirty (30) days of receipt of such notice the User shall submit to the Director or designee an explanation of the violation and a written plan for satisfactory correction. Submission of this plan does not relieve the User of liability for any violations occurring before or after receipt of the notice of violation or as otherwise provided in this Ordinance, the Act or State Act.
- (4) Show Cause Order - The Director may order any User violating this Ordinance or the IPP a permit, an order issued under this Ordinance, the Act, or State Act, to show cause why a proposed enforcement action should not be taken. The show cause notice shall require the User to appear before the Director for a show cause meeting within a reasonable time, not less than ten (10) days after first class mailing of the order to the User's recorded or last known address. Enforcement action may be pursued whether or not a User appears at a show cause meeting and issuance of a show cause order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in this Ordinance, the Act, or State Act.
- (5) Consent Order. The Director is empowered to enter into Consent Orders, Assurances of Voluntary Compliance and other similar documented agreements establishing an agreement with a User responsible for non-compliance with an order, permit, this Ordinance, the Act or State Act. Such a document may include compliance schedules, stipulated fines or penalties, the amount of which shall not be limited by the civil fine assessment provision of this Ordinance, remedial actions and signatures of the Director and User. Consent Orders or similar documented agreements prepared and executed under this section shall have the same force and effect as other orders issued under this Ordinance.
- (6) Compliance Order - When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User directing that, following a

specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated and compliance is otherwise achieved. Such an order may contain other requirements as might be reasonably necessary and appropriate to address the non-compliance, including, but not limited to, the installation of pre-treatment technology, additional self-monitoring and new management practices. Issuance of a compliance order does not relieve the User of liability for any violation occurring before or after receipt of the notice or as otherwise provided in this Ordinance, the Act or State Act.

- (7) Cease and Desist Order - When the Director finds that a User has violated or continues to violate this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, an order may be issued to the User responsible for the violation directing that such violations cease and desist immediately. In an emergency, the order to cease and desist may be given by telephone. In a nonemergency situation, the cease and desist order may be used to suspend or permanently revoke an industrial wastewater discharge permit or permits. A cease and desist order may require the User to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Issuance of a cease and desist order does not relieve the User of liability for any violation occurring before or after receipt of the order or as otherwise provided in this Ordinance.
- (8) Termination of Wastewater Discharge Permit - Any User who has a permit who violates the following conditions of a wastewater discharge permit or violates this Ordinance, the Act or State Act or any applicable state or federal law or regulation is subject to permit termination:
 - (a) Failure to accurately report wastewater constituents and characteristics;
 - (b) Failure to report significant changes in operations or wastewater constituents and characteristics;
 - (c) Refusal of reasonable access to the User's premises or records for the purpose of inspection, monitoring or sampling or for any other purpose permitted under this Ordinance, the Act or State Act;
 - (d) Failure to comply with an order issued under this Ordinance; or
 - (e) For those reasons stated in Section 169-102 or for any other reason permitting such termination as provided in this Ordinance, the Act or State Act. Such Users shall be notified of the proposed permit termination and shall be offered an opportunity to show cause under the provision of subsection (4) of this Section, why the proposed action should not be taken.
- (9) Administrative Assessments - Notwithstanding any other section of this Ordinance, any User who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, shall be liable to the YCUA or Superior Township and/or Township for any expense loss or damage occasioned by reason of such violation, including but not limited to reasonable

attorney's fees and may be subject to an administrative assessment by the YCUA or Superior Township in an amount of \$1,000 per violation, per day. Each day on which non-compliance shall occur or is continued shall be deemed a separate and distinct violation. Such expense, loss, damage or assessments may be added to a User's sewer service charges and the YCUA and the Township shall have such other collection rights and remedies as designated by law, the Act, the State Act and this Ordinance to collect these sewer service charges.

- (10) **Judicial Remedies** - A person who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, is subject to the judicial remedies described below in addition to being responsible for a civil fine assessment or a misdemeanor or any administrative remedy or enforcement action provided for in this Ordinance:
- (a) Whenever a User has violated or continues to violate the provisions of this Ordinance, a permit, an order issued under this Ordinance, the Act or the State Act, the Director, through counsel, may petition the Circuit Court for issuance of a preliminary or permanent injunction or both to restrain or compel certain activities on the part of the User. The Superior Township Utility Department Director shall have the Superior Township Supervisor's consent to pursue judicial restraint.
 - (b) Any User who has violated or continues to violate any order or permit issued hereunder may be liable to the YCUA or Superior Township in such judicial proceedings for a civil fine assessment of \$1,000, plus actual damages, direct or indirect, incurred by the YCUA or Superior Township, per violation, per day, for as long as the violation continues. Additionally, the YCUA or Superior Township may recover reasonable attorney's fees, court costs and other expenses associated with any enforcement activities, including sampling, monitoring and analysis expenses.
 - (c) The Director, through counsel, may petition the Circuit Court to impose, assess, and recover such assessments and sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude or duration of the violation, any economic benefit gained by the User through the violation, corrective actions by the User, the compliance history of the User and any other relevant factor. The Superior Township Utility Department Director shall have the Superior Township Supervisor's consent to pursue judicial restraint.
- (11) **Liens** - Any fine or other assessment issued or imposed under this Ordinance or other costs or charges imposed under this Ordinance may be added to the User's sewer service charges and the YCUA or Superior Township shall have such other collection rights and remedies as designated by law and this Ordinance to collect said charges and all unpaid charges, fines, assessments, penalties and service charges shall constitute and may be recorded as a lien against the User's property if not paid within the time frame allocated by YCUA or Superior Township or a court for payment.
- (12) **Appeals** - Any person or User subject to enforcement action under the provisions

of this Ordinance, the Act or State Act, except for civil fine assessment notices, consent orders, emergency actions under this Ordinance or judicial actions by YCUA or Superior Township, may request a hearing before the Director within ten (10) days of receipt of notification of the proposed enforcement action. A hearing shall then be held by the Director concerning the violation, the reasons why the enforcement action has been taken, the proposed enforcement action, and the User's explanation or other relevant evidence. An appeal may be taken from the Director's final decision. The following rules shall apply to the hearing and appeal:

- (a) The Director may issue notices of such a hearing requiring the attendance and testimony of witnesses or the production of evidence relative to the hearing.
 - (b) In the event a request for hearing is not filed within ten (10) days of the User's notice of an enforcement action, failure to file such a request shall be deemed a waiver of any and all hearing or appeal rights established under this Ordinance.
 - (c) A request for hearing shall state the basis for the request, the reasons in support of the request and any alternative relief which the aggrieved party seeks.
 - (d) During the pendency of any hearing process or appeal the User must comply with the enforcement action or YCUA or Superior Township order from which the appeal is taken.
 - (e) At the hearing, testimony may be taken under oath and recorded stenographically. A transcript of the hearing shall be made available to any member of the public or any party to the hearing upon payment of usual and reasonable charges.
 - (f) After the Director has held such a hearing and reviewed the evidence, he may issue an order affirming, modifying or withdrawing the enforcement action.
 - (g) Within fifteen (15) days from receipt of the Director's final decision, the aggrieved party may appeal the decision to the board stating the grounds on which the appeal is based together with all documents, evidence, transcripts and information in support of the aggrieved party's position. In addition, the aggrieved party shall file five (5) copies of the appeal and supporting documentation with the board and serve an additional copy on the Director.
 - (h) The Director shall have thirty (30) days to respond to the appeal and to submit all evidence, documents and information in support of the Director's decision and shall file five (5) copies with the board and shall serve an additional copy on the aggrieved party.
 - (i) Within thirty (30) days of receiving the Director's response the board shall meet and review all documents and evidence pertaining to the appeal and shall issue an order affirming the Director's order, affirming the Director's order in part and reversing in part, or reversing the Director's order in full. The board shall forward a copy of its decision to all interested parties.
- (13) Industrial Pretreatment Program (IPP) and Enforcement Response Plan (ERP). This Ordinance, the Act and State Act shall also be enforced by the YCUA or Superior Township pursuant to a written Industrial Pretreatment Program adopted

by YCUA or Superior Township as required by the Act and State Act which plan shall include those plan elements required by the Act and State Act including, but not limited to, an Enforcement Response Plan designed to achieve enforcement of that Program. That Enforcement Response Plan shall provide for, at minimum, those powers of enforcement granted by this Ordinance, the Act and State Act.

- (14) “Time Limits: YCUA or Superior Township’s failure to strictly comply with and/or to meet an enforcement procedure time deadline or other time deadline specified in this Ordinance, the Act, State Act, or the Enforcement Response Plan, shall not prohibit or prevent YCUA or Superior Township from taking enforcement or other action outside of or not in compliance with such a time deadline, unless the User or permittee in question has been and is able to demonstrate that it has been materially prejudiced by action taken by YCUA or Superior Township outside of or not in compliance with such a time deadline.”

Section 169-98. Surcharges, Fees.

The YCUA Director and/or the Superior Township Board shall also establish appropriate surcharges or fees to reimburse the YCUA or Superior Township for the additional cost of operation and maintenance of the sewage works or POTW due to the violations of this Ordinance, the Act or State Act.

Section 169-99. Requirements for Nondomestic Users.

- (1) All nondomestic Users must notify the Director of the nature and characteristics of their wastewater prior to commencing their discharge. The Director is authorized to prepare a form for this purpose.
- (2) It shall be unlawful for Significant Industrial Users to discharge wastewater, either directly or indirectly, into the sewage works or POTW without first obtaining an Industrial User pretreatment permit from the YCUA or Superior Township. Any violation of the terms and conditions of an Industrial User pretreatment permit shall be deemed a violation of this Ordinance. Obtaining an Industrial User pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state or local law.
- (3) The Director may require that other Industrial Users, including liquid waste haulers, obtain Industrial User pretreatment permits as necessary to carry out the purposes of this Ordinance.
- (4) Any Industrial User located beyond the Ypsilanti Township limits shall submit a permit application within 60 days of the effective date of the ordinance from which this Ordinance is derived. New Industrial Users located beyond the Ypsilanti Township limits shall submit such applications to the Director 60 days prior to discharging into the sewage works or POTW. Upon review and approval of such application, the Director may enter into a contract with the User which requires the User to subject itself to, and abide by this Ordinance, including all permitting, compliance monitoring, reporting, and enforcement provisions contained in this Ordinance, the Act or State Act.

- (5) Any Significant Industrial User which discharges nondomestic waste into the sewage works or POTW prior to the effective date of the ordinance from which this Ordinance is derived and who wishes to continue such discharges in the future, shall, within 90 days after such date, apply to the YCUA for an Industrial User pretreatment permit and shall not cause or allow discharges to the POTW to continue after 180 days from and after the effective date of the ordinance from which this Ordinance is derived except in accordance with a permit issued by the Director.
- (6) Any Significant Industrial User proposing to begin or recommence discharging nondomestic wastes into the sewage works or POTW must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least 60 days prior to the anticipated start up date.

Section 168-100. Application.

- (1) In order to be considered for a pretreatment permit, all Industrial Users required to have a permit must submit the information required by Section 169-85 on an application form approved by the Director
- (2) When required, plans must be certified for accuracy by a state - registered professional engineer.
- (3) All applications must contain the following certification statement and be signed by an authorized representative of the Industrial User: "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."
- (4) The Director will evaluate the data furnished by the Industrial User and may require additional information. After evaluation of the data furnished, the Director may issue an Industrial User pretreatment permit subject to terms and conditions provided herein.
- (5) At the time an application for a permit is made, the User shall pay to YCUA a permit fee in an amount established from time to time by the board, which fee shall be refunded to the User in the event the permit is denied. In addition to the above-stated permit fee, the User shall pay to YCUA a nonrefundable permit application fee equal to YCUA's expenses, and YCUA expenses incurred in hiring laboratories, engineers, or other consultants, for the purpose of evaluating the permit application submitted by the User to YCUA.

Section 169-101. Contents.

Pretreatment permits shall include such conditions as are reasonably deemed necessary

by the Director to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant and ensure compliance with this Ordinance, the Act and State Act. Permits shall contain a statement of the duration of the permit which shall not be more than 5 years; a statement of permit non transfer ability without prior notification to the YCUA or Superior Township and provision of a copy of the existing permit to the new owner or operator; effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law; self monitoring, sampling, reporting, notification, and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limit, and state and local law; and a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the compliance date beyond applicable federal or state deadlines. Permits may contain, but need not be limited to, the following:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- (2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, or similar requirements designed to reduce, eliminate, or prevent the introduction of pollutants into the sewage works or POTW.
- (4) Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or routing discharges.
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the sewage works or POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities.
- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (8) Compliance schedules.
- (9) Requirements for submission of technical reports or discharge reports.
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director and affording the Director, or his representatives, access thereto.

- (11) Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced in the sewage works or POTW.
- (12) Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee.
- (13) Requirements for notification to YCUA or Superior Township of excessive, accidental, or slug discharges.
- (14) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance and state and federal laws, rules, and regulations, including the Act and State Act.
- (15) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal, State or local pretreatment standards or limits, including those which become effective during the term of the permit.

Section 169-102. Issuance process.

- (1) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years, at the discretion of the Director.
- (2) The Director will provide all interested persons with notice of final permit terms. Upon notice by the Director, any person, including the Industrial User, may petition to appeal the terms of the permit within 30 days of the notice.
 - (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
 - (b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.
 - (c) The effectiveness of the permit shall not be stayed pending reconsideration by the board. If, after considering the petition and any arguments put forth by the Director, the board determines that reconsideration is proper, it shall remand the permit back to the Director for reissuance. Those permit provisions being reconsidered by the Director shall be stayed pending reissuance.
 - (d) A board's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.
- (3) The Director may modify or terminate the permit for good cause including, but not limited to, the following:
 - (a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

- (b) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
 - (c) A change in any condition in either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (d) Information indicating that the permitted discharge poses a threat to the sewage works or POTW or POTW personnel or the receiving waters.
 - (e) Violation of any terms or conditions of the permit.
 - (f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
 - (g) Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13.
 - (h) To correct typographical or other errors in the permit.
 - (i) To reflect transfer of the facility ownership and/or operation to new owner/operator.
 - (j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
 - (k) Falsifying self-monitoring reports.
 - (l) Tampering with monitoring equipment.
 - (m) Refusing to allow timely access to the facility premises and records.
 - (n) Failure to meet effluent limitations.
 - (o) Failure to pay fines.
 - (p) Failure to pay sewer charges.
 - (q) Failure to meet compliance schedules.
 - (r) As provided in Section 169-97.
- (4) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- (5) Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director, if
 - (a) The permittee must give at least 30 days advance notice to the Director; and
 - (b) The notice must include a written certification by the new owner which:
 - (i) States that the new owner has no immediate intent to change the facility's operations and processes.
 - (ii) Identifies the specific date on which the transfer is to occur.
 - (iii) Acknowledges full responsibility for complying with the existing permit.
- (6) The User shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the User's existing permit. An expired permit will continue to be effective and enforceable until the permit is reissued, if:
 - (a) The Industrial User has submitted a complete permit application at least 90 days prior to the expiration date of the User's existing permit; and
 - (b) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Industrial User.
- (7) Nothing in this Ordinance shall be construed as preventing any special agreement or arrangement between the POTW and any User whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or User charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Director, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:
 - (a) Pass through or interference; or
 - (b) Endanger municipal employees or the public.

Section 169-103. Penalty for Violation of Ordinance; Liability of User.

- (1) Any person who violates any provision of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act, shall become liable to the Township for and may be subject to a civil fine assessment of \$1000.00 per violation, per day, plus any costs, damages and expenses, direct or indirect, incurred by the Township or YCUA in connection with the violation. Each day on which a violation continues shall be deemed a separate and distinct violation.
- (2) Any person who violates any provision of this Ordinance that is listed below shall

be guilty of a misdemeanor, and upon conviction is subject to a fine of not more than \$500, exclusive of any civil fine assessment or other costs, damages and expenses, or by imprisonment for not more than ninety (90) days, or both. Misdemeanor violations include:

- (a) intentional unpermitted discharge;
- (b) falsification of a monitoring report or the making of any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance;
- (c) improper sampling, with evidence of intent to falsify or mislead;
- (d) intentional failure to install monitoring equipment after a deadline established by an order issued under this ordinance or the tampering with or knowingly rendering inaccurate any monitoring device or equipment or method required under this ordinance;
- (e) intentional recurring violation of a compliance schedule in a permit or a violation of a compliance schedule in an order issued under this ordinance; or
- (f) illegal discharge when the discharge causes harm and there is evidence of intent.

Section 169-104. Funding/Fees

- (a) The purpose of this section is to provide for the recovery of costs from Users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.
- (b) The Board shall adopt charges and fees which shall include, but not necessarily limited to
 - 1. Fees for reimbursement of costs of establishing, operating, maintaining, or improving the YCUA or Superior Township's Industrial Pretreatment Programs; and Enforcement Response Plan.
 - 2. User fees based upon volume of waste and concentration or quantity of specific pollutants in a discharge, and to cover other treatment costs including sludge handling and disposal; and
 - 3. Reasonable fees for reimbursement of costs for enforcement hearings or other enforcement action including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
 - 4. Other fees, which the Board may deem necessary, to carry out the requirements contained herein and continued in other IPP & ERP, or as may be required by law.

DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Section 169-105. Connection to public sewer required.

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 their 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 90 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line.

Section 169-106. Permit Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof or any part of the sewage works or POTW without first obtaining a written permit from the Director.

Section 169-107. Classes of Permits; Application; Fees.

There shall be two classes of building sewer permits: (1) For residential and commercial service; and (2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Township or YCUA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Township or YCUA. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Township at the time the application is filed.

Section 169-108. Costs of Connection to be Borne By Owner; Indemnification of Township and YCUA.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township and the YCUA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 169-109. Separate building sewer for each building required; exception.

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, court,

yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 169-110. Use of Old Building Sewers with New Buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or YCUA, to meet all requirements of this Ordinance .

Section 169-111. Construction Specifications.

The size, slope, alignment, and materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township or YCUA. In the absence of the Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

Section 169-112. Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 169-113. Prohibited Connections.

- (1) No person shall make connection of roof downspouts, exterior foundation drains, sump pump discharge, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer or combined sewer.
- (2) The YCUA or Superior Township shall not allow any connection to the sanitary sewer unless there is sufficient capacity in the sewage works to convey and adequately treat the additional wastewater from the proposed connection.

Section 169-114. Connection Specifications.

- (1) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the YCUA or Superior Township or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight.
- (2) Any deviation from the prescribed procedures and materials must be approved by the YCUA or Superior Township before installation.

Section 169-115. Inspection; Supervision of Connection.

The contractor installing the building sewer shall notify Superior Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of Superior Township.

Section 169-116. Guards for Excavations; Restoration of Public Property.

All excavations 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 YCUA.

Sections 169-117 - 125. Reserved.

DIVISION 4. USE OF PUBLIC SEWERS

Section 169-126. Required.

- 1) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Township, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet, any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with provisions of this Ordinance.
- (3) Except as hereinafter provided, 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.
- (4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose 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 or combined 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 Ordinance, within 90 days after the date of official notice to do so provided that such public sewer is within 200 feet of the property line.

Section 169-127. Unpolluted Discharges.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, roof water, or other unpolluted water to any sanitary sewer or sewer connection except as otherwise provided in this Ordinance. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those by the Township and the YCUA.

- (2) Stormwater, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers, or to a natural outlet, except as otherwise provided in this Ordinance. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the YCUA or Superior Township and the appropriate state agency to a storm sewer, or natural outlet.

Section 169-128. Fats, Oils, and Grease, (FOG) Interceptor and Sand Interceptors.

Fats, oils, and grease (FOG) and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing fats, oils, or grease discharges in which the concentration in a grab sample exceeds the 100 mg/l limit, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight. When installed, all fats, oils, and grease, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. A User may petition the Director for an exemption from having to install a Fats, Oils, and Grease (FOG) Interceptor in accordance with provisions specified in the YCUA or Superior Township FOG Mitigation Program Policy, as amended from time to time. Upon approval by the Director, YCUA or Superior Township's Contract Communities that have a Fats, Oils, and Grease Ordinance/Policy can implement said Ordinance/Policy in lieu of this Section and the YCUA or Superior Township Fats, Oils, and Grease Mitigation Program Policy.

Section 169-129. Prohibited discharges.

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

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works or to the operation of the sewage works.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.
- (3) Any wastewater having a pH less than 5.0 or greater than 11.0; or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (4) Any wastewater containing toxic pollutants or of high chlorine demand in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage works, or

exceed the limitation set forth in the EPA categorical pretreatment standard, or any other federal, state or county standards.

- (5) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids, or gases that cause gases, vapors, or fumes from the discharge to exceed 10% of the immediately dangerous to life and health (IDLH) concentration. Discharges which contain more than one pollutant which may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the Director. The more restrictive discharge limits shall be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge.
- (6) Any noxious or malodorous liquids, gases, or solids which 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.
- (7) Any substance, which may cause the sewage, works such as residues, sludge, or scums, to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process.
- (8) Any substance, which will cause the sewage, works to violate its NPDES permit or the receiving water quality standards.
- (9) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (10) Daily maximum concentration or mass loading shall not be exceeded on any single calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetical measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged during the day. If a composite sample is required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a single calendar day shall be based on the composite sample collected for that parameter on that calendar day. If grab samples are required for a parameter, the determination whether the daily maximum limitation for that parameter has been exceeded on a calendar day shall be based on the average of all grab samples collected for that parameter on that calendar day. If only one grab sample is collected for a parameter on a given day, the determination whether the daily maximum limitation for that parameter has been exceeded for the day shall be based on the results of that single grab sample. If the pollutant concentration in any sample is less than the applicable detection limit, that value shall be regarded as zero (0) when calculating the daily maximum concentration.
- (11) Any wastewater having a temperature, which will inhibit biological activity in the sewage, works resulting in interference, but in no case wastewater with a

temperature at the introduction into the 24 sewage works, which exceeds 60 degrees Celsius (140 degrees Fahrenheit) or is lower than zero degrees Celsius (32 degrees Fahrenheit).

- (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- (13) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (14) Organic solvent extractable substances such as fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (zero degrees Celsius) and 140 degrees Fahrenheit (60 degrees Celsius).
- (15) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; or other pollutants which cause the wastewater to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), or which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the collection system or containing gasoline, benzene, xylene or toluene which causes the wastewater to exceed the state surface water quality standard.
- (16) Any garbage that has not been ground by household type or other suitable garbage grinders.
- (17) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure or any other solids or viscous substances capable of causing obstructions or other interferences with the proper operation of the sewer system.
- (18) Toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, or to constitute hazards to humans or animals, or to create any hazard in waters which receive the POTW effluent, which shall include, but are not limited to wastes containing cyanide, chromium, cadmium, mercury, copper, and nickel ions.
- (19) Solids of such character and quantity that special and unusual attention is required for their handling.
- (20) Any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state.
- (21) Any medical or infectious wastes prohibited from being discharged under federal or state law and regulations.

- (22) Material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA).
- (23) Any commercial or industrial waste that may cause pass through of pollutants or interference with the wastewater treatment plant operations or that violates federal, state, or local restrictions.
- (24) Any pollutant, including oxygen demanding pollutants (BOD etc.) released at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (25) Trucked and hauled waste, except at discharge points designated by the POTW.
- (26) Pollutants causing toxic gases, vapors, and fumes.
- (27) Any leachate from a hazardous waste landfill.
- (28) Any landfill leachate unless permitted and authorized under a written contract, within YCUA or Superior Township's sole discretion, between YCUA or Superior Township and the User.
- (29) Any pollutant discharge which constitutes a slug.

Section 169-130. Promulgation of more stringent standards.

Upon the promulgation of the national categorical pretreatment standards, alternative discharge limits, or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The YCUA or Superior Township shall notify all affected Users of the applicable reporting requirements.

Section 169-131. Prohibited concentrations of certain pollutants and mercury reduction plan.

- (1) No person shall discharge wastewater such that the concentration of pollutants in one grab sample exceeds the following limits for oil and grease or pH:
 - 100 mg/l oil and grease
 - < 5 or > 11 standard units pH
 - 1.0 mg/l Total Cyanides
 - 1.0 mg/l Total Phenolic Compounds
- (2) No person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample is at or above the following surcharge threshold, except as otherwise permitted in writing by the Director and on payment of a surcharge fee, and no person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample exceeds the following upper limits, with respect to the following compatible pollutants:

COMPATIBLES

Surcharge Threshold Upper Limits

300 mg/l	1000 mg/l	5-day BOD (Biochemical Oxygen Demand)
350 mg/l	2500 mg/l	Total SS (Suspended Solids)
600 mg/l	2000 mg/l	COD (Chemical Oxygen Demand)
15 mg/l	75 mg/l	Total Phosphorus
30 mg/l	700 mg/l	Ammonia-Nitrogen

- (3) No person shall discharge wastewater such that the concentration of pollutants contained in a representative composite sample shall exceed the following limits with respect to the following inorganic or organic pollutants or phenolic compounds:

INORGANICS

1.0 mg/l	Arsenic
0.002 mg/l	Beryllium
0.50 mg/l	Cadmium
4.0 mg/l	Chromium (Total)
3.0 mg/l	Copper
0.3 mg/l	Lead
Nondetectable	Mercury
3.0 mg/l	Nickel
0.15 mg/l	Silver
3.0 mg/l	Zinc

ORGANICS

Nondetectable Polychlorinated Biphenyls (Nondetectable per U.S. EPA Method 608. Any detectable sample exceeds this limit.)

The local discharge limitation for Polychlorinated Biphenyls is established at the level of detection in accordance with the following:

There shall be no detectable amounts of Polychlorinated Biphenyls discharged to a Township or YCUA sanitary sewer. Polychlorinated Biphenyls sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 608. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/L for Polychlorinated Biphenyls, unless higher levels are appropriate due to matrix interference.

- (4) The total phenols limit is based on the discharge of any or all of the following phenolic compounds: 2-Chlorophenol, 4-Chlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2-Methylphenol, 3-Methylphenol, 4-Methylphenol, 2-Nitrophenol, 4-Nitrophenol, and Phenol. Discharge of other phenolic compounds is prohibited except as specifically authorized by the Director.

- (5) The Director shall annually review the quantities of industrial pollutants listed above which are discharged or proposed to be discharged to the sewage works. The Director shall recommend any revisions to these limits necessary to insure that the NPDES Permit, Federal Pretreatment Standards and Water Resources limits are met and to insure that the industrial discharge will not interfere with the treatment process of sludge disposal. At such time as the previously cited limits are changed by the Township or YCUA, the unit authorizing such change shall notify the remaining units of such change.
- (6) The local discharge limitation for mercury is established at the level of detection in accordance with the following:
- (a) There shall be no detectable amounts of mercury discharged to a Township or YCUA sanitary sewer. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The level of detection, developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 ug/L for Mercury, unless higher levels are appropriate due to matrix interference.
 - (b) The evaluation of potential matrix interference(s) shall include, at a minimum, the following:
 - (i) A demonstration that the laboratory conducting the analysis is capable of achieving the level of detection of 0.2 ug/L in reagent water;
 - (ii) A demonstration that the level of detection of 0.2 ug/L cannot be achieved in the effluent; and
 - (iii) A demonstration that an attempt has been made to resolve the matrix interference(s).
 - (c) In cases where true matrix interference(s) can be demonstrated, a discharge-specific level of detection will be developed in accordance with the procedure in 40 CFR 136. Discharge specific levels of detection will be incorporated into the wastewater discharge permit of the non-domestic User.
 - (d) To ensure that the maximum allowable mercury loading to the POTW is not exceeded, YCUA or Superior Township may require any non-domestic User with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required by permit if the non-domestic User has not violated the local limit for mercury, but YCUA or Superior Township has determined that a reasonable potential for such violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the non-domestic User has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:
 - (i) A written commitment by the non-domestic User to reduce all non-

- domestic discharges of mercury to levels below the level of detection within 3 years of the MRP's original approval date;
- (ii) Within 60 days of notification by YCUA or Superior Township that a MRP is required, the non-domestic User shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;
 - (iii) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified level of detection within 3 years;
 - (iv) A program for quarterly sampling and analysis of the non-domestic discharge for mercury in accordance with EPA method 245.1;
 - (v) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified level of detection. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury discharges are already near level of detection), the demonstration should incorporate the following:
 - a. Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds).
 - b. Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by EPA Federal Register. The results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location.
 - c. Loading calculations wherein the non-domestic User calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
 - (vi) A semi-annual report on the status of the mercury reduction efforts. At a minimum, these reports shall: identify compliance or noncompliance with specific reduction commitments in the MRP; summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; provide all applicable analytical data; provide an evaluation of effectiveness of actions taken to date; provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer and propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts; and
 - (vii) Any other conditions that YCUA or Superior Township deems

necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

- (e) Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator.
 - (f) A MRP may be evaluated for adequacy at any time by YCUA or Superior Township. If such an evaluation determines that the Mercury Reduction Plan is in adequate or the non-domestic User has not complied with its approved MRP, the non-domestic User will be notified. Failure to comply with the MRP requirement constitutes non-compliance. YCUA or Superior Township will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.
 - (g) A non-domestic User may request a release from MRP requirements if all samples of the discharge for a period of one year are less than the specified level of detection; the non-domestic User has complied with the minimum monitoring frequency of quarterly sampling events; and YCUA or Superior Township deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. YCUA or Superior Township shall notify the non-domestic User of any release from MRP requirements in writing.
 - (h) If the MRP requirement is waived by YCUA or Superior Township, the non-domestic User remains subject to the local limitation for mercury in accordance with the requirements of this Ordinance.
 - (i) Re-discovery of mercury in the non-domestic User discharge subjects said User to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.
- (7) Implementation of Best Management Practices or Best Management Practices Plan
- a. The Director may require any User to develop and implement Best Management Practices (BMP) to control, contain, treat, prevent, or reduce the discharge of wastewater, pollutants, or other substances from the User's premises to the POTW , as determined necessary by the Director.
 - b. In addition, the Director may require a User to develop and submit a Best Management Practices Plan ("BMPP"), including an enforceable implementation schedule, for review and approval by the Director. The BMPP shall be submitted within 30 days after notification by the Director or as otherwise required by a User Permit. The BMPP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the POTW. The BMPP shall be available for inspection at all times at the User's premises. At a minimum, a User's BMPP shall contain all of the following elements, as determined necessary by the Director, at a level of detail and in units and terms as determined necessary by the Director to adequately evaluate the plan:

- I. A statement of the purpose and objectives of the plan.
 - II. A description of the strategies, methods, policies and procedures to prevent, minimize or reduce the introduction of pollutants into the User's discharge and to minimize waste generation.
 - III. A description of the options available to the User to control accidental spillage, leaks and drainage.
 - IV. A description of best available or practicable control technologies available for the User's specific circumstances.
 - V. A detailed facility layout and site diagram showing points of entry into the (POTWs).
 - VI. A description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics.
 - VII. A description of operating and maintenance processes and procedures.
 - VIII. An inventory of raw materials and a list of waste sources, including a list of all chemicals used or stored at the facility.
 - IX. A description of employee training programs, policies and procedures; continuing education programs; and participation.
 - X. A description of the User's documentation, including record keeping and forms.
 - XI. A description of monitoring activities.
 - XII. An information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.
 - XIII. A Certification by a qualified professional that the plan is adequate to prevent spills, leaks, slug loads, or non-customary discharges of regulated substances, directly or indirectly, to the POTW.
 - XIV. Such other information, documents or diagrams as required by the Director, including, but not limited to, any of the information required under this Ordinance, the Act, or State Law.
- c. The BMPs or BMPP required of a User or approved for a User shall be incorporated in a User Permit issued to the User. If the User already has a User Permit, the existing permit shall be modified to incorporate the BMP requirements. If the User does not currently have a User Permit, a permit shall be issued for that purpose.
- d. The Director may require revisions to a User's BMPP if the Director determines that the Plan contains elements that are inadequate, or as otherwise determined necessary by the Director to ensure compliance with applicable requirements of this Ordinance, the Act or State Law. Review of a BMPP by the Director shall not relieve the User from the responsibility to modify its facility as necessary to comply with this Ordinance, the Act or State Law.
- e. The User reports to the Director must include Best Management Practices compliance information. The User reports must be certified and signed by the User's authorized representative.

- f. The User shall retain all documentation associated with Best Management Practices for a period of at least three years from the date of an activity associated with the practices. This period may be extended by the Ypsilanti Community Utilities Authority at any time.

Section 169-132. Sampling, measurements, tests and analyses.

Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (March 26, 2007). Where 40 CFR part 136 (March 26, 2007) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 (March 26, 2007) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by YCUA or Superior Township or other parties, approved by the EPA.

Section 169-133. Surcharge for discharges of unusual strength.

- (1) If the character of the wastewater from any manufacturing or industrial plant or any other building or premises exceeds the limits for compatible pollutants established in Section 169-131 or shall be such as to impose any unreasonable burden upon the sewers of the system or upon the sewage works or POTW in excess of a maximum limit prescribed in this Ordinance, then an additional charge shall be made over and above the regular rates, or the Director shall require that such sewage be treated by the person, firm or corporation responsible for the sewage being emptied into the sewer or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof. Surcharges required shall be computed as the weight of excess compatible pollutant in pounds multiplied by the cost per pound specified in the applicable Township rate ordinance. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by the User, at an independent laboratory, or at the YCUA wastewater treatment plant.
- (2) Any wastewater discharged into the sewage works having a compatible pollutant in excess of those prescribed in section 169-131 may be permitted by the Director provided payment by the industrial concern for the full cost of treating such excess constituents in the wastewater is made and acceptance of the waste does not cause violation of EPA guidelines, NPDES requirements, the Act or State Act.

Section 169-134. Special agreements authorized.

With respect to compatible pollutants only, no statement contained in this Ordinance shall be construed as preventing any agreement between the Director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefore by the industrial concern, provided such agreement shall not violate EPA guidelines or NPDES requirements and provided User charges and surcharges as provided in this Ordinance are agreed to in the agreement.

Section 169-135. Dilution of discharge.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, alternative discharge limits, or in any other pollutant-specific limitation developed by the YCUA or Superior Township or the State.

Section 169-136. Accidental discharges.

- (1) Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance, the Act or State Act. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or User's' own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. All required Users shall complete such a program within 90 days of notification by the Director. If required by the Director a User who commences contribution to the sewage works after the effective date of the ordinance from which this Ordinance derives shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's' facility as necessary to meet the requirements of this Ordinance, the Act or State Act. In the case of any discharge, whether accidental or not, that could cause problems to the YCUA, the WWTP or POTW, including any slug loadings by the User, it is the responsibility of the User to immediately telephone and notify the YCUA of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (2) Within five days following any discharge, whether accidental or not, that could cause problems to the YCUA or Superior Township, the WWTP or POTW, including any slug loadings by the User, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works or POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance, the Act or State Act, or other applicable law. Failure to file a report shall be a separate violation of this Ordinance.
- (3) Slug Control Plan
 - (a). Each Significant Industrial User shall prepare and implement an individualized slug control plan when in the opinion of the Director a slug control is required. Existing Significant Industrial Users that do not have an YCUA approved slug control plan shall provide an approvable slug control plan to the Director within ninety (90) days of being notified by YCUA that a slug control plan is required. New sources that are

Significant Industrial Users shall submit a slug control plan to the Director for approval before beginning to discharge. Upon written notice from the Director, Users that are not Significant Industrial Users may also be required to prepare and implement a slug control plan, and the plan shall be submitted to the Director for approval as specified in the notice. Slug control requirements must be included in the SIU Control Mechanism (Industrial User's Permit).

- (b) All slug control plans shall contain at least the following elements:
 - I. A description of discharge practices, including non-routine batch discharges;
 - II. A description of stored chemicals;
 - III. The procedures for immediately notifying the Director of slug discharges, including any discharge that would violate any discharge prohibition, limitation or requirement under this Ordinance, and procedures for follow-up written notification within five (5) days of the discharge;
 - IV. The procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
- (c) If a User has submitted to the Director plans or documents pursuant to other requirements of local, state or federal laws and regulations which meet all applicable requirements of the Ordinance, the Director may in its discretion determine that the User has satisfied the slug plan submission requirements of this section.
- (d) Significant Industrial Users must immediately notify the Director of any changes at their facilities affecting their slug control plan or spill/slug potential.

(4) Secondary Containment Requirements

- (a) Each User when in the opinion of the Director is required must provide and maintain at the User's sole expense secondary spill containment structures (including diking, curbing or other appropriate structures) adequate to protect all floor drains from accidental spills and discharges to the POTW of any pollutants or discharges regulated by this ordinance, the Act or State Law.
 - I. The containment area shall be constructed so that no liquid polluting material can escape from the area by gravity through the building sewers, drains, or otherwise directly or indirectly into the POTW .
 - II. The containment or curbing shall be sufficient to hold not less than ten (10) percent of the total volume of the tanks or containers

within the secondary containment structure or provide a capacity of one hundred (100) percent of the largest single tank or container within the secondary containment structure, whichever is larger, unless a lesser containment area or alternate control measures are approved in advance by the Director.

- III. The containment structure must accommodate “squirt distance”. Containers within the containment structure must be able to be placed sufficiently back from the edge of the structure so if punctured, the resulting leak will be contained.
 - IV. The containment structure must be designed or operated to prevent run-on or infiltration, rain or other liquids into the secondary containment system unless the containment system has sufficient excess capacity to contain run-on, infiltration, rain, or other liquids. Excess capacity when such prevention is not provided in the system must be sufficient to contain rain precipitation from a 25-year, 24-hour rainfall event.
 - V. The containment structure shall be constructed with chemical-resistant water stops in place at all joints (if any) to be free of cracks or gaps.
 - VI. The containment structure shall be designed and installed to completely surround the tank or containers and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) or containers (i.e., capable of preventing lateral as well as vertical migration of the material).
 - VII. All floor drains found within the containment area must be plugged and sealed.
- (b) Spill troughs and sumps within process areas must discharge to appropriate pretreatment tanks.
 - (c) Emergency containment shall also be provided for storage tanks that may be serviced by commercial haulers and for chemical storage areas.
 - (d) Solid pollutants shall be located in security areas designed to prevent the loss of the materials to the POTW .
 - (e) Detailed plans showing facilities and operating procedures to provide the protection required by this Ordinance shall be submitted to the Director for review, and shall be approved by the Director before construction. Construction of approved containment for existing sources shall be completed within the time period specified by the Director.
 - (f) No new source shall be permitted to discharge to the POTW until emergency containment facilities have been approved and constructed as required by this Ordinance.
 - (g) The Director may order a User to take interim measures for emergency containment as determined necessary by the Director under the circumstances.

Section 169-137. Determination of sewage flow.

To determine the sewage flow from any establishment, the YCUA or Superior Township may use one of the following methods:

- (1) The amount of water supplied to the premises by the public water system as shown upon the water meter if the premises are metered.
- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources may be metered at the source or metered at its point of discharge prior to entry into the public sewer.
- (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the utilities authority from the water, gas or electric supply, or metered at its point of discharge prior to entry into the public sewer.
- (4) The volume of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the YCUA or Superior Township pursuant to this Ordinance.
- (5) A figure determined by the YCUA or Superior Township by any combination of the foregoing or by any other equitable method.

Section 169-138. Disposal at sewage treatment plant.

Waste from industrial sewage disposal systems shall be disposed of at the sewage treatment plant or at any other refuse or disposal site approved by the Director. No waters or wastes described in section 169-129 shall be disposed of at the sewage treatment plant.

Section 169-139. Bypass.

- (1) An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. If an Industrial User knows in advance of the need for bypass, it shall submit prior notice to the Director, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Director within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (2) Bypass is prohibited, and the Director may take enforcement action against an

Industrial User for bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The Industrial User submitted notice as required under this section. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in this subsection (b).

Section 169-140. Report of violation.

If the results of any sampling performed by the User indicates that any violation of this Ordinance, a permit, an order issued under this Ordinance, the Act or State Act has occurred, the User shall notify the YCUA or Superior Township within 24 hours of becoming aware of the violation and shall repeat the sampling and pollutant analysis and shall submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the violation. A written follow up report shall be filed by the User with the YCUA or Superior Township within thirty (30) days of a User becoming aware of the violation. The report shall specify the following:

- (1) A description of the violation, the cause thereof, and the violation's impact on the User's compliance status.
- (2) Duration of the violation, including exact dates and times of the violation, and if not corrected, the anticipated time the violation is expected to continue.
- (3) All steps taken or intended to be taken to reduce, eliminate and prevent reoccurrence of such a violation.

Section 169-141. Notification of authorities upon discharge of hazardous waste.

All Industrial Users shall notify the YCUA or Superior Township, the EPA regional waste management division Director and the DNRE in writing of any discharge to the YCUA or Superior Township of a substance that would be a regulated hazardous waste under any federal statute if disposed of otherwise. Such notice shall be given in accordance with CFR 403.12(p).

Sections 169-142 - 150. Reserved.

DIVISION 5. PRIVATE SEWAGE DISPOSAL

Section 169-151 Prohibited generally.

The Township board has previously found, and currently reaffirms, that the use of septic tanks, privies, privy vaults, cesspools, or similar private sewage disposal facilities in the urban service area sewer district as delineated in the Growth Management Plan of Superior Charter Township, is deleterious to the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents of the Township. No person shall construct or maintain any septic tank, privy, vault, cesspool or other facility intended or used for the ultimate disposal of sewage except as provided in Section 152 of this Ordinance.

Section 169-152. Exceptions.

Where a public sanitary sewer is not available under the provisions of Section 105, the building sewer shall be connected to an individual private on-site septic tank and drainfield complying with the provisions of this division and the Washtenaw County Environmental Health Department, or a private community on-site sewer system as allowed by Ordinance 166 (Private Community Waste Water Systems) and complying with the Washtenaw County Environmental Health Department.

Section 169-153. Permit required for construction; inspection; specifications.

- (a) Before commencement of construction of a private on-site septic tank and drainfield, the owner shall first obtain a written permit from the Washtenaw County Environmental Health Department.
- (b) A plumbing permit shall be obtained from the Superior Township Building Department prior to installing the building sewer piping from the building to the tank. The owner shall obtain an inspection of the building sewer once the piping has been installed and bedded prior to placement of any backfill.
- (c) The type, capacities, location, and layout of a private septic tank and drainfield shall comply with all recommendations of the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Section 169-154. Operation and maintenance facilities.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township, YCUA or Superior Township, or Ann Arbor.

Section 169-155. Public sewer availability.

- (a) At such time as a public sewer becomes available to a property served by a private septic tank and drainfield, as provided in Section 105, a direct connection may 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 and filled with suitable material.

(b) When a public sewer becomes available, the building sewer may be required to connect to such sewer within 90 days, and the private septic tank shall be cleaned of sludge and filled with clean bank run gravel or dirt.

Sections 169-156 – 169-285 Reserved.

ARTICLE IV. RATES FEES, CHARGES AND BILLING PROCEDURE

Section 169-286. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Bonds means, at any time, bonds issued by or on behalf of the Township for the purpose of financing improvements to the System and outstanding, secured by or payable from the net revenues of the System.

Bond and Interest Redemption Account means the account within the System Fund established on the books and accounts of the Township on behalf of the system from which the Township shall pay principal and interest on all bonds of the Township secured by a lien on the net revenues of the System

Bond Reserve Account means the separate account in the Bond and Interest Redemption Account required to be established and maintained by the township on behalf of the System in accordance with the terms of any bonds issued by the Township and secured by the net revenues of the System.

Capital expenses include (1) normal annual replacement of existing System facilities, (2) normal annual extensions and improvements to the System, and (3) major capital replacements and improvements to the System.

Capital Reserves Account means the account within the System Fund established on the books and accounts of the Township on behalf of the System from which the Township shall pay the costs of making repairs, replacements, improvements or enlargements to the System.

Commodity charge means the consumption charge described in Section 54-295 of the Code of Ordinances.

Connection Fee means the access fee charged to premises seeking access to the System, as described in Section 295 of this Ordinance.

Coverage requirement means the promise to bondholders to maintain net revenues at annual amounts at a percentage of debt service greater than 100%.

Debt service means the principal and interest payments on any outstanding bonds of the System, including mandatory redemption requirements, mandatory deposits into the

Bond Reserve Account, if any, plus the amount necessary to meet any coverage requirements then in effect.

Department means the Charter Township of Superior Utility Department.

Operation and Maintenance Account means the account within the System Fund established by the Township on behalf of the System for purposes of paying the expenses of administration and operation of the System and current expenses for the maintenance of the System.

Rates means the charges, fees, rentals and rates which may be fixed and imposed for the services, facilities and commodities furnished by the System.

Receiving Account means the account within the System Fund established on the books and accounts of the Township on behalf of the System into which all revenues of the System shall be deposited.

Replacement means the obtaining and installing of any equipment, accessories and appurtenances which are necessary during the service life of the System to maintain the capacity and performance to which such System was designed and constructed and to preserve its financial integrity.

Reserve amount means the amount required to be held in the Bond Reserve Account in accordance with any ordinances pertaining to outstanding bonds secured by or payable from the net revenues of the System.

System means the complete water supply and sewage disposal system of the Township, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all pumps, pumphouses, sewage treatment facilities, sewers, life stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances to the System, including all easements, rights and land for such easements and rights, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

System Fund means the enterprise fund established on the books and accounts of the Township on behalf of the System, as described in Section 289 of this Ordinance.

Section 169-287. Combined system.

It is hereby determined that the existing water supply and sewage disposal system of the Township, also known as the "Utilities System," shall continue to be operated as a combined system under the terms of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.) as amended.

Section 169-288. Management system.

The construction, alteration, repair and management of the system shall be under the supervision and control of the Township Board, which may employ such persons in

capacities as it deems advisable to carry on the efficient management and operation of the system, and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the system.

Section 169-289. Records and Accounts.

- (a) *Records and accounts.* The Township shall maintain a System Fund and all accounts and funds of the System as an enterprise fund upon the books and accounts of the Township. The System Fund shall be used to account for the operation and maintenance of the System, the construction and acquisition of additions and improvements to the System, and contributions towards the payment of principal of and interest on general obligation bonds issued by or on behalf of the Township to facilitate the financing of projects undertaken by the System. The Township shall cause an annual audit of such books and records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will make such audit available to the public upon proper request.

- (b) *Establishment and maintenance of separate funds and accounts within the System Fund.* The Township shall establish and shall maintain and use the following funds and accounts within the System Fund:
 - (1) *Receiving Account.* All revenues of the System shall be credited initially to the Receiving Account, and shall be transferred or debited from the Receiving Account periodically in the manner and at the times and in the order of priority described in this Section.

 - (2) *Operation and Maintenance Account.* Out of the revenues credited to the Receiving Account, at least monthly there shall first be set aside in, or credited to, the Operating and Maintenance Account, an amount sufficient to provide for the payment of the next month's expenses of operation and administration of the System and such current expenses for the maintenance of the System as may be necessary to preserve the System in good repair and working order.

 - (3) *Bond and Interest Redemption Account; Bond Reserve Account.* Out of the revenues remaining in the Receiving Account, there shall be set aside each month an amount equal to the amounts specified in each bond ordinance applicable to outstanding bonds secured or payable from net revenues of the System. In addition, if required by any bond ordinance, there shall be set aside the amounts required to establish and maintain the Bond Reserve Account. Money in the Bond and Interest Redemption Account shall be used exclusively for payment of the principal of, redemption premiums, if any, and interest on the bonds as they come due. Funds in the Bond Reserve Account shall be used solely for the payment of the principal of, redemption premiums, if any and interest on the bonds as to which there would otherwise be a default. If at any time it is necessary to use money credited to the Bond Reserve Account for such payment, then the amounts so used shall be replaced from the net revenues next received that are not needed for current principal and interest requirements, until the amount on deposit equals the reserve amount.

- (4) *Capital Reserves Account.* Recognizing the necessity to maintain a working System able to provide water and sewer services demanded by the user of the System, the Township has adopted the policy that it shall maintain the revenues of the System on a utility basis thereby enabling the Township to retain a reasonable percentage of the revenues of the System to meet necessary repairs and replacements. Therefore, out of the revenues and moneys of the System remaining in the Receiving Account at the end of each year, after provision has been made for credits or deposits to the Operation and Maintenance Account and the Bond and Interest Redemption Account (including the Bond Reserve Account), there shall be deposited such additional funds into the Replacement and Improvement Account in such amounts as the custodian of funds shall determine advisable, not to exceed the amounts budgeted for such purpose. The money in the Replacement and Improvement Account shall be used solely for the purpose of making repairs, replacements, and any improvements, or enlargements of the System necessary to provide water and sewer service to the users of the System, including any building or structures related to the System. If at any time it shall be necessary to use the money in the Replacement and Improvement Account for the purpose for which the Account was established, the amount so used shall be replaced from any funds in the Receiving Account which are not required to be used for the operation and Maintenance Account or the Bond and Interest Redemption Account, including the Bond Reserve Account.
- (c) *Surplus revenues.* All money remaining in the Receiving Account after satisfying all of the requirements of this Section may, at the option of the Township Board, be used for any purpose directly relating to the System, including credit or transfer to the Replacement and Improvement Account, or for the purchase of bonds on the open market at not more than the fair market value thereof, or for the redemption of bonds prior to maturity, or as a credit to the revenue needed for the next succeeding fiscal year.
- (d) *Priority of Funds.* If the money in the Receiving Account is insufficient to provide for the current requirements of the Operation and Maintenance Account or the Bond and Interest Redemption Account (including the Bond Reserve Account), any money or securities in other accounts of the System, except the proceeds of the sale of bonds, shall be credited or transferred, first, to the Operation and Maintenance Account, and second to the Bond and Interest redemption Account (including the Bond Reserve Account).
- (e) *Depositary.* Money credited to the several funds and accounts of the System, except money in the Bond and Interest Redemption Account (including the Bond Reserve Account) may be kept in one or more bank accounts at a bank or banks designated by resolution of the Township Board, and if kept in one bank account, the money shall be allocated on the books and records of the Township in the manner and at the times provided in this Section.
- (f) *Deficiencies in Cash Accounts.* If the money in the Operation and Maintenance Account is insufficient to provide the current requirements of the operation and

maintenance of the System, the Township may transfer any money or securities from any other fund or account of the System to the extent of the deficiency.

- (g) *Proceeds of Connection Fees.* The Township shall transfer the proceeds of all Trunk Connection Fees into the Capital Reserves Accounts.

Section 169-290. Custodian of Funds.

The Custodian of the Funds shall be such person as shall be designated by the Township Board. The Custodian shall be required to give bond in such amount as shall be established by the Township Board, except that in case the Township Treasurer is designated as Custodian, then the Treasurer shall not be required to furnish any bond other than the bond as such Township Treasurer.

Section 169-291. Fiscal year.

The system shall be operated on the basis of an operating year commencing on January 1 and ending on December 31 next following.

Section 169-292. Free service.

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 169-293. Fixing rates.

The Township Board has determined that the purpose of water and sewer rates is to produce sufficient revenues each year to pay the costs of service. The costs of service to be paid from revenues shall include all of the following: (1) operation and maintenance expenses, (2) debt service expenses, and (3) capital expenses not funded from bonded indebtedness.

- (a) The rates to be charged for water and sewer service furnished by the System shall be charged to all buildings or premises having any connection with the System.
- (b) The Department shall periodically review rates, fees, rules and regulations of the System. Said review shall be completed not less than one (1) time per fiscal year. The review will define actual expenses associated with the operation, maintenance, and administration of the System as well as debt service requirements, and repair and replacement costs. Results of said review shall be reported to the Township Board with recommendations for any adjustments.

Section 169-294. Allocation of Cost of Service.

The Township Board has determined that not all classes of users of the System cause the same costs of service. Based on the recommendations of independent engineering consultants to the Township, the Township Board has determined the following:

- (a) The commodity costs of water and sewer service for users of the System vary depending on whether service is provided by the YCUA system or the Ann Arbor Charter Township system.

- (b) While all users benefit equally from capital improvements to the System, users taking possession of previously undeveloped properties, and users changing the nature and amount of use of the System at renovated or expanded properties, would not bear equally the cost of those capital improvements unless required to pay a Connection Fee.
- (c) For the purpose of calculating the Connection Fee, the use of a table of Unit Use Factors is the most fair and accurate means, given available technology, of determining the relative demand on capacity of the System among different classes of users.

Section 169-295. Specific Rates and Charges

- (a) *Commodity charge.* Every user shall pay a commodity charge for all water, sewer and wastewater treatment services furnished by the System. Except as otherwise provided in this Ordinance No. 169 of the Code of Ordinances, commodity charges for all water, sewer and wastewater treatment services shall be calculated on the basis of metered water consumption at rates determined by the Township Board and which fairly apportion the variable costs of providing water, sewer and wastewater treatment services for users of the System. Separate rates may be established for users served by the YCUA system and the Ann Arbor Charter Township system.
- (b) *Connection Fees .* The Township Board may by resolution establish Connection Fees to recover certain capital expenses incurred to provide public water and sanitary sewer service to those users that have not previously paid their share of those expenses.
 - (1) *Trunk and Transmission Fee.* Every person seeking to connect previously unconnected property to the System, or to reconnect previously connected property to the System for a use estimated to demand the reservation of greater capacity of the System, may be required to pay a Trunk and Transmission Fee.
 - (a) *Calculation of Estimated Demand on Capacity.* The estimated demand on capacity of a new connection to the System shall be based on the Unit Use Factor assigned to the Type of use described in the table of Unit Use Factors approved by the Township Board from time to time, based on historic average use for each type of use.
 - (b) *Credits.* If a Trunk and Transmission Fee relates to an increase in demand on capacity, the Township shall credit against the specific amount of the Trunk and Transmission Fee the amount of any Trunk and Transmission Fee or similar charges previously paid for connection of that property to the System.
 - (2) *Availability Fee.* The Township Board may by resolution establish a onetime availability fee to recover a property's fair share of the cost of additions to the System across the frontage of the property to be serviced

necessary to bear its fair share of the amortized cost of the existing improvements.

- (3) *Tap Fees.* Each user connecting or reconnecting to the System shall pay tap fees as follows:
 - (a) *Water.* An amount determined by resolution of the Township Board to defray the labor, material and overhead costs incurred by the Township in making the connection with the water main to a point between the curblineline and the property line, including the curb box and curbstop, also known as a water lateral.
 - (b) *Sewer.* An amount determined by resolution of the Township Board to defray the labor, material and overhead costs incurred by the Township in making the connection with the sewer to the property line, also known as the sewer lateral.
- (4) *Inspection fee.* Each user connecting to the water and/or sewer facilities of the System shall pay an inspection fee, equal to the actual costs of labor as determined by the Township Board.
- (5) *Special connection fees.*
 - (a) All properties within the township which receive water and sewer service pursuant to the Township's contract with Ann Arbor Charter Township shall pay special fees in addition to the Township's regular inspection fees at rates determined by resolution of the Township Board.
 - (b) Any property which has paid all connection fees and charges for regular domestic water may obtain a separate meter for water only (i.e., no associated sewer usage) upon payment of an additional connection fee in addition to the current Township meter charge.
 - (c) *Miscellaneous fees.*- The Township Board may by resolution establish certain additional fees for miscellaneous services furnished by the System including, but not limited to, fees for a transfer of records in connection with a change of ownership, reinstatement of service after a nonpayment shut-off, testing the accuracy of meters of various sizes and replacement of damaged meters.

Section 169-296. Billing.

- (a) All residential customers will be billed quarterly. All bills must be paid within 24 days from the date of the bill, and ten percent will be added to the amount of the bill if not paid within 24 days.

- (b) All other customers (commercial, industrial, etc.) will be billed monthly. All bills must be paid within 24 days from the date of the bill, and ten percent will be added to the amount of the bill if not paid within 24 days.

Section 169-297. Enforcement.

- (a) The charges for water and/or sewer service which are, under the provisions of Act 94, Public Acts of Michigan, 1933, as amended (MCL 141.101 et seq., MSA 5.2731 et seq.), made a lien on the premises served thereby, are hereby recognized to constitute such a lien. If any such charges against any piece of property shall be delinquent for six months, the Township officials in charge of the collection of such shall certify, on July 1 of each year, to the Treasurer of the Township, the amount of such delinquency, whereupon such charges shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien enforced in the same manner as general Township taxes against such premises.
- (b) Turnoff policy; Right to Hearing; Disconnection of Service. In addition to any other lawful enforcement methods, the payment of charges for water and sewer service to any premises may be enforced by discontinuing either the water service or the sewer service to the premises, or both. Bills for sewer and water are due on the 24th day following the date of billing, and may be paid until that date without late fees. Fourteen days after the due date of a bill for water and sewer service, as provided in Section 169-296 of the code of Ordinances, the Department may mail a two-week disconnect notice with the date specified for service shut-off. The written notice shall apprise the user that, upon request, the Township Supervisor or his or her designee will afford an administrative hearing within 15 calendar days to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error. If such customer either fails to seek such an administrative hearing within 15 calendar days after receiving notice or fails to pay any sum determined to be properly due as a result of such administrative procedures within ten days after the hearing, a red tag giving 48 hours notice may be attached to the premises. After the lapse of 48 hours following the tagging of such premises, service may be disconnected until such time as the bill is paid in full, plus a turn-on fee in an amount determined by the Township Board.
- (c) Hearing; failure to seek; disconnection. The written notice provided to the customer shall apprise such customer that, upon request, the Township Supervisor or his designee will afford an administrative hearing within 15 calendar days to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error. If such customer either fails to seek such an administrative hearing within 15 calendar days after receiving notice or fails to pay any sum determined to be properly due as a result of such administrative procedures within ten days after the hearing, a red tag giving 48 hours' notice may be attached to the house property. After those 48 hours, the water service may be disconnected until such time that the bill is paid in full, plus a turn-on fee.
- (d) When a tenant is responsible for the payment of the charges and the Township is so notified in writing, the notice is to include a completed affidavit supplied by the Township and a true copy of the lease of the affected premises, and then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the Township shall render no further service to

the premises until a cash deposit in the sum specified by the resolution of the Township Board is made as security for the payment of the charges. The security deposit shall be subject to a 15% administrative fee to cover the additional costs of maintaining records of the security deposit and for turning the water off and on at the premises. The Turn-off Policy as described in above Section 169-297 (b) does not apply when a security deposit has been paid. If a security deposit has been paid, the tenant and landlord shall be notified when the security deposit or a portion of the deposit has been applied to an account and be subject to a 48 hour turn-off notice, unless the security deposit is reinstated to the full amount initially charged.

Section 169-298. Conflicts; Severability.

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each Section of this Ordinance and each subdivision of any Section hereof is hereby declared to be independent, and the finding or holding of any Section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other Section or subdivision of this Ordinance.

Section 169-299. Repeal of Existing Utilities Ordinance No. 13 as amended

The existing Utilities Ordinance of Superior Charter Township, being Ordinance 169, effective August 20, 2007, is hereby repealed. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Section 169-300. Publication.

This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk.

Section 169-301. Effective Date.

This Ordinance shall be in full force and effect from and after the date of publication, December 2, 2010.

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted for final reading at a regular meeting of the Superior Charter Township Board held on November 15, 2010.

David Phillips, Clerk

William McFarlane, Supervisor