

ALLENDALE CHARTER TOWNSHIP

Ordinance No. 2005 - 10
Revised and Amended Sewer Usage and Administration
Ordinance
Updated with Language from Ordinance 2018-2

AN ORDINANCE to amend Ordinance No. 1993-12, the Sewer Usage and Administration Ordinance of the Charter Township of Allendale, Ottawa County, Michigan, as previously amended, to update and establish rules and regulations to control the installation and connection of building sewers; to regulate and control the discharge of waters and wastes into the public sewer system; to provide for the health, safety and general welfare of the peoples of Allendale Charter Township; to provide for the administration of this Ordinance; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Ordinance No. 1993-12. Ordinance No. 1993-12, the Sewer Usage and Administration Ordinance, being codified as Subsection 22.1.1 of the Code of Ordinances, shall be amended and shall be restated in its entirety as follows:

SEWER USAGE AND ADMINISTRATION ORDINANCE

CHAPTER I

TITLE AND DEFINITIONS

SECTION 1.1 SHORT TITLE. This Ordinance shall be known and may be cited as the "Allendale Charter Township Sewer Usage and Administration Ordinance."

SECTION: 1.2 RULES APPLYING TO TEXT. The following rules of construction shall apply to the text of this Ordinance.

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section 1.3, the headings which title a chapter, section or sub-section are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2)

words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.

- (e) Words imparting masculine gender shall apply to feminine and also to firms, companies, associations, partnerships, joint ventures, corporations, joint stock companies, trusts, estates, governmental entities and any other legal entities or any combination thereof
- (f) The word "Township" means the Charter Township of Allendale, Ottawa County, Michigan.
- (g) The phrase "Township Board" means the Allendale Charter Township Board.

SECTION 1.3 DEFINITIONS. For the purpose of their use in this Ordinance, the following terms and phrases are hereinafter defined. Any word or phrase not defined herein shall be considered to be defined in accordance with its common or standard definition

40 CFR 403. The general pretreatment regulations outlined at 40 Code of Federal Regulations Part 403.

ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq., or any similar successor law.

APPROVAL AUTHORITY. The Chief Administrative Officer of the Michigan Department of environmental quality.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

- (a) In the case of a corporation, a president, secretary treasurer or vice president of the corporation in charge of a principal business function;
- (b) In the case of a partnership or proprietorship, a general partner-or proprietor; and
- (c) An authorized representative of the individual designated above if (a) such representative is responsible for the overall operation of the facilities from which the discharge into-the POTW originates; (b) the authorization is in writing and (c) the written authorization is submitted to the Superintendent.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen required to biochemically decompose organic matter, in five (5) days at 20° degrees Centigrade., expressed in milligrams per liter. The analytical procedure employed shall be that referenced in 40 CPR Part 136. If a nitrification inhibitor is used during the analysis, the BOD5 is the carbonaceous portion only, and shall be referred to as cBOD5.

BTEX. The sum of the analysis of benzene, toluene, ethylbenzene and xylene.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system of a building which receives the sewage discharge inside the walls of a building and conveys it to the

Building Sewer. The Building Drain shall be deemed to end five (5) feet outside the inner face of the building wall.

BUILDING SEWER. The extension of the Building Drain which begins five (5) feet outside the inner face of the building wall and continues to the Sanitary Sewer or other place of disposal.

BYPASS. The intentional diversion of waste stream from any portion of an Industrial User's treatment facility as outlined in 40 CFR 403.17.

CATEGORICAL PRETREATMENT STANDARD. A regulation promulgated by the EPA under sections 301 or 307 of the Clean Water Act, as amended (33 USC sections 1311 or 1317).

CESSPOOL. An underground pit into which household Swage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

CHEMICAL OXYGEN DEMAND (COD). The amount of oxygen required to chemically oxidize organic and inorganic constituents of wastewater as measured under standard laboratory procedures, expressed in milligrams per liter. The analytical procedure employed shall be that referenced in 40 CFR Part 136.

COMPOSITE SAMPLE. A series of representative samples taken over a specific time period which are then combined into one sample for testing purposes.

DEQ. The Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction:

DOMESTIC WASTE. A water-carried waste form, including but not limited to toilet, kitchen, laundry, bathing or other facility used for household purposes, and excluding waste from commercial and/or industrial processes.

EPA. The United States Environmental Protection Agency.

GARBAGE. The solid waste from the preparation, cooking and dispensing of food and the handling, storage and sale of produce.

GREASE TRAP. A tank of suitable size and material located in a Sewer line and so designed to remove grease and oily wastes from the Sewage.

HEALTH DEPARTMENT. The Ottawa County Health Department or any successor governmental agency having similar regulatory jurisdiction.

INDUSTRIAL USER (IU). Any person who introduces Pollutants into a POTW from any non-domestic source regulated under the Act, State law, or local ordinance.

INDUSTRIAL PROCESS. Those processes which generate the types of wastes as enumerated in Section 4.5.

INDUSTRIAL WASTES. The liquid or liquid borne wastes from industrial and/or manufacturing processes, trade or business as distinct from domestic waste.

INFILTRATION. Anywaters entering the POTW from the ground through such means as, but not limited to, defective pipes, pipejoints, connections or manhole walls. Infiltration does not include and is distinguished from, Inflow.

INFLOW. Any waters entering the POTW through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

INSPECTOR. Any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the public sewer system.

INTERFERENCE. Any discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW and any of its process or operations, or its Sludge use or disposal; and
- (b) Therefore; is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage Sludge use or disposal.

MDPH. The Michigan Department of Public Health or any successor governmental agency having similar regulatory jurisdiction.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL PRETREATMENT STANDARD. Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Part 23, Sections 307(b) and (c) of the Act (33 U.S.C.1317), as amended, which applies to a specific category of Industrial Users.

NATURAL OUTLET. Any outlet into a Watercourse, pond, ditch or other body of surface or ground waste.

NEW SOURCE. Any building, structure, facility or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Part 23, Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that caused the discharge of Pollutants at an existing source; or
- (c) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or
- (d) As outlined in 40 CFR 403.3(k)(2) and (k)(3), as amended.

NON-DOMESTIC USER. Any user of the POTW not classified as a residential user.

NORMAL STRENGTH SEWAGE. Sewage having a strength which is less than Two Hundred (200) milligrams per liter by weight of BOD, less than Two Hundred Fifty (250) milligrams per liter by weight of suspended solids, and less than ten (10) milligrams per liter by weight of phosphorus.

NPDES PERMIT. The permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of Wastewater into the waters of the state.

NUISANCE. Any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence; as well as any condition or circumstance where sewage or the effluent from, any Sewage Disposal Facility or Toilet Device is exposed on the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of person, or when it shall obstruct the comfortable use, enjoyment or sale of adjacent and/or surrounding property.

PASS-THROUGH. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, firm, company, corporation, association, joint venture, joint stock company, trust, estate, governmental entity or any other legal entity, or a combination of any of them, or their legal representatives, agent or assigns.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLANT. The Allendale Area Wastewater Treatment Plant. The Plant is part of the POTW.

POINT SOURCE. Any discernable confined and discrete conveyance or vessel from

which Pollutants are or may be discharged into a public waterway or public sewer system.

POLLUTANT. Any dredged spoil; solid waste; incinerator residue; Sewage; Garbage; Sewage Sludge munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; industrial, municipal, commercial, and agricultural waste; or any other contaminant.

POTW. See definition of Publicly Owned Treatment Works (POTW).

PRETREATMENT OR TREATMENT. The reduction, elimination, or alteration of Pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes, or other means, except as prohibited by Part 23, Section 11(6).

PRETREATMENT STANDARD OR STANDARD. Any local, state or federal regulation containing Pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under Part 23, Section 2303, and Categorical Pretreatment Standards.

PRIVATE LATERAL. That portion of the Building Sewer from the Building Drain to the property line.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The POTW also includes sewers, pipes, and equipment used to collect, pump and convey Wastewater to the treatment facility as well as all equipment used to sample or monitor Wastewater.

PUBLIC SEWER. A Sewer which is owned by the Township or by Ottawa County for the benefit of the Township.

SANITARY SEWER. A Public Sewer which carries Sewage and into which storm, surface and ground waters are not intentionally admitted.

SEEPAGE PIT. A cistern or underground enclosure constructed of concrete blocks, bricks or similar material loosely laid with open joints so as to allow the overflow or effluent to be absorbed directly into the surrounding soil.

SEPTIC TANK. A watertight receptacle receiving Sewage and having an inlet and outlet designed to permit the separation of Suspended Solids from Sewage and to permit such retained solids to undergo decomposition therein.

SEWAGE. Water-carried wastes from residences, business buildings, industrial establishments and/or other premises together with such Infiltration as may be present.

SEWAGE DISPOSAL FACILITY. A privy, Cesspool, Seepage Pit, Septic Tank, Sub-Surface Disposal Field or any other device used in the disposal of Sewage or human excreta.

SEWER. A pipe or conduit carrying Sewage and/or storm, surface and ground waters.

SIGNIFICANT INDUSTRIAL USER (SIU).

- (1) Except as provided in paragraph (2) of the definition, the term Significant Industrial User means:

- (a) All Industrial Users subject to Categorical Pretreatment Standards under Part 23, Section 11(1) and Rule 11; and
 - (b) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Superintendent on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment standard or requirement (in accordance with Part 23, Section 6(h)).
- (2) Upon a finding that an Industrial User meeting the criteria in paragraph (1) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment standard or requirement, the Superintendent may at any time, of its own initiative or in response to a petition received from an Industrial User, and in accordance with Part 23, Section 6(h), determine that such Industrial User is not a Significant Industrial User.

SIGNIFICANT NONCOMPLIANCE (SNC). Significant Noncompliance has occurred in the event that any one or more of the following have occurred:

- (1) Chronic violation of Wastewater discharge limits, defined as a circumstance in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined as a circumstance in which thirty-three percent (33%) or more of all of the measurements for each Pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment effluent limit (daily maximum or longer- term average) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass-Through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent exercising its emergency authority under Section 4.42G of this Ordinance to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance

schedule milestone contained in a 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, required reports such as, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and
- (8) Any other violation or group of violations which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE. A suspension of solids in water, the combination of which is the residual substance remaining after the treatment and discharge of a Wastewater flow.

SLUG DISCHARGE. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

STORM SEWER OR StormDrain. A Public Sewer which carries storm, surface and ground waters, but excludes Sewage and polluted Industrial Waste.

SUB-SURFACE DISPOSAL FIELD. A facility for the distribution of Septic Tank overflow or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil through the entire field.

SUPERINTENDENT. The Superintendent of Public Works, Allendale Charter Township, or his duly authorized representative. The Superintendent shall be the person designated by the Township to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Ordinance.

SUSPENDED SOLIDS. The solids that either float on the surface of or are in suspension in water, Sewage or other liquids, and which is removable by laboratory filtering. The analytical procedure employed "With respect to suspended solids shall be that referenced in 40 CFR Part 136.

TOILET DEVICE. A privy, outhouse, septic toilet, chemical closet, or any other device used for the disposal of human etc.

TOXIC POLLUTANT. Any Pollutant or combination of Pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state law.

TRASH. Any debris, junk, litter, refuse, rubbish, scrap materials, or other waste product, regardless of whether the item has any value, including but not limited to items such as brillo pads, steel

wool pads, plastic bags, the remains of broken items, etc.

UNCONTAMINATED PROCESS WATER. Any non-contact cooling or non-contact processing water that is not chemically changed by its use for cooling or processing or water free of substances that, are or-may be harmful to humans or wildlife or water which may create or constitute a nuisance.

UPSET. An exceptional incident in which an Industrial User unintentionally and temporarily is in a state of noncompliance with the requirements of this Ordinance or the applicable Pretreatment Standards due to factors beyond the reasonable control of the Industrial User, excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

USER Any Person who contributes, causes or permits the contribution of Sewage into a Public Sewer.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions and other facilities, whether treated or untreated.

WATERS OF THE STATE:

- (1) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage;
- (2) The flood plain free-flowing waters determined by the Department of Environmental Quality on the basis of 100-year flood frequency; and
- (3) Any other waters specified by State law.

WATERCOURSE. A channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.

WYE BRANCH. A local service connection to the Sewer that is made at an angle similar to a "Wye" so that a Sewer cleaning rod will not come into the Sewer at a right angle and penetrate the far side but will travel down the course of the Sewer.

CHAPTER 2

DISCHARGE OF SEWAGE

SECTION 2.1 DISCHARGE OF SEWAGE. The discharge or depositing of waste and/or Sewage shall be restricted and regulated as follows:

A. No Person shall place, deposit or permit to be placed or deposited any waste or Sewage upon any public or private property in the Township unless (a) such waste or Sewage has been treated by a municipal sewage treatment facility and (b) the placing or depositing of such waste or Sewage has been specifically permitted and approved by the DEQ.

B. No Person shall discharge to any Natural -Outlet any waste or Sewage unless such discharge has been specifically permitted and approved by the DEQ.

SECTION 2.2 SEPTIC TANKS. No Person shall construct, maintain or use any Cesspool, Septic Tank, Seepage Pit, Toilet Device, Sub-Surface Disposal Field, privy, privy vault, Sewage Disposal Facility, or any other facility or device intended or used for the disposal of Sewage unless the same is not dangerous to public health and is specifically permitted and approved by the Health Department and, where appropriate, the DEQ and/or MDPH.

SECTION 2.3 MANDATORY CONNECTION. Any structure in which Sewage originates within the Township shall be connected to any available Sanitary Sewer within eighteen (18) months after publication by the Township of a legal notice of availability of a Sanitary Sewer in a newspaper of general circulation in the Township. For purposes of this Section, a Sanitary Sewer shall be considered to be available when it is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property in question and passes not more than two hundred (200) feet at the nearest point from the structure in which the Sewage originates. For purposes of this Section, the phrase "structure in which Sewage originates" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities that generate Sewage are used or are available for use for household, commercial, industrial or other purposes. If the structure in which Sewage originates has not been connected to an available Sanitary Sewer within said eighteen (18) month period, then the Township shall require the connection to be made in accordance with Section 12754 of the Michigan Public Health Code, as amended, or any similar successor statutory provision. In so proceeding, the Township shall have the rights and remedies provided in Section 12754, as well as all rights and remedies provided by this Ordinance.

SECTION 2.4 INDUSTRIAL WASTE. If an industry makes adequate provision for the disposal of its Industrial Wastes other than by discharging such Wastes into the Sanitary Sewer, and if such disposal is approved by the DEQ and all other governmental agencies having jurisdiction, then the Township Board may, by resolution, excuse such industry from depositing its Industrial Wastes into the Sanitary Sewer.

CHAPTER 3

BUILDING SEWERS AND CONNECTIONS

SECTION 3.1 CONNECTION TO PUBLIC SEWER No person shall uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenance thereto without first obtaining a written permit therefor from the Township. No Building Sewer shall be covered until it has been inspected and approved as being of adequate and acceptable construction, size and location by the Township. The owner of a building or premises, or his authorized representative, shall be responsible, at his own cost, for the installation, connection and maintenance of the Building Sewer for such building or premises up to and including its connection with the Public Sewer. The owner and, where appropriate, his authorized' representative, shall indemnify and hold the Township and its employees, agents and representatives free and harmless from any and all liability or responsibility for all injury; loss or damage that may result directly or indirectly from the installation, connection or maintenance of the Building Sewer.

SECTION 3.2 PERMIT. Application for a permit to connect to the Public Sewer shall be made on appropriate forms provided by the Township. The application shall be supplemented by such plans, specifications or other information as the Township shall reasonably require. The Township Board shall establish permit and inspection fees by resolution. Such permit and inspection fees shall be paid at the time the application is filed. The Township may refuse to grant a permit to connect if the Township shall determine the Township Sewer system or the POTW does not have adequate capacity or capability to accommodate the proposed connection.

SECTION 3.3 BUILDING SEWER REQUIREMENTS. A separate and independent Building Sewer shall be provided for each building or premises, provided where one building or premises stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building or premises through an adjoining alley, court, yard or driveway, the Building Sewer from the front building or premises may be extended to the rear building or premises.

SECTION 3.4 OLD BUILDING SEWERS. An existing Building Sewer may be used in connection with a new building and premises only where it is found, on inspection by the Township, to be of adequate construction, size and location.

SECTION 3.5' SPECIFICATIONS. The Building Sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

- (a) Plastic (PVC) ASTM D 1785 SDR 35 - D3034 or Schedule 40.
- (b) Ductile Iron - Class 52, 53.

In all circumstances, the Building Sewer shall be laid on a suitable" improved bed or cradle as approved by the Inspector.

All Building Sewer joints and connections shall be made gas tight and watertight and shall conform to the requirements of the current Township Building and Plumbing Codes. The joints and connections shall conform to the manufacturer's recommendations.

The size and slope of the Building Sewers shall be subject to the approval of the

Inspector, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

6- inch pipe - 1/8" per foot or 1"
per 8 feet. 4-inch pipe – 1/4" per
foot or 2" per 8 feet.

The size, slope and alignment for construction of the Building Sewer; the methods to be used in excavation and backfilling the trench therefor; and the placing, jointing and testing of the pipe thereof shall conform to all requirements of the Township Building and Plumbing Ordinances, as amended, as well as, as may be applicable, all requirements of the State of Michigan, County of Ottawa, and/or any governmental agency operating and maintaining Public Sewers on behalf of the Township and all other rules and regulations of the Township.

SECTION 3.6 ELEVATION. The Building Sewer shall be brought to a building or premises at an elevation below the basement floor thereof if this can be accomplished while maintaining gravity flow to the Sanitary Sewer and if this does not require a change in the existing point of discharge of Sewage and/or Industrial Wastes from the building or premises. In all buildings or premises in which any Building Drain is too low to permit gravity flow to the Sanitary Sewer, Sewage and/or Industrial Wastes carried by such Building Drain shall be lifted by a pump or other suitable device and discharged to the Building Sewer. Such pump or other suitable device must be approved in writing in advance by the Township. The cost of such pump or other suitable device shall be paid by the owner of the building or premises or his authorized representative. Such pump or other suitable device shall be maintained in good condition and repair by the owner of the building or premises or his authorized representative, and the owner of the building or premises or his authorized representative shall pay all charges and expenses for the operation of the pump or other suitable device.

SECTION 3.7 BUILDING SEWER CONNECTION. Every connection of a Building Sewer into a Sanitary Sewer shall conform to the requirements of the Township Building and Plumbing Ordinances, as amended, and all other applicable rules and regulations of the Township, the procedures set forth in appropriate specifications of the American Society for Testing and Materials No. 9, as amended, as well as, as may be applicable, all requirements of the State of Michigan, County of Ottawa, and/or any governmental agency operating and maintaining Public Sewers on behalf of the Township. The Connection of the Building Sewer into the Public Sewer shall be made at the Wye Branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated Wye Branch in the Public Sewer shall be made only as directed by the Inspector. All such connections shall be gastight and watertight. Any deviation from these prescribed procedures and materials must be approved in writing by the Township before installation.

SECTION 3.8 INSPECTION. The application for a Sewer connection permit shall notify the Township with the Building Sewer is ready for installation and connection to the Sanitary Sewer. The connection shall be made under the supervision of the Township or its authorized representative. No backfill shall be placed until the work has been inspected and approved by the Township.

SECTION 3.9 NEW CONSTRUCTION. The basement floor level of all new structures from which it is anticipated that Sewage or Industrial Wastes may emanate shall be at

such level that such Sewage and Industrial Wastes can flow by gravity to any Sanitary Sewer in the adjoining street connected with an invert eight (8) feet below the centerline of the street. In the alternative, a pump or other suitable device shall be installed and maintained as provided in Section 4.6 above to lift the Sewage or Industrial Wastes to a level from which they can flow by gravity to such Sanitary Sewer. An acceptable Sewage outlet facing the street where a Sanitary Sewer is available, or is proposed to be made available, shall be provided in all new structures.

SECTION 3.10 EXCAVATIONS. 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 to a condition satisfactory to the Township.

SECTION 3.11 DELEGATION. The Township Board may, by resolution which shall be amendable and revocable at any time, delegate all or any part of the permit, inspection and other ToW11Ship functions or responsibilities specified in this Chapter 4 to any other governmental agency operating and maintaining Public Sewers on behalf of the Township. Such resolution shall be effective only for such portion of the Township Public Sewers as are operated and maintained by such governmental agency. Regardless of any delegation authorized by this Section, the Township Board only shall have the authority to refuse a permit to connect as provided in Section 4.2 above.

SECTION 3.12 CONNECTIONS AT TIME OF ORIGINAL CONSTRUCTION SEWER. At the time of original construction of the Public Sewer, the Township shall install that portion of the Building Sewer from the Public Sewer to the lot or easement line of all occupied premises. The Township shall maintain, at its expense, the Public Sewer. Those customers making connections at the time of original construction of the Public Sewer shall install, at their expense, that portion of the Buildings Sewers from said lot or easement line to their premises.

SECTION 3.13 CONNECTIONS SUBSEQUENT TO ORIGINAL CONSTRUCTION. Those customers making connections to a Public Sewer after the time of original construction shall install, at their expense, the entire Building Sewer.

CHAPTER 4

USE OF PUBLIC SEWERS

A. INTRODUCTION

SECTION 4.1 PURPOSES. The purposes of Chapter 4 are:

- (1) To establish uniform requirements for direct and indirect contributors into the Township Wastewater system and to enable the Plant to comply with applicable State and Federal laws and the General Pretreatment Regulations (Part 23);
- (2) To prevent the introduction of Pollutants into the Township's Wastewater system which will:
 - (a) Interfere with the operation of the Township Wastewater system;
 - (b) Cause the Plant to violate its NPDES discharge Permit;
 - (c) Contaminate the Plant Sludge;
 - (d) Pass through the Plant, inadequately treated, into receiving waters or the atmosphere;
 - (e) Pose a health threat to POTW workers;
 - (f) Be otherwise incompatible with the Township Wastewater system.
- (3) To improve the opportunity to recycle and reclaim Wastewaters and Sludges from the Township Wastewater system, and
- (4) To provide for equitable distribution of the cost of the Township Wastewater system. The standards, rules and regulations established: *or* pursuant to this Ordinance are deemed to be the absolute minimum consistent with the preservation of the public health, safety, and welfare, to prevent pollution of the environment, and to fulfill the obligation of the Township with respect to State and Federal law and all rules and regulations adopted in conformance thereto.

Future conditions imposed on the Township by jurisdictional government agencies may require subsequent amendment of the provisions of this Ordinance by the Township. Where Federal or State promulgated Categorical Pre-treatment, Standards require limits more stringent than those specified in this Ordinance, the State and Federal limits shall have precedence and take effect with respect to the applicable User on the latter of:

- a. Their promulgations date; or

- b. The date specified for compliance with such standards.

SECTION 4.2 ABBREVIATIONS. The following abbreviations shall have the meanings designated below:

CFR	Code of Federal Regulations.
1	Liter
Mg	Milligrams
mg/L	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. Seq.
TSS	Total Suspended Solids
USC	United States Code

SECTION 4.3 SUPERINTENDENT FUNCTIONS, RESPONSIBILITIES AND AUTHORITY.

All functions, responsibilities and discretionary authority granted to the Superintendent in this Chapter 4 shall be performed and exercised by the Superintendent in accordance with all approved pretreatment programs and the provisions of this Ordinance.

SECTION 4.4 RIGHT OF REVISION. The Township shall have the right to establish any standard or prohibition as long as it is more stringent than any Federal or State requirements.

B. GENERAL PRETREATMENT REQUIREMENTS

SECTION 4.5 GENERAL DISCHARGE PROHIBITIONS.

(A) No User shall:

- (1) Contribute or cause to be contributed, directly or indirectly, to the POTW, any Pollutant or Wastewater which will Pass-Through or cause interference with the operation or performance of the POTW.
- (2) Discharge, directly or indirectly, or cause to be discharged, to any Sanitary Sewer and storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water_ or Uncontaminated Process Water. No footing drain, roof downspout, areaway drain, or other source of surface water or ground water shall be connected to a Sanitary

Sewer. All footing drain water shall be discharged to Storm Sewers or dry wells. Storm water and all other unpolluted drainage shall be discharged to Sewers specifically designated as Storm Sewers, or to a Natural Outlet approved by the-DEQ. The discharge of cooling water or Uncontaminated Process Water shall only be permitted when authorized and approved by the DEQ.

Notwithstanding the foregoing, groundwater may be discharged to a Sanitary Sewer if such discharge is first approved in writing by the Township. As part of such approval, the Township may impose such conditions and restrictions as the

Township deems appropriate. Any Person discharging groundwater to a Sanitary Sewer pursuant to Township approval granted under this Section shall be subject to regulation as a Significant

Industrial User.

- (B) No User shall contribute or cause to be contributed, directly or indirectly, any of the following substances to POTW:
- (1) Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including but not limited to, waste streams with a closed cup flashpoint of Less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (2) Any solid or viscous substances which may cause obstruction to the flow in a Sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension or any material which can be disposed of as trash.
 - (3) Any Wastewater-having a pH less than 6.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
 - (4) Any substance which may cause a Nuisance, cause hazard to life or prevent entry into the Sewers for maintenance and repair.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the Plant exceeds 40 degrees C (104 degrees F) unless the Approval Authority approves alternate temperature limits in writing.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass-Through.
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes

within the POTW in a quantity that may cause worker health and safety problems.

- (8) Any trucked or hauled Pollutants, except at discharge points designated by the Superintendent.
- (9) Any Pollutant, including oxygen-demanding Pollutants released in a discharge at a flow rate and or concentration (including any Slug Discharge), which may cause Interference to the POTW.
- (10) Any of the following Toxic Pollutants [a] those Pollutants listed on the current critical materials register prepared pursuant to Section 66 of the Water Resources Commission Act (MCLA Sec. 323.1 et seq.) by the Michigan Water Resources Commission, and [b] those Pollutants identified by the Township as a "Toxic Pollutant" by amendment to this Ordinance. If a Pollutant is specifically allowed by Section 4.5 (B) (14) or Categorical Pretreatment Standards, then the above paragraph does not apply.

- (11) Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Federal Water Pollution Act of 1972, as amended.
- (12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township or the Superintendent in compliance with applicable State or Federal regulations.
- (13) Any discoloration, other than the color of normal strength domestic waste, including, but not limited to, dyes, inks and vegetable tanning solutions which singularly or in conjunction with other waste constituents is deleterious to Plant treatment and/or Sludge disposal practices or a hazard to the POTW and its employees.
- (14) Any Wastewater having effluent characteristics in excess of:

<u>Constituent</u>	<u>Maximum</u>
CBODS	780 mg/L
Phosphorus (Total)	10mg/L
Suspended Solids	680 mg/L
Ammonia Nitrogen	65mg/L
Grease, Oils, Waxes, Fat	50 mg/L
Arsenic	0.23mg/L
Cadmium	0.14mg/L
Chromium (Total)	8.6mg/L
Copper	0.36mg/L
Lead	1.24mg/L
Mercury (non-detectable)	<0.2 ug/l
Molybdenum	1.11mg/L
Nickel	2.56mg/L
Zinc	8.03mg/L
Selenium	1.10mg/L

Silver	0.005mg/L
Cyanide (Total)	0.85mg/L

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

Where authorized by the WWTP Superintendent, Special Alternative Limit agreements shall be made such that the allocation to all industrial users in the city service area does not exceed the calculated Maximum Allowable Industrial Loading (MAIL) for any parameter and such that the allocation to all sewer users does not exceed the calculated Maximum Allowable Headworks Loading (MAHL) for any parameter summarized in Section 4.5 (15)(b).

(a) A non-domestic user may, at the time of application for a wastewater discharge permit, or by a special alternative limit application, request that permitted discharge limits be increased from the Standard Local Limits listed in Section 4.5 (14). Such special alternative limits shall be expressed as total daily pounds of pollutant discharged. Special Alternative Limits (SALs) shall be developed in accordance with the procedure for Special Alternative Limits allocation as outlined in the Industrial Pretreatment Program manual for the Township and approved by DEQ. The Township's rules and regulations shall be available for inspection at 11624 40th Ave, Allendale, MI 49401.

The Township reserves the right to reduce or deny special alternative limits if total pollutant discharges near or reach the MAHLs set forth in the table in Section 4.5 (15)(b). The Township reserves the right to amend the MAHLs set forth in Section 4.5(14)(b) at its discretion. The Special Alternative Limit must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.

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

Any discharge in excess of the amount permitted by the Special Alternative Limit is prohibited and is therefore a violation of Section 4.5 and the user's wastewater discharge permit.

(b) Headworks Mass Limits. The MDEQ approved (2016) MAHL and MAILs for parameters that may be considered for SALs are as follows:

Parameter	MAHL (lb./day)	MAIL (lb/day)
BOD5	2711	951
TSS	2680	1280
Phosphorus	76	17.7
Ammonia (as N)	450	181

(16) If the User is discharging to the effluent side of the Plant, the following additional discharge limitations shall apply:

WASTEWATER DISCHARGE LIMITATIONS AND MINIMUM REQUIREMENT

<u>Substance</u>	<u>30-day Average</u>	<u>Any Single Day</u>
CBOD-5 -mg/l (not to exceed)	25	40
Suspended Solids -mg/l (not to exceed)	30	45
Phosphorus, Total-mg/l (not to exceed)	1.0	1.5

pH (acceptable range)		6.5-9.0
Dissolved Oxygen, mg/l (minimum required)		3.0
Fecal Coliform Bacteria (not to exceed)	200/100 ml	400/100 ml
Total Residual Chlorine -mg/l (not to exceed)		0.036

- (17) There shall be no detectable amounts of mercury discharged into the POTW.
- (a) The local discharge limitation for mercury is established at the method detection limit (MDL) in accordance with the following:
- (1) Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The MDL, 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.
 - (2) The evaluation of potential matrix: interference(s) shall include, at a minimum, the following:
 - a) A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 -Ug/l in reagent water;
 - b) A demonstration that MDL of 0.2 ug/l cannot be achieved in the effluent; and
 - c) A demonstration that an attempt has been made to resolve the matrix interference(s).
 - (3) In cases where true matrix interference(s) can be demonstrated, a discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific MDLs will be incorporated into the wastewater discharge permit of the Nondomestic User.
 - (b) Mercury Reduction Plans. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the Superintendent may require any Nondomestic 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 Nondomestic User has not violated the local limit for mercury, but the Superintendent has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the Nondomestic User has violated the mercury local limit. At a minimum, an approvable 11RP shall contain the following:

- (1) A written commitment by the Nondomestic User to reduce all nondomestic discharges of mercury to levels below the MDL within 3 years of the MRP's original approval date;
- (2) Within 60 days of notification by the Superintendent that an MRP is required, the Nondomestic User shall apply an initial identification of all potential sources of mercury which could be discharged to the Building Drain;
- (3) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified MDL within 3 years;
- (4) A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with 245.1 methods;
- (5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified MDL. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are already near MDL), the demonstration should incorporate the following:
 - a) Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations with 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 USEPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245J and collected at the appropriate compliance measurement location; and
 - c) Loading calculations wherein the Nondomestic User calculates the total mass of mercury reduced from the Building Drain discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- (6) A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall: (i) identify compliance or noncompliance with specific reduction commitments in the MRP; (ii) summarize the analytical, mass-based or other quantifiable demonstrations of mercury

reductions performed to date: (iii) provide all applicable analytical data; (iv) provide an evaluation of the effectiveness of actions taken to date: (v) provide updates to the initial list of mercury containing compounds discharged to the Building Drain; and (vi) *propose* for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

- (7) Any other conditions that the Superintendent deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.
- (8) Failure to submit an approvable MRP within 30 days of the required due date shall constitute Significant Noncompliance in accordance with this Section and will result in publication as a significant violator.
- (9) An MRP may be evaluated for adequacy at any time by the Superintendent. If such an evaluation determines that the Mercury Reduction Plan is inadequate, the Nondomestic User has not complied with its approved MRP, the Nondomestic User will be notified. Failure to comply with the MRP requirement constitutes noncompliance. The Superintendent will follow its Enforcement *Response* Plan (ERP) to ensure that corrective actions are taken.
- (10) A Nondomestic User may request a release from MRP requirements if:
 - a) all samples of the discharge for a period of one year are less than the specified MDL;
 - b) the Nondomestic User has complied with minimum the monitoring frequency of quarterly sampling events; and
 - c) the Superintendent deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. The Superintendent shall notify the Nondomestic User of any release from MRP requirements in writing.
- (11) If the MRP requirement is waived by the Superintendent, the Nondomestic User remains subject to the local limitation for mercury in accordance with the requirements of this Section.
- (12) Re-discovery of mercury in the Nondomestic User discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

SECTION 4.6 SURCHARGES. All Industrial Users of the POTW shall pay a surcharge for the discharge of Sewage or waste containing more of the substance referenced below than the identified amount, with the exception that a surcharge can be made for either *BODS* or COD, whichever is the greater dollar cost, but not for both.

<u>Substance</u>	<u>Surcharge Above</u>
CBOD5 Phosphorus Suspended Solids	276 mg/l
Phosphorus, ·	8.5 mg/l
Suspended Solids	302 mg/l

The amount of such surcharge shall be established periodically by the Superintendent. To determine the amount of such surcharge, the Superintendent shall collect samples at a predetermined frequency and base the surcharge upon such samples. The costs and expenses incurred by the Superintendent in collecting and analyzing such samples shall be reimbursed to the Superintendent by the Industrial User and payment shall be made by the Industrial User within 30 days of invoice date. In the alternative, with the prior written approval of the Superintendent, the Industrial User may utilize an independent company to take such samples, at the Industrial User's expense, under conditions and standards determined to be acceptable by the Superintendent. The surcharge shall be calculated and billed at a frequency determined by the Superintendent. Any surcharge billing not paid when due shall be a violation of this Ordinance. The imposition of surcharges pursuant to this Section shall not restrict or limit the Township in charging and collecting any surcharges, penalties or any other sums payable to the Township pursuant to any contract the Township has with a User.

SECTION 4.7 PRE-TREATMENT REQUIREMENTS.

(A) . Industrial Users shall provide necessary Wastewater treatment as required to comply with the most stringent requirement of this Ordinance or Federal Pretreatment Standards, as established by Part.23, Rule 11, State standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment standards by applicable deadlines.

(B) Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Superintendent for review and shall be approved by the Superintendent before construction of the facility. Use review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of this Ordinance and permit conditions. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by the Superintendent prior to the Industrial User's initiation of the changes.

SECTION 4.8 DILUTION PROHIBITION. No Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge, as a partial or complete substitute for adequate Treatment to achieve compliance with concentration limitations as established herein or any Pretreatment Standard or Requirement.

SECTION 4.9 GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Notwithstanding the foregoing, interceptors shall not be required for living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township and shall be located so as to be readily accessible for cleaning and inspection. All grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. The owner of the building or premises, or the owner's authorized representative, shall maintain all grease, oil and sand interceptors in continuously efficient operation at all times, at the expense of the owner or authorized representative.

SECTION 4.10 SPILL PREVENTION AND SLUG CONTROL PLANS.

- (A) Industrial Users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial User's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the Superintendent before construction of the facility.
- (B) Industrial Users that store hazardous substances shall not contribute to the POTW after the effective date of this Ordinance unless a spill prevention plan has been approved by the Superintendent. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (C) The Superintendent shall evaluate each Significant Industrial User at least once every two years, and other Industrial Users as necessary, to determine whether such Industrial User needs a plan to control Slug Discharges. If the Superintendent decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Plant of Slug Discharges, including any discharge that would violate a prohibition under Section 4.5 with procedures for follow-up written notification within five days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

SECTION 4.11 NOTIFICATION

- (A) Notification of discharge violation.
- (1) In the case of any discharge in violation of this Ordinance or permit conditions, and in the case of any discharge that could cause problems to the POTW; including any Slug Discharges, as defined by Section 1.3 of this Ordinance, the Industrial User shall immediately notify the Plant of the discharge by telephone. The notification shall include:
- (a) the date, time; location and duration of the discharge;
 - (b) the type of waste, including concentration and volume; and
 - (c) any corrective actions taken by the Industrial User.
- (3) Within five days following such a discharge, the Industrial User shall submit a written report describing the cause of the discharge and the measures that will be taken by the Industrial User to prevent similar future discharges.
- (4) Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed under this Ordinance or other applicable State or federal law.
- (B) All Industrial Users shall promptly notify the Superintendent in advance of any substantial change in the volume or character of Pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under Part 23, Section 10(15).

SECTION 4.12 EMPLOYEE TRAINING. The Industrial User shall permanently post a notice in a prominent place advising all employees to call (616) 242-1348 in the event of a dangerous **discharge for which notification is required. Employers shall advise all employees who may** cause or be injured by such a discharge of the emergency notification procedure.

SECTION 4.13 RECORDS.

- (A) Industrial Users shall retain and make available upon request of authorized representatives of the Superintendent, the State, or the EPA all records required to be collected by the Industrial User pursuant to this Ordinance or any permit or order issued pursuant to this Ordinance.
- (B) These records shall remain available for a period of at least three (3) years after their collection.
- (C) This period shall be extended during any litigation concerning compliance with this Ordinance or permit conditions.

SECTION 4.14 ANALYTICAL REQUIREMENTS. All analyses, including sampling results, submitted in support of any application or report, or any evidence required by any permit or order, shall be performed in accordance with the methods described in the current editions of "The Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40CFR Part 136, as amended.

In a situation where a method does not exist in Part 136, then a method may be used as described in the current editions of:

- (1) "Manual of Methods for Chemical Analysis of Water and Wastes," published by the EPA;

- (2) "Standard Methods for the Examination of Water and Wastewater;" and
- (3) "Annual Book of Standards, Part 31, Water and Atmospheric Analysis, 1975," published by the American Society for Testing and Materials (A.S.T.M.)

Analysis of those Pollutants not covered by these publications shall be performed in accordance with procedures established by the Superintendent.

SECTION 4.15 CONFIDENTIAL INFORMATION.

(A) Information and data (other than effluent data) about an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Superintendent in accordance with State and Federal disclosure statutes that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as _such until a determination is made by the Superintendent. Effluent data shall be available to the public without restriction.

(B) When the Person furnishing a report satisfies the Superintendent that such Person has made the demonstration required by subparagraph (A) above, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this Ordinance, the NPDES permit or the Pretreatment program. Confidential portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the Person furnishing the report. Effluent data will not be recognized as confidential information.

SECTION 4.16 RIGHT OF ENTRY. Representatives of the township, the Superintendent, the State and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any User who may be subject to the requirements of this Ordinance. Users shall allow authorized representatives of the Township, Superintendent, State and BPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties.

Authorized representatives of the Township, superintendent, State and EPA shall have

the right to place on the Industrial User's property such devices as are necessary to conduct sampling and monitoring. Where an Industrial User has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the Industrial User shall make necessary arrangements, at its own expense, to enable authorized representatives of the Township, Superintendent, State, and EPA to enter and inspect the premises as guaranteed by this Section.

While performing the necessary work on private properties referred to in this Ordinance, the Township, Superintendent, State and EPA or their duly authorized employees and agents, shall observe all safety rules applicable to the premises established by the Industrial User.

SECTION 4.17 EXISTING AND NEW SOURCE COMPLIANCE DEADLINES. Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to Section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable Categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in Part 23, Section R323.2302. New Sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources shall meet all applicable Pretreatment Standards.

SECTION 4.18 EQUIVALENT MASS AND CONCENTRATION LIMITS. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

Equivalent limitations calculated in accordance with Part 23, Sections 11(5)(c) and 11(5)(d) shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act and Title 40, Part 403 of the Code of Federal Regulations. Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.

Sections 403.6(c)(6) and (c)(7) shall apply to those Industrial Users for whom equivalent mass or concentration limits are calculated.

SECTION 4.19 NET/GROSS CALCULATION. Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the Industrial User's intake water in accordance with Part 23, Section 13(c).

SECTION 4.20 REMOVAL CREDITS. The Superintendent may, at its discretion, and subject to the conditions of Part 23, Section 13(a), grant removal credits to reflect removal by the Plant of Pollutants specified in the Categorical Pretreatment Standard(s).

SECTION 4.21 IMPROPER USE OF SEWERS: DISCONTINUANCE OF SERVICE. The

Township and/or Superintendent is authorized to inspect any existing Building Sewer or - Building Drain, Private Lateral or Sewage Disposal Facility that discharges Wastewater directly or indirectly to a Sanitary Sewer. If it is found that such Building Sewer, Building Drain, Private Lateral or Sewage Disposal Facility are used or maintained in such a way as to cause discharge of Wastewater or groundwater or debris which exceeds the design criteria of the Sanitary Sewer, or any other substance deemed objectionable, the Township and/or Superintendent will give notice of the unsatisfactory condition to the Person responsible for such discharge and shall direct that the condition be corrected.

In cases of non-compliance continuing after such directive, the Superintendent, in its discretion, may discontinue service to Persons responsible for such discharge.

SECTION 4.22 INDEMNIFICATION FOR ADDITIONAL SEWER MAINTENANCE

EXPENSES. No Person shall discharge or cause to be discharged to a Sanitary Sewer, either directly or indirectly, any non-domestic waste that creates a stoppage, plugging, breakage, reduction in Sanitary Sewer capacity or any other damage to Sanitary Sewers or other parts of the POTW. The Person causing such discharge shall indemnify the Township and/or Superintendent for any additional Sanitary Sewer or sewage maintenance expenses caused by such discharge, or any other additional costs or expenses caused by such discharge including reasonable attorney's fees incurred in enforcing the provisions of this Section.

SECTION 4.23 ACCIDENTAL DISCHARGES. Every User of the POTW shall provide, when deemed necessary by the Superintendent, protection from accidental discharge into the POTW of non-domestic wastes or liquid materials not meeting the requirements of Section 4.5 or other

non-domestic wastes prohibited by this chapter 4.

C. TREATMENT FACILITY ADMINISTRATION

SECTION 4.24 WASTEWATER DISCHARGES. It shall be unlawful to discharge any Wastewater to the POTW except as is permitted by the terms of this Ordinance.

SECTION 4.25 WASTEWATER CONTRIBUTION PERMITS.

(A) When Permit Required:

All categorical Industrial Users shall obtain and maintain a valid Wastewater Contribution Permit, issued by the Superintendent, as a condition precedent to making any discharge to the POTW. In addition, any Significant Industrial User or any other person that exceeds any of the limits in Section 4.6 of this Ordinance (pertaining to the requirement of surcharges) shall obtain and maintain a valid Wastewater Contribution Permit, issued by the Superintendent, as a condition precedent to making any discharge to the POTW. The Superintendent may, in his or her discretion, require that an existing Industrial User or potential Industrial User procure and maintain in effect a Wastewater Contribution Permit, issued by the Superintendent, as a condition precedent to making any discharge to the POTW.

(B) Permit application

Industrial Users required to obtain a Wastewater Contribution Permit shall complete and file with the Superintendent an application in the form prescribed by the Superintendent and accompanied by a fee as required in Section 4.41. Proposed new Industrial Users shall apply for a Wastewater Contribution Permit at least 90 days prior to connecting to or contributing to the POTV/. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location, (if different from the address) and name of owners and operator;

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;

(3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 4.5 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance "With procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30-minute peak 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 and a current water use schematic;

(7) 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 Township, State, or Federal Pretreatment Standards, and a statement signed by an authorized representative of the Industrial User and certified by a qualified professional regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operation and Maintenance ("O&M") and/or additional Pretreatment is required for 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 Industrial User will provide such additional Pretreatment. The completion date in *this* schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the

applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in paragraph (a) shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Superintendent 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 Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

(10) Each product and/or byproduct produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of Pretreatment system;

(13) List of any environmental control permits held by or for the facility;

(14) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

The Superintendent will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

D. WASTEWATER CONTRIBUTION PERMIT Requirements

SECTION 4.26 PERMIT CONTENTS. Wastewater Contribution Permits shall contain appropriate, the following:

- (A) Statement of duration (not greater than 5 years), including issuance and expiration dates

- (B) Effluent limitations based on the more stringent of Categorical Pretreatment Standards, local limits as established by this Ordinance, State and local law or the Combined Waste stream Formula as outlined in Part 23, Section 11(7);

- (C) General and specific discharge prohibitions as established by Section 4.5 of this Ordinance;

- (D) Requirements to pay fees for the Wastewater to be discharged to the POTW;

- (E) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;

- (F) Requirements for installation and maintenance of inspection and sampling facilities;

- (G) Requirements and specifications for monitoring *programs* including sampling locations, frequency of sampling, number, *types* and standards for tests and reporting schedule;

- (H) Compliance schedules;

- (I) Requirements for submission of technical reports, discharge reports or certification statements. These shall include any reporting requirements contained in a National Categorical Pretreatment Standard or Pretreatment Requirement;

- (J) Requirements for collecting/retaining and providing access to plant records relating to the Industrial User's discharge and for providing entry for sampling and inspection;

- (K) Requirements for notification of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater Treatment system;

(L) Requirements for notification of spills, potential problems to the Superintendent including slug loadings, Upsets or violations;

(M) Requirements for installation, operation and maintenance of pollution control equipment;

(N) Requirements to develop and implement spill and slug control plans;

(O) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, state and federal pre-treatment standards and requirements;

(P) Statement of applicable civil and criminal penalties for violation of Pretreatment standards and requirements;

(Q) Statement of non-transferability;

(R) Conditions for modification or revocation of permit.

SECTION 4.27 PERMIT DURATION. Wastewater Contribution Permits shall be issued for a specified time period, not to exceed five years. The Industrial User shall apply for permit reissuance at least 180 days prior to the expiration of the Industrial User's existing permit.

SECTION 4.28 PERMIT MODIFICATIONS. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Industrial Users subject to such standards shall be revised to require compliance with such standard within

the time frame prescribed by such standard. Where an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 4.25, the Industrial User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.' In addition, the Industrial User with an existing Wastewater.

Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs

B (8) and (9) of Section 4.25.

SECTION 4.29 PERMIT TRANSFER. Wastewater Contribution Permits are issued to a specific process or operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises or a new or changed operation without compliance with the transfer procedure of the Superintendent on the date of transfer.

SECTION 4.30 MONITORING.

(A) Industrial Users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of the Township, Superintendent, EPA or the State to inspect, sample, or measure flows of Wastewater subject to this Ordinance.

(B) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

(C) If locating such facilities on an Industrial User's property would be impractical, the Industrial User may apply to the Township for permission to construct on public property. If such facilities are to be located in the public right-of-way, the approval of the public agency having jurisdiction over the said right of way shall be required.

(D) At their discretion, the Township or the Superintendent may require a suitable control manhole located on the Industrial User's premises, which shall be installed on the Building Sewer when deemed necessary by the Township or the Superintendent. When such a location would be impractical or cause undue hardship on the Industrial User, the Township or the Superintendent may allow such facility to be constructed in the public right-of-way, with the approval of the public agency having jurisdiction over such right-of-way, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. The manhole shall be installed by the Industrial User at his expense and shall be maintained by him to be safe and accessible at all times.

Whether constructed on public or private property, the control manhole shall be constructed in accordance with the Superintendent's requirements and all applicable construction standards and specifications.

When more than one Industrial User can discharge into a common Sewer, the Superintendent may require installation of separate monitoring equipment and control manhole for each Industrial User. When there is a significant difference in Wastewater constituents and characteristics produced by different operations of a single Industrial User, the Superintendent may require that separate monitoring facilities be installed for each separate discharge.

SECTION 4.31 BYPASS.

(A) Bypass not violating applicable Pretreatment standards or requirements. An Industrial User may allow any Bypass to occur which does not violate Pretreatment Standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to (B) and (C).

(B) Notice.

(1) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior written notice to the Township and the Superintendent if possible, at least ten days before the date of the Bypass.

(2) . An Industrial User shall orally notify the Township and the Superintendent of an unanticipated Bypass that exceeds applicable Pretreatment Standards or requirements within 24 hours of becoming aware of the Bypass. A written submission shall also be provided within five (5) days of becoming aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact times and dates, and if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass.

(C) Prohibition of Bypass

(1) A Bypass is prohibited and the Superintendent may take enforcement action against an Industrial User for a Bypass, unless: (i) the Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; (ii) there were no feasible alternatives to the Bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate back-up equipment should have been installed to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance); and (iii) the Industrial User submitted notices as required by paragraph (B) of this Section.

(2) **The Superintendent may approve an anticipated Bypass, after considering** its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (C) (1) of this Section.

SECTION 4.32 UPSET PROVISIONS.

(A) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards or this Ordinance if the requirements of paragraph

(B) The Industrial User who wishes to establish an affirmative defense of an Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) The Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

(3) The Industrial User has submitted the following information to the Superintendent and the Township within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(a) A description of the discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(C) In any enforcement preceding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(D) In the usual exercise of prosecutorial discretion, Superintendent enforcement personnel should review any claims that non-compliance was caused by an Upset. No determination made in the course of the review shall constitute final action or be subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards or this Ordinance.

(E) The Industrial User shall control production and all discharges to the extent necessary to maintain compliance with Pretreatment Standards, upon reduction, loss, or failure of its Treatment facility, until the facility is restored, or an alternative method of Treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the Treatment facility is reduced, loss or fails.

E. REPORTING

SECTION 4.33 BASELINE REPORT (for Users operating under Categorical Pretreatment Standards only).

(A) Industrial Users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to the Superintendent in a form prescribed and furnished by the Superintendent.

(B) Within 180 days after the effective date of a National Categorical Pretreatment

Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with Part 23, Section 11(2)(cl), whichever is later, Industrial Users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Report to the Superintendent.

(C) New Sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge to the POTW.

(D) In support of the Baseline Report, the Industrial User shall submit, in units and terms specified in the application, the following information:

(1) Name and address of the facility including the name of the operator and owners.

- (2) List of any environmental control permits held by or for the facility.
- (3) Brief description of the nature, average rate of production, and the SIC of the operation(s) carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams, and
 - (b) Other streams as necessary to allow use of the combined Waste stream formula of Part 23, Section 11(7).
- (5) The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
 - (a) Submit the results of sampling and analysis identifying the nature and concentration of regulated Pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
 - (b) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24- hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Superintendent may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (c) The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (d) Samples should be taken immediately downstream from Pretreatment facilities, if such exist, or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the Industrial User should measure the flows and concentrations necessary to allow use of the combined Waste stream formula of Part 23,

Section 11(7) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Part 23,

Section 11(7) this adjusted limit along with supporting data shall be submitted to the Superintendent.

(6) The Industrial User shall provide a statement, reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures ("O&M") or additional Pretreatment is required for the Industrial User to meet the National Categorical Pretreatment Standards.

(7) If additional Pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional Pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard

(a) Where the Industrial User's National Categorical Pretreatment Standard has been modified by a removal allowance (Part 23, Section 13(a)) or the combined Waste stream formula (Part 23, Section 11(7)), or net/gross calculations (Part 23, Section 13(c)), at the time the Industrial User submits a Baseline Report, the information required in Section 4.33(D)(6) and (7) shall pertain to the modified limits.

(b) If the National Categorical Pretreatment Standard for the Industrial User is modified after the Baseline Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Section 4.33(0)(6) and (7) and submit them to the Superintendent within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to Section 4.33(D)(7):

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in Section 4.33 (D)(8)(a) shall exceed nine months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.

(9) Such other information as may be reasonably requested by the Superintendent.

(E) The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.

SECTION 4.34 COMPLIANCE DATE REPORT. Within 90 days following the date for filing compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Categorical Pretreatment Standards shall submit to the Superintendent a report indicating the nature and concentration of all Pollutants in the discharge from the regulated process which are limited by such Standards and the average and maximum daily flow for these process Units in the Industrial User's facility which are limited by such Pretreatment standards or Requirements. Where equivalent mass or concentration limits are established by the Superintendent for an Industrial User, this report shall contain a reasonable measure of the Industrial User's long-term production rate. Where an Industrial User is subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production, the report shall include the Industrial User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or Pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the Industrial User and certified to by a qualified professional.

SECTION 4.35 PERIODIC COMPLIANCE REPORTS.

(A) Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source; after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 4.33 (D)(4). At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

(B) The Superintendent may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (A) of this Section shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the Industrial User. These reports 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 Superintendent, of Pollutants contained therein which are funded by the applicable Pretreatment Standards.

(C) For Industrial Users subject to equivalent mass or concentration limits established by the Superintendent in accordance with the procedures in Part 23, Section 11(5), the report required by Section 4.35(A) shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant discharge per unit of production (or other measure of operation), the report required by Section 4.35(A) shall include the Industrial User's actual average production rate for the reporting period.

(D) Significant Noncategorical Industrial Users shall submit to the Superintendent at least once every six months (on dates specified by the Superintendent) a description of the nature, concentration, and flow of the pollutants required to be reported by the Superintendent.

SECTION 4.36 MONITORING AND ANALYSIS IN SUPPORT OF SELF-MONITORING REQUIREMENTS.

(A) The reports required by Sections 4.33, 4.34, 4.35, 4.37 and 4.38 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 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Superintendent determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other persons approved by the EPA Administrator. This sampling and analysis may be performed by the Superintendent in lieu of the Industrial User. Where the Superintendent itself collects all the information required for the report, the significant Industrial User will not be required to submit the report.

(B) If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Superintendent within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

(1) The Superintendent performs sampling at the Industrial User at a frequency of at least once per month, or

(2) The Superintendent performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling.

(C) The reports required in paragraph (A) and (D) of Section 4.35 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 Superintendent shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards, and Requirements.

(D) If an Industrial User subject to the reporting requirement in Sections 4.33 thru 4.35 monitors any Pollutant more frequently than required by the Superintendent using the procedures prescribed in this Section the results of this monitoring shall be included in the report.

(E) The reports required by Sections 4.33, 4.34, 4.35, 4.37 and 4.38 shall include the certification statement as set forth in Part 23, Section 11(2)(0)(ii), and shall be signed by an Authorized Representative of the Industrial User.

SECTION 4.37 REPORTING REQUIREMENTS FOR SIGNIFICANT INDUSTRIAL USERS.

Every Significant Noncategorical Industrial User shall submit to the Superintendent at least once every six months (on a date specified by the Superintendent) a description of the nature, concentration, and flow of the Pollutants required to be reported by the Superintendent. These 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 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Superintendent determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Superintendent or other persons approved by the EPA Administrator. This sampling and analysis may be performed by the Superintendent in lieu of the Significant Noncategorical Industrial User. Where the Superintendent itself collects all the information required for the report, the Significant Noncategorical Industrial User will not be required to submit the report.

SECTION 4.38 REPORTING REQUIREMENTS FOR NONSIGNIFICANT INDUSTRIAL

USERS. The Superintendent may require appropriate reporting from those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards and are not otherwise deemed by the Superintendent to be significant.

SECTION 4.39 HAZARDOUS WASTE NOTIFICATION.

(A) Any Industrial User, except as specified in paragraph (E) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characterized as a hazardous waste under 40 CFR Part 261, shall notify the Superintendent in writing of such

(B) All hazardous waste notifications shall include:

- (1) The name of the hazardous waste as set forth in 40 CFR Part 261;
- (2) The EPA hazardous waste number;
- (3) The type of discharge (continuous, batch, or other); and

(4) A certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(C) In addition to the information submitted in Section 4.39(B), Industrial Users

discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the Industrial User;

- (1) An identification of the hazardous constituents contained in the waste;
- (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
- (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

(D) Hazardous waste notifications shall be submitted no later than the effective date of this Ordinance, except that Industrial Users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide notification no later than 180 days from the discharge of the wastes or the effective date of this Ordinance, whichever is later. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under Section 4.10(B) of this Ordinance.

(E) Industrial Users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a onetime notification.

SECTION 4.40 SIGNATORY REQUIREMENTS. The reports required in Sections 4.33, 4.34, 4.35, 4.37 and 4.39 shall include the certification statement as set forth in Part 23, Section 11(2)(b)(ii) and shall be signed as follows:

(1) By a responsible corporate official, if the Industrial User submitting the report is a corporation. For the purpose of this paragraph, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) The manager of one or more manufacturing, production, or operation facilities employing at least 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in Section 4.40 (1) or (2) if,

(1) or (2); (i) The authorization is made in writing by the individual described in Section 4.40

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Superintendent.

(4) If an authorization under Section 4.40 (3) 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 Section 4.40 (3) must be submitted to the Superintendent prior to or together with any reports to be signed by an authorized representative.

F. FEES

SECTION 4.41 ADOPTION OF FEES AND CHARGES. The Superintendent may adopt charges and fees which may include:

(A) Fees for reimbursement of costs of setting up and operating the POTW Pretreatment Program;

(B) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the Industrial User;

(C) Fees for reviewing accidental discharge procedures and construction;

(D) Fees for permit applications including the cost of processing such applications;

(E) Fees for filing appeals;

(F) Fees for consistent removal;

(G) Other fees as the Superintendent may deem necessary to carry out the requirements contained in this Chapter 4.

These fees relate solely to the matters covered by Chapter 4 of this Ordinance and are separate from all other fees charged by the Township.

G. ENFORCEMENT

SECTION 4.42 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) Notification of Violation. Whenever the Superintendent finds that any Industrial User has violated or is violating Chapter 4 of this Ordinance, or a Wastewater permit or order issued hereunder, the Superintendent may serve upon said Industrial User written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of

Violation.

(B) Consent Orders. The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the Superintendent and industry representatives. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Section 4.42(D) below.

(C) Show Cause Order. The Superintendent may order any Industrial User which causes or contributes to a violation of this Ordinance, Wastewater permit or order issued hereunder, to appear at a meeting and show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears as noticed, the enforcement action may be pursued as appropriate. Notice shall also be given to the Township at the same time it is given to the Industrial User.

(D) Compliance Order. When the Superintendent finds that an Industrial User has violated or continues to violate Chapter 4 of this Ordinance or a permit or order issued hereunder, the Superintendent may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, Sewer service shall be discontinued unless adequate facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of Pretreatment technology, additional self-monitoring, and management practices. A copy of any order issued pursuant to this Section shall be provided to the Township at the same time it is provided to the Industrial User.

(E) Cease and Desist Orders. When the Superintendent finds that an Industrial User has violated or continues to violate Chapter 4 of this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all illegal or unauthorized discharges immediately.

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

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

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

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

(F) Emergency Suspensions.

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

(2) Any Industrial User notified of a suspension of the Wastewater treatment service and/or the Wastewater permit shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the Industrial User to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Section 4.42(H) are initiated against the Industrial User.

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

(G) Termination of Permit. Significant Industrial Users proposing to discharge into the POTW, must first obtain a Wastewater Contribution Permit from the Superintendent under Section 4.25 above. Any Industrial User who violates the following conditions of this Ordinance or a wastewater Contribution Permit or order, or any applicable State or Federal law, is subject to permit termination:

(1) Violation of permit conditions.

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

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

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

Noncompliant Industrial Users Will be notified by the Superintendent of the proposed termination of their Wastewater permit and be offered an opportunity to show cause under Section 4.42(C) of this Ordinance why the proposed action should not be taken. Notice shall also be given to the Township at the same time that notice is given to the Industrial User.

(H) Affirmative Defenses. An Industrial User shall have an affirmative defense as outlined in any action brought against it alleging a violation of the general prohibitions established in Part 23, Section 3(1) and the specific prohibitions in Part 23, Sections 3(2)(c), 3(2)(d), 3(2)(e), 3(2)(f), and 3(2)(g) where the Industrial User can demonstrate that:

(I) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass-Through or

Interference; and

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

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

(I) Right of Appeal. Any decision relating to the enforcement of Chapter 4 of this Ordinance may be appealed to the Township Board on the written request of any Person. Thereafter, the Township Board shall then act to uphold or modify the decision. The action of the Township Board shall be final and binding on all Persons.

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

SECTION 4.43 JUDICIAL REMEDIES. If any Person discharges Sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of Chapter 4 of this Ordinance or any order or permit issued hereunder, the Superintendent, with the prior concurrence of the Township and through the Township Attorney, may commence an action for appropriate legal and/or

equitable relief in a court of appropriate jurisdiction.

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

(B) Civil Penalties.

(1) Any User who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall to the extent permitted by law, be liable to the Township for a civil fine of \$1,000 or the maximum allowable under state law or a civil penalty of not more than the maximum allowable under state law, plus actual damages incurred by the Superintendent and/or the POTW per violation per day for as long as the violation continues. In

addition to the above described penalty and damages, the Superintendent and/or the POTW may recover reasonable attorney's fees, court costs, engineering and other expenses associated with the enforcement investigation, surveillance and/or activities, including sampling, monitoring and

analysis expenses including the time devoted by administrative and other Superintendent and/or POTW staff.

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

(C) - Criminal Prosecution

(1) Violations - Generally

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

(2) Falsifying Information

(a) Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to Chapter 4 of this Ordinance, or Wastewater permit, or who falsifies, tampers

with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not to exceed \$500 or the maximum allowable under state law for violation per day or imprisonment for not more than 90 days or both.

(D) Rules for Continuing Violations.

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

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

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

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

(5) One violation occurs on:

1. Each day (including each additional day) that a report is late; and
2. Each day after an action required to be completed in not completed.

(E) Annual Publication of Industrial Users in Significant Noncompliance. The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the POTW service area, a description of those Industrial Users which are found to be in Significant Noncompliance, as defined in Section 1.3 of *this* Ordinance, with any provisions of Chapter 4 of *this* Ordinance or any permit or order issued thereunder during the period since the previous publication.

SECTION 4.44 SUPPLEMENTAL ENFORCEMENT REMEDIES.

(A) Performance Bonds. The Superintendent may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of Chapter 4 of this Ordinance or any order or previous permit issued thereunder unless such Industrial User first files with it a satisfactory bond, payable to the Township in a sum not to exceed a value determined by the Township to be necessary to achieve consistent compliance.

(B) Liability Insurance. The Superintendent may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of Chapter 4 of this Ordinance or any order or previous permit issued thereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(C) Water Supply Severance. Whenever an Industrial User has violated or continues to violate the provisions of Chapter 4 of this Ordinance or an order or permit issued thereunder, the Township may sever water service to the Industrial User and service will only recommence, at the Industrial User's expense, after it has satisfactorily demonstrated its ability to comply.

(D) Public Nuisances. Any violation of the prohibitions or effluent restrictions of Chapter 4 of this Ordinance or any permit or order issued thereunder, is hereby declared a public Nuisance and shall be corrected or abated as directed by the Township. Any Person(s) creating a public Nuisance shall be subject to the provisions of Township Ordinance governing Nuisances, including reimbursing the Township for any costs incurred in removing, abating, or remedying said Nuisance.

(E) Contractor Listing.

(1) Industrial Users which have not achieved consistent compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Township;

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

H. MISCELLANEOUS

SECTION 4.45 POTW ANNUAL REPORT. The Superintendent shall submit an annual report outlining the activities of the Industrial Pretreatment Program in accordance with Part 23, Section 10(8).

SECTION 4.46 POTW MONITORING, INSPECTIONS AND SURVEILLANCE. Pretreatment Program personnel will carry out monitoring, inspections, and surveillance in accordance with Part 23; Section 6(a)(v).

CHAPTER 5

PENALTIES AND MISCELLANEOUS PROVISIONS

SECTION 5.1 DAMAGING POTW; PROHIBITED. No unauthorized person shall maliciously, willfully or negligently tamper with or deface any structure or equipment which is a part of the POTW.

SECTION 5.2 INTERRUPTION OF SERVICE; TOWNSHIP NOT RESPONSIBLE FOR

CLAIMS. The Township shall, in no event, be held responsible for Claims made against it by reason of the breaking of any Public Sewers or Building Sewers, or by reason of any other interruption of the service, caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

SECTION 5.3 PENALTIES. Violation of any provision of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any Person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof: be fined

not more than Five hundred (\$500.00) Dollars or imprisoned for not more than ninety (90) days, or both. Each day a violation continues shall be considered a separate offense. The owner; his authorized representative, a tenant or any other person who commits, participates in, assists in or maintains any violation of this Ordinance may each be found guilty of a separate offense and suffer the penalties herein provided. Every violation of this Ordinance and every failure to comply with any notice given pursuant to this Ordinance shall constitute a Nuisance per se. The Township Board, its authorized representative or any other public official or private citizen, may

take such lawful action as is necessary to restrain or prevent any violation of this Ordinance. Any

Person violating any of the provisions of this Ordinance shall be liable to the Township for any expense, Loss or damage occasioned the Township by reason of such violation. The provisions of this Section 5.1 shall not be applicable to violations of Chapter 4.

SECTION 5.4 ADMINISTRATIVE LIABILITY. No officer, agent or employee of the Township or its authorized representative or member of the Township Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any acts, decisions or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

SECTION 5.5 SEVERABILITY. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 5.6 RULES AND REGULATIONS. The Township may, from time to time, adopt by resolution rules and regulations governing operational, maintenance and technical matters relating to the POTW: Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinbefore prescribed in this Ordinance.

