

**WHITEFORD TOWNSHIP  
MONROE COUNTY, MICHIGAN**

**WHITEFORD TOWNSHIP SEWAGE DISPOSAL SYSTEM NO. 2 ORDINANCE**

ORDINANCE NO. 56

This is an Ordinance to preserve, promote and protect the health, safety and general welfare of the citizens and to protect the environment and natural resources of Whiteford Township.

Pursuant to Michigan Public Act 188 of 1954 and the laws of the State of Michigan, the Township of Whiteford, Monroe County, Michigan Ordains:

ARTICLE 1

TITLE, PURPOSE AND DEFINITIONS

SECTION 1. TITLE

A. This Ordinance shall be known as The Whiteford Township Sewage Disposal System No. 2 Ordinance.

SECTION 2. PURPOSE

A. This Ordinance is to provide regulations for the use of public sewers; the installation and connection fees and inspections; installation costs and responsibilities; sewer line ownership; maintenance and replacement responsibilities; to provide penalties for the violation hereof; and repeals any ordinance or part thereof in conflict herewith.

B. This Ordinance:

1. establishes uniform regulations regarding the discharge of all domestic, industrial, and commercial wastes from the Whiteford Township Sewage Disposal System No. 2 accepted by the City of Sylvania Sanitary Sewer System and to be transported to the Publicly Owned Treatment Works ("POTW") of the Maumee River Wastewater Treatment Plant and all extensions thereto and enables the sewer system to comply with all applicable State and Federal laws, including but not limited to the Clean Water Act (33 U.S.C. 1251 et seq.) and all applicable ordinances, rules and regulations of the City of Sylvania pertaining to sanitary sewers and charges and rates, as they may be amended from time to time.

2. provides for the regulation of the installation and connection of sewer connections, and the discharge of waters and waste into the public sanitary sewer system.

3. regulates all contributors to the POTW through enforcement of general requirements for users;

4. authorizes the monitoring and enforcement of activities;

5. administers, implements and enforces the provisions of this ordinance for the industrial waste pretreatment and non-domestic users control program;

6. the Whiteford Township Board of Trustees or a designated representative is granted the sole responsibility and authorization over industrial discharges for the purpose of controlling and monitoring the wastewater discharge into the publicly owned sanitary mains; and

7. establishes a maximum daily flow of 0.12 million gallons per day for the Whiteford Township Sewage Disposal System No. 2.

C. This ordinance shall apply to all the users of the Whiteford Township Sewage Disposal System No. 2.

### SECTION 3. DEFINITIONS

A. Definitions – All words in this ordinance shall be liberally construed as to gender or singular/plural usage except as the context may clearly limit a quantity. Words shall have such meaning as is common in the field of municipal wastewater treatment. See Attachment A as to additional terms and definitions.

## ARTICLE 2

### UNLAWFUL DISCHARGE, MANDATORY USE, PROHIBITED SUBSTANCES, LANDOWNERS' RESPONSIBILITIES AND PRETREATMENT STANDARDS

#### SECTION 1. UNLAWFUL DISCHARGE

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township of Whiteford, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet or watercourse within the Township of Whiteford, or in any area under the jurisdiction of said Township, any pollutant, sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided pursuant to State permit or in accordance with subsequent provisions of this ordinance.

C. It shall be unlawful to discharge or cause to be discharged any storm water, surface water, ground water, roof (down spouts) water, basement leakage or perimeter tile to be drained into the sanitary sewer system.

#### SECTION 2. MANDATORY HOOKUP

A. The owner of any commercial or residential building, house or property within the sewer district where the property line thereof is within 200 feet of the public sewer line must, at the owner's expense, connect to the sanitary sewer line and properly abandon the prior facility. Properties shall be connected to the public sewer line within six (6) months of the availability of such public sewer system. The Township adopts MCL 333.12754, as it may be amended, with all of its enforcement remedies.

B. At such time as a public sewer becomes available to a property not now served by public sanitary sewer, a direct connection shall be made to the public sewer in compliance with this ordinance, and any privy, privy vault, septic tank, cesspool, and/or other similar private sewer

disposal facility thereon located shall be properly abandoned and filled with suitable material, as dictated by Public Health Laws.

### SECTION 3. PROHIBITED SUBSTANCES AND POLLUTANT LIMITATIONS

A. No person shall discharge or cause to be discharged into the POTW any waters, wastes or substances that inhibit or disrupt the POTW, its treatment process or operation or its sludge process, use or disposal that cause a violation of the system's NPDES permit or that prevent the use of the sewage sludge or disposal from complying with federal, state and local statutes, laws and ordinances of Ohio and Michigan regulating such water, waste or substance.

B. In addition to the general prohibition set forth in Section 2(A) above, no person shall discharge or cause to be discharged any of the following described waters, wastes or substances directly or indirectly into any public sewer except as herein provided:

1. Volatiles. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including but not limited to, petroleum based products such as gasoline, kerosene, diesel benzene, naphtha, fuel oil or other explosive liquid, solid or gas, paints, paint removers or thinners.

2. Acidity. Waters having a PH lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage to structures, equipment, treatment processes, or personnel of the sewage system.

3. Temperature. Any water or wastes having a temperature higher than 104 degrees Fahrenheit.

4. Obstructions. Solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage system such as but not limited to stone, gravel, ashes, cinders, sand, concrete, paving material, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, plastics, wood, brewery mash, whole blood, paunch manure, hair and fleshings, entrails, paper or paper products not intended for disposal in a collection system, including diapers, dishes, cups, milk containers, or any other substances detrimental to the sewers or to the operation of the sewage system.

5. Garbage. Solid waste from the preparation, cooking, serving of food, from the handling, storage and sale of produce or the canning and packaging of foods.

6. Viscous Materials. Any water or wastes which may contain more than one hundred (100) milligrams per liter of fats or waxes, oils or greases.

7. Holding tanks and Septic Tanks Sludge. Contents of septic or vehicular holding tanks or other similar facilities, except at the location designated and under the conditions and provisions established by Whiteford Township or its designated representative. Said contents shall only be permitted to be discharged if they were generated by a person within the sewer district and the discharge is approved in advance by the Township or its authorized agent.

8. Radioactive Materials. Radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with the regulations issued by the appropriate

authority having control over their use and which will or may cause damage or hazards to the sewage system or personnel operating the treatment plant.

9. Sludge's. Quantities of flow, concentrations, or both which constitute a sludge.

10. Other Materials. Substances which either alone or by interaction with other waters or wastes:

a. Solidify or become viscous in the sewage system.

b. Cause excessive discoloration, such as but not limited to dye wastes, and vegetable tanning solutions.

c. Exert or cause high concentrations of suspended solids, such as but not limited to, lime slurries, diatomaceous earth and lime residues.

d. Exert or cause high concentrations of dissolved solids, such as but not limited to sodium chloride.

e. Cause or exert a chemical oxygen demand (C.O.D.) or biochemical oxygen demand (B.O.D.) that would increase operational expense or treatment problems.

f. Cause a high chlorine demand such as but not limited to nitrite, cyanide, thiocyanate, sulfite and thiosulphate.

g. Results in water or waste materials containing toxic or poisonous substances that tend to damage or interfere with any sewage treatment process or that may constitute a hazard to any person, animal, fish or aquatic life or that may tend to be a hazard in the receiving waters of the treatment plant.

h. would cause the treatment plant's effluent to fail a toxicity test.

11. Incompatible Pollutants. Incompatible pollutants in excess of the allowed limits as determined by the County, Township, State and/or Federal laws and regulations as determined and amended, referred to as effluent guidelines developed by the Environmental Protection Agency or as modified by State, Township or County regulations of the States of Ohio and Michigan that regulate such water, waste or substance.

12. Pretreatment Wastes. Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment or any person's wastewater or air pollutants, unless a discharge permit has been issued by the Township or its designated agent for said pretreatment wastes.

13. Unusual Wastes. Any water or wastes of such character and quantity that unusual attention or expense is required to handle them in the sewage system.

14. Medical Wastes. Any medical wastes, including but not limited to infectious agents, human blood and blood byproducts, pathological wastes, sharps, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes unless expressly authorized pursuant to a discharge permit issued by the township or its authorized representative.

15. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming at the POTW.

16. Wastewater exceeding the instantaneous maximum allowable discharge limits and high strength discharge surcharges set forth on Attachment B.

D. The Township reserves the right to establish by ordinance more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives and prohibitions of this Ordinance.

#### SECTION 4. LANDOWNERS' RESPONSIBILITIES, MAINTENANCE AND SERVICE CONNECTION

A. The Township shall own, operate and maintain the main sewer line including any grinder pumps that it purchases and collection tanks installed on the owner's real estate. The land owner shall own the gravity service lateral from the residence or building to the main sewer line or, where applicable, the gravity service lateral from the residence or building to the grinder pump and holding tank. If the Township requires the land owner to purchase a grinder pump, the land owner shall own and be responsible for the purchase, operation, maintenance and replacement of the grinder pump.

B. The Township shall maintain its lines, pumps and tanks in an operational condition. The real estate owner shall maintain the service lateral and shall keep it repaired and operational without leakage as required by Federal, State and local ordinances, statutes and law, including but not limited to the Michigan Public Health Code.

1. The real estate owner shall grant to the Township a perpetual easement for operation, repair, maintenance and replacement of the facilities. If the Owner fails to so provide said easement and litigation is commenced to acquire an easement, then the property shall be assessed with its pro rata costs, of the total costs of any additional proceedings and that cost shall be attached as an additional charge added to the sewer bill for that real estate.

C. The Township shall install all main collection lines, holding tanks and grinder pumps that it purchases. The real estate owner shall at his own cost and expense configure his plumbing to adapt to the Township's collection system, shall pay for the cost of the connection lateral and installation connecting to the Township's system and shall pay for the electric associated with operating the grinder pump, if applicable.

1. The owner shall pay the entire cost of the new installation of each sewer connection lateral to the main sewer line in the public right-of-way or, in the case of a property that has a grinder pump, to the grinder pump and holding tank.

2. The owner shall obtain a sewer connection permit and pay the inspection fee prior to connecting to the Township's system.

3. The service lateral must be installed in accordance with the standards designated by the township engineer and approved by the Township Board or its authorized agent.

4. The owner shall hire a qualified and licensed contractor from an approved list of contractors provided by the Township to install the sewer connection lateral and perform all maintenance and repair of the lateral and all equipment. The Township shall not be liable for any actions or omissions taken by the contractor. Extra inspections as a result of improper installation shall be charged against the property owner and paid prior to final connection.

5. The costs of additional inspections done by the Township, its authorized agent or by a designated engineering company shall be set by the Township board and shall be paid before the work on the sewer connection is begun. Any additional costs due to multiple inspections or requests for inspections outside regular working hours shall be paid within 30 days to the Township upon billing the individual. If any inspections that are required after the close of the project due to the property owner delaying his connection to the system then the owner shall be

required to hire his own licensed inspector to perform this service and shall be responsible to pay any cost associated therewith.

## SECTION 5. PRETREATMENT STANDARDS

A. Users shall provide wastewater pretreatment, as necessary, to comply with all categorical pretreatment standards, local limits, and the prohibitions set out in this ordinance within the time limitations specified by the EPA, the State of Michigan, the Township or the City of Sylvania, whichever is more stringent. The national categorical pretreatment standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471, the categorical pretreatment standards established pursuant to 40 CFR 403 and the state requirements and limitations on discharges are incorporated by reference.

B. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Township for review and acceptance. Any review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities, as necessary, to produce a discharge acceptable to the Township under the provisions of this ordinance.

C. Where an owner of a property leases premises to any other person as a tenant under any rental or lease agreement, either or both the tenant and the property owner may be held responsible for compliance with the provisions of this ordinance.

## ARTICLE 3

### CONSTRUCTION, LICENSING, PERMITS, RESPONSIBILITIES, HARDSHIP APPLICATIONS, LIENS AND VIOLATIONS

#### SECTION 1. CONNECTION TO THE PUBLIC SEWER, BUILDING SEWER CONNECTIONS AND SERVICE ACCESS.

A. Authorization is required to connect or cause to connect to the public sewers.

1. No person shall cover, obstruct, or make any connections with or opening into, use, alter, or disturb any public sewer, manhole, service access, or appurtenance thereof, without first obtaining written authorization from the Township or its authorized agent.

2. All connections with any sewer of the Township and any grading, excavation, or backfilling that will result in the obstruction, or placing above or below grade level, of any public sewer, manhole, service access or any appurtenance thereof, shall be made only on written authorization issued by the Township or its authorized agent and on such forms in accordance with such conditions as shall be established from time to time by the township engineer and approved by the Township Board or its authorized agent. All costs are to be borne by the one requesting authorization.

3. All sewer lines must be constructed in accordance with the standards designated by the township engineer and approved by the Township Board or its authorized agent.

4. The owner shall hire a qualified and licensed contractor from an approved list of contractors provided by the Township for the installation of the sanitary building sewer system.

C. Permits are required for the construction and connection of a building sewer.

1. Application for service connections to the sewer system of the Township of Whiteford shall be made in writing on forms furnished by the Township or its authorized representative. After an application has been submitted, the Township or its authorized representative shall determine whether or not a permit shall be issued.

a. The permit, if granted, shall be effective for a period of six (6) months.

b. All permit fees set forth in a sewer rate ordinance or resolution shall be paid at the time the application is made for a permit.

c. The permit, if granted, may be revoked by the Township or its authorized representative if the person fails to comply with the requirements of the Township's rules and regulations and this ordinance.

2. A separate building sewer permit shall be provided for each building, unless the additional building on the same property parcel is for personal, hobby or other non-business use. If the building use is for a small business, the Board or its authorized representative, upon written request, may allow use of the same connection as the main building. If the same sewer for an additional building is allowed and that additional building is on a piece of property that is eventually split from the main building property, the sewer line to the additional building shall, at the time of the split, immediately be severed from the main building sewer, plugged tight to prevent infiltration, and rendered unusable. The sewer line from the additional building shall then be connected directly to the sewer main.

3. Any applicant for a permit for an industrial and/or commercial service shall submit plans of plumbing for the building as the Township or its authorized representative may require.

D. Specifications designated by the Township or its authorized representative for the installation and connection of the building sewer to the public sewer shall be followed in the installation and connection of any building sewer.

E. Pipe shall be laid and backfilled in accordance with the standard construction guidelines established by the township engineer and approved by the Township Board. The Township or its authorized agent shall be notified by the owner or contractor to inspect the work before any pipe or connections are covered up. If the owner or contractor fails to notify the Township or its authorized agent or covers up the work before it is inspected, the owner or contractor shall uncover the pipe or connection upon request from the Township or its authorized agent.

F. Responsibility of the owner. The land owner shall own and be responsible for the gravity service lateral from the residence or building to the main sewer line or, where applicable, the gravity service lateral from the residence or building to the grinder pump and holding tank owned by the Township. If the Township requires the land owner to purchase a grinder pump, the land owner shall own and be responsible for the purchase, operation, maintenance and replacement of the grinder pump. The Township disavows any responsibility for purposes of construction, installation, maintenance or replacement associated with said gravity service lateral and any grinder pump purchased by a land owner, if applicable..

1. All costs and expenses incidental to the installation and connection of the building sewer to the public sewer connection or to the sewer main, including but not limited to electricity

associated with operating the grinder pump, regardless of who purchased the grinder pump, are the responsibility of the owner of the premise served by the public sewer.

2. All costs and expenses incidental to the raising or lowering of any public sewer, manhole, or service access to surface grade required as a result of any grading, excavating, or backfilling shall be borne by the person requiring the grading, excavating or backfilling.

3. The owner shall indemnify the Township from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, manhole, or service access to be raised or lowered to grade level.

4. Any rooting or cleaning of the connection pipe to the system shall be the total responsibility of the owner up to the grinder pump or public sewer main. If excavation is necessary, that also is the owner's responsibility up to the grinder pump or public sewer main.

5. For all new services, cleanouts shall be installed either outside the footing walls or if a sewer line must be dug up to be repaired, and there is no basement cleanout, a cleanout outside the footing wall shall be installed.

6. The Township of Whiteford is not liable for the resulting direct or incidental damages whenever a sewer backs up unless the backup was caused by negligence on the part of the Township. The Township of Whiteford does not and cannot guarantee that its sewers will never back up.

G. Application for future sewer service and payment of connection charges. No new connections will be permitted unless there is sufficient capacity in downstream sewers, pump stations, interceptors, force mains and the POTW, including capacity for treatment of BOD and suspended solids.

1. If the existing sewer system does not have adequate capacity, the property owner shall be required to pay the full cost for the necessary sewer system improvements to provide the required capacity. Said improvements must be completed before the property owner is allowed to tie into the sewer system.

2. Applications for future sewer service and taps are valid and reserved for the property owner only upon payment in full to the Township or its authorized agent of all fees and charges as established by the Township rate ordinance or resolution.

H. Any person who believes that connection to the sewer system would cause undue financial hardship may apply to the Whiteford Township Board of Trustees or its authorized agent to request deferral of paying the expenses, fees, assessments, charges and other costs associated with connection. Pursuant to M.C.L 333.12756, or any amendment thereto, the Township may enact an ordinance further defining hardship, the procedure for applying and conditions for granting a hardship.

## SECTION 2. EXTENSIONS, ADDITIONS, CONSTRUCTION AND MAINTENANCE

A. No extensions, additions, construction or maintenance is permitted to the system, unless the specifications and requirements in the sanitary sewer standards established by the township engineer are met and adhered to and written approval of the Township or its authorized representative is provided.



B. Extension Permit. No property owner, contractor, or other individual or entity shall construct, install, alter or repair a sanitary sewer extension, or permit the construction, installation, alteration or repair of a sanitary sewer extension without first obtaining a written permit from the Township of Whiteford or its authorized agent during regular business hours, and shall perform no work except as provided for therein. The provisions of this ordinance shall be strictly observed.

C. Old sewer connections may be used in connection with existing or new buildings only when they are found, upon examination and test by the Township or its authorized agent, to meet all requirements of this ordinance.

D. Sewer connections shall be brought to the building in accordance with the Michigan Building/Plumbing Code and the specifications established by the township engineer and approved by the Township Board.

E. Protection of Excavation. Any trench which may create a real or potential hazard to the public shall be protected with adequate barricades, signs, lights or other protective devices.

F. Inspection. All sewer extensions, additions, construction and maintenance performed, before being covered, shall be inspected and approved by authorized inspectors assigned by the Township or its authorized agent.

G. Sidewalk and Driveway Repairs. It shall be the responsibility of the Township to repair any sidewalk or driveway removed or damaged by the Township's actions while in the process of repairing or replacing a sewer service extension. Permanent restoration of sidewalks or driveways shall be made within a reasonable amount of time following the repairs, weather permitting.

### SECTION 3. WASTEWATER DISCHARGE PERMIT APPLICATION

A. Wastewater survey. When requested by the Township or its authorized agent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The Township or its authorized agent shall prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this ordinance.

B. It shall be unlawful for any significant industrial user to discharge wastewater into the system without first obtaining a wastewater discharge permit from the Township or its authorized agent.

C. The Township or its authorized agent may require other users to obtain wastewater discharge permits, as necessary, to carry out the purposes of this ordinance.

D. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a

permittee of its obligation to comply with all pretreatment standards or requirements or with any other requirements of federal, State, and local law.

E. Wastewater Discharge Permitting: Existing Discharges. Any user who is subject to categorical pretreatment standards which are newly promulgated and who wishes to continue such discharges in the future, shall, within thirty (30) days after the effective date of those standards, apply to the Township or its authorized agent for a wastewater discharge permit.

F. Wastewater Discharge Permitting: New and Recommended Discharges. Any user required to obtain a wastewater discharge permit who proposes to discharge for the first time (including the introduction of discharges which are subject to a different set of categorical standards) or recommence discharging after a period of six months of no discharge into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge is scheduled to begin or recommence.

G. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The Township or its authorized agent may require all users to submit the following information as part of an application:

1. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged into the POTW;

2. Total number of employees and breakdown by classification and proposed or actual hours of operation;

3. Each product produced by type, amount, process or processes, and rate of production;

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

5. Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

6. Time and duration of discharges;

7. Sampling and analytical results of all regulated pollutants for the proposed discharge(s);

8. Proof that the Township is listed as an additional insured on the user's insurance policy; and

9. Any other information as may be deemed necessary by the Township or its authorized agent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

H. Signatories and Certification. All user reports, inclusive of wastewater discharge permit applications, must be signed by an authorized representative of the user and contain the following certification statements, as applicable:

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

2. All user self-monitoring reports and wastewater permit applications, where such applications contain the results of self-monitoring, shall either certify the self-monitoring sampling and analysis or provide a written explanation why it cannot so certify the results. The referenced certification shall state:

*"I certify that the sampling and analysis conducted is representative of the discharges of normal work cycles and expected pollutant discharges to the public sanitary sewer."*

3. Users shall provide all other certification statements that may be required by the categorical pretreatment standards or the wastewater discharge permit.

I. Wastewater Discharge Permit Decisions. The Township or its authorized agent will evaluate the data furnished by the user and may require additional information. A waste water discharge permit shall be issued or denied within thirty (30) days of receipt of a complete wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Township or its authorized agent may deny any application for a wastewater discharge permit.

#### J. Wastewater Discharge Permit Issuance Process.

1. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Township or its authorized agent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

2. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Township or its authorize agent to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW, protect ambient air quality, preserve the useful life of the POTW, and protect against accumulation of pollutants within the POTW.

3. Wastewater discharge permits must contain:

- a. A statement that indicates the duration of the wastewater discharge permit, which in no event shall exceed five (5) years;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval by the Township or its authorized agent;
- c. Effluent limits based on applicable pretreatment standards;

- d. Monitoring, sampling, reporting, notification, and record-keeping requirements.
- e. An identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
- f. A statement of applicable civil and criminal penalties for violation of the ordinance.

4. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the Township or its authorized agent to ensure compliance with this ordinance, and federal and State laws, rules, and regulations.

K. Wastewater Discharge Permit Modification. The Township or its authorized agent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised applicable federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of issuing the wastewater discharge permit;
3. A change that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW, Township personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 or other applicable standards;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator if permitted by the Township or its authorized agent.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater permit condition.

L. Wastewater Discharge Permit Transfer. A wastewater discharge permit may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Township or its authorized agent and the Township or its authorized agent approves the wastewater discharge permit transfer. The Township or its agent shall, upon request, keep notification confidential until completion of transfer. The notice to the Township or its authorized agent must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

M. Wastewater Discharge Permit Revocation. The Township or its authorized agent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to provide prior notification to the Township or its authorized agent of changed conditions pursuant to this ordinance;

2. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

3. Falsifying self-monitoring reports;

4. Tampering with monitoring equipment;

5. Refusing to allow the Township or its authorize agent timely access to the facility premises and records as requested by this ordinance;

6. Failure to meet effluent limitations;

7. Failure to pay fines;

8. Failure to pay sewer charges, surcharges, sampling and analytical charges, and other cost recovery charges;

9. Failure to complete the wastewater survey, discharge permit application, or other reporting requirement;

10. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance; or

11. Failure to provide advance notice of the transfer of a business to a new owner or operator of a permitted facility.

Wastewater discharge permits shall be void upon cessation of operations for periods greater than six months or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the effective date of a new wastewater discharge permit.

N. Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of forty-five (45) days prior to the expiration of the user's existing wastewater discharge permit.

#### SECTION 4. REPORT OF POTENTIAL PROBLEMS

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, discharges in violation of this ordinance, a non-customary batch discharge, or a slug load which may cause potential problems to the POTW, the user shall immediately telephone and notify the Township or its authorized agent of the incident. This notification shall include the location of the discharge, date and time thereof, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A. of this subsection. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

#### SECTION 5. COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling.

1. The Township or its authorized agent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Township or

its authorized agent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

2. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Township or its authorized agent will be permitted to enter without delay for the purposes of performing specific responsibilities.

3. The Township or its authorized agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. Said devices shall be purchased at the user's expense.

4. The Township or its authorized agent may require the user to install monitoring equipment as necessary and such equipment shall be purchased at the user's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow shall be calibrated at least annually to ensure their accuracy. All equipment provided to monitor the discharge shall be made available to the Township or its authorized agent as needed.

5. Any temporary or permanent obstruction to access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Township or its authorized agent and shall not be replaced. The costs of clearing such access shall be borne by the user.

6. Unreasonable delays in allowing the Township or its authorized agent access to the user's premises shall be a violation of this ordinance.

#### B. Failure to Permit Access

1. If the Township or its authorized representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township or its authorized agent may seek issuance of a search warrant from the Monroe County Circuit Court and take any one of the following actions:

- a. Issue a notice of violation for noncompliance with this regulation;
- b. Issue a municipal civil infraction citation;
- c. Order the user to permit access within a time certain;
- d. Seek issuance of a search warrant from the Monroe County Circuit Court; or
- e. Order the termination of the discharge of wastes to the POTW.

#### SECTION 6. VANDALISM

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

Township of Whiteford's sewer system. Any person violating this provision shall be subject to immediate arrest under charge of malicious destruction of public property.

#### SECTION 7. DIGGING OR EXCAVATION ON, UPON OR NEAR SANITARY SEWER

A. Any person who engages in any digging or excavation, upon or near any sewer main and/or other sewer service equipment associated with a residential or commercial premise shall contact the Township of Whiteford or its authorized agent before said digging or excavation in order to ascertain the location of said sewer main and/or sewer service equipment.

B. Any person who violates this section of the Ordinance shall be guilty of a municipal civil infraction.

#### SECTION 8. CREATION AND ENFORCEMENT OF LIENS

A. The provisions of M.C.L. 123.161 through 123.167, inclusive, and any amendments thereto, are hereby adopted by reference as part of this Ordinance.

B. The Township or its authorized agent shall have as security for the collection of sewer supply rates, assessments or charges due or to become due for the use, installation, repair or maintenance to any property, a lien upon the property upon which the sewer system service was provided. The lien shall become effective immediately upon providing the sewer system service.

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

D. On the first day of September of each year, any and all balances that are past due for at least ninety (90) days, shall be certified on the next Township tax roll as a lien for collection against the property served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a five (5) percent penalty on the entire amount of the lien in addition to previous charges.

#### SECTION 9. VIOLATION AND PENALTIES

A. The Township may suspend wastewater treatment services to any property when such suspension is necessary, in the opinion of the Township or its authorized agent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of the persons or the environment, causes or may cause interference to the POTW, or causes or may cause the Township to violate any of its obligations and agreements with third parties, the City of Sylvania or the operator of the POTW.

B. The Township or its authorized agent may revoke, suspend, or terminate the wastewater discharge permit of any user which: (a) fails to accurately report the wastewater



constituents and characteristics of its discharge; (b) fails to report significant changes in the wastewater constituents or characteristics; (c) refuses reasonable access to the property by representatives of the Township or its authorized agent for purposes of inspection or monitoring; or (d) violates the conditions of this Ordinance or any consent decree or order.

C. In addition to any remedy available, the Township or its authorized agent shall have the right to shut off and discontinue sewer services to any property and/or customer for non-payment of any fee and/or charge herein. Sewer services so discontinued shall not be restored until all sums due and owing are paid, together with all fees and charges as determined by the Township or its authorized agent. All delinquent fees and charges may be recovered through court action.

D. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

1. A violation of this Ordinance by a residential user is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation.

2. A violation of this Ordinance by a commercial user is a municipal civil infraction, for which the fine shall not be less than \$1,000.00 per day nor more than \$10,000.00 per day, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. Each day such violation occurs shall be deemed a separate offense. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation.

#### ARTICLE IV AUTHORITY, GENERAL PROVISIONS, EFFECTIVE DATE

##### SECTION 1. AUTHORITY

A. The Whiteford Township Board of Trustees or its authorized agent shall determine matters of public utility projects, rates and such, hearing and addressing complaints and approving bills and transfers concerning public utilities. No free public sewer service shall be allowed. Rates shall be established by resolution of the Township Board of Trustees, which shall reflect an amount necessary to ensure sufficient revenues in meeting operation, maintenance and replacement costs, debt service costs and miscellaneous costs associated with the sewer system.

B. The Township or its authorized agent shall be responsible for the operations and maintenance of the sanitary sewer system of the Township and shall direct, protect, operate and maintain the sanitary sewer system.

##### SECTION 2. GENERAL PROVISIONS

#### A. Additional Regulations

1. No provisions contained in this ordinance shall be construed to interfere with any additional regulations or requirements that may be imposed by the Whiteford Township Board of Trustees, County of Monroe, State Health Department, State of Michigan or any other lawfully constituted authority with respect to public or private sewage disposal. The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the sewer system if deemed necessary to comply with the objectives of this Ordinance.

#### B. Severability

1. The words, terms and phrases of this Ordinance shall be severable and if any part is adjudged unconstitutional or invalid by a court of competent jurisdiction, said ruling or judgment shall not affect the remaining provisions of the Ordinance.

#### C. Conflict

1. This Ordinance is a supplement to any regulations adopted by the State Health Department or the State of Michigan. If there is any discrepancy or conflict between this ordinance and the regulations of the State Health Department or State of Michigan then priorities shall be followed as provided in law, unless in certain instances the Township of Whiteford wishes to be more stringent than that which is provided, then if permissible, the most restrictive standard shall be followed.

2. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or prosecution which has started after the effective date of this Ordinance arising from a violation of a general law, statute or ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the Ordinance had not been repealed.

#### D. Repealer Clause

1. Any and all other Ordinances, or sections thereof, inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

#### E. Hold Harmless Clause

1. The property owner and tenant, if applicable, shall indemnify and hold harmless and defend the Township and its authorized agent against all claims, demands, costs or expenses for loss, damage or injury to persons or property in any manner, directly or indirectly, arising out of the use of the sewer system by the property owner or tenant from sewer equipment installed by the property owner, tenant or their agents on the property.

#### F. Liability Exemption

1. The Township and its authorized agent shall not be responsible for interruptions of service due to natural calamities, emergencies, maintenance and repair, equipment failures, actions of users or third parties, such as the City of Sylvania or the operator of the POTW and events of force majeure. It shall be the responsibility of the property owner that all equipment connected to the sewer system remain in good working order so as to not cause disruption of

service or damage to the POTW. No claim or cause of action may be asserted against the Township or its authorized agent for any interruption of sewer service.

2. The Township shall not be liable for any injuries to persons or damage to property resulting from any work performed by private contractors hired by the property owner or tenant, if applicable, to install, repair or maintain any lateral lines or equipment.

G. Inspection

1. A representative from the Township or its authorized agent bearing proper credentials and identification shall be permitted to enter upon all properties served by the sewer system at reasonable times for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this Ordinance. Any person who receives sewer services under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's property at reasonable times to make inspections.

H. Property Owner and Tenant Liability

1. The property owner and tenant shall be individually and, where applicable, jointly and severally liable for all intentional or negligent actions or omissions that damage or obstruct the sewage system, including but not limited to the grinder pump and related equipment associated with the sewage system.

SECTION 3 EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication once in a newspaper of general circulation in the Whiteford Township area and said publication shall be made as soon as practical after adoption of this Ordinance.

VOTE:	AYE:	<u>5</u>
	NAY:	<u>0</u>
	ABSENT:	<u>0</u>

This Ordinance is hereby declared to have been adopted and passed by the Township Board of the Township of Whiteford, County of Monroe, State of Michigan, at a regular meeting thereof duly called and held on the 18<sup>th</sup> day of SEPTEMBER, 2012.

  
 \_\_\_\_\_  
 Walter Ruhl, Supervisor  
 Whiteford Township, Michigan

ATTESTED:

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Whiteford Township board on the 18<sup>th</sup> day of SEPTEMBER, 2012.

Angela Christensen

Angela Christensen, Clerk  
Whitedord Township, Michigan

published 10-2-12

effective 11-1-12



ATTACHMENT A TO ORDINANCE 56  
Definitions

1. Board – Whiteford Township Board of Trustees
2. Building sewer – that part of the lowest horizontal piping of the structure's drainage system which receives the discharge from the sanitary waste pipes inside the walls of a building and conveys it to the sewer connection or service lateral.
3. Building stub – also sewer connection – that portion of the building sewer between the sewer main and the structure, which is not part of the public sewer.
4. Natural outlet – any outlet to the surface or to a water course, river, pond, ditch, lake or any other body or subsurface water.
5. Person – any individual, firm, company, association, society corporation, group, trust or governmental entity.
6. Pretreatment. The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
7. Pretreatment standards or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards and local limits as defined by the Clean Water Act (33. U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).
8. Pollutant - any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural wastes which impair the purity of the water or soil.
9. Sanitary sewage – domestic wastes from residences, domestic type wastes from business buildings, institutions, industrial establishments and all other sources.
10. Sanitary sewer – a system of pipes, tanks and pumps that transports sewage from its point of origin to the point of disposal and to which storm, surface and subsurface waters are not intentionally admitted.
11. Sewage system – shall refer to the Whiteford Township Sewage Disposal System No. 2.
12. Sewer connection – that part of the system from the end of the line, tank or pump which is part of the public system which connects the structure with the building sewer.
13. Significant industrial user – a) A user subject to categorical pretreatment standards; or b) a user that: i) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW; ii) contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; iii) is designated as such by the Township or its authorized agent on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or iv) is designated as such by the Township or its authorized agent on the basis that it has a significant administrative need to place the user under permit or other control document.
14. Storm water – all rain fall or snow melt runoff, all natural surface waters, seepage, percolating or water flowing naturally through the soil.
15. User – any person that discharges into the sewer system or is obligated by law to discharge into the sewer system regardless whether they actually discharge or not. "Commercial user" shall be used interchangeably with the term "industrial user", as the context requires. Any user who is not a commercial or industrial user is a residential user.
16. Water course – a depression, low spot, ditch or channel in which the flow of water occurs either intermittently or regularly.

ATTACHMENT B ORDINANCE 56

Instantaneous Maximum Allowable Discharge Limits and High Strength Surcharge Limits

No person shall discharge wastewater containing pollutants in excess of the following instantaneous maximum allowable discharge limits:

- a) .35 mg/l arsenic
- b) 200 mg/l BOD 5
- c) .4 mg/l cadmium
- d) 1.0 mg/l copper
- e) 1.0 mg/l cyanide
- f) 5.0 mg/l iron
- g) .75 mg/l lead
- h) .005 mg/l mercury
- i) .5 mg/l nickel
- j) 5 mg/l phosphorus
- k) 1.0 mg/l silver
- l) 1.0 mg/l total chromium
- m) 0.2 mg/l phenolic compounds which cannot be removed by the POTW wastewater treatment process
- n) 240 mg/l total suspended solids
- o) 5.0 mg/l zinc
- p) 50 mg/l total Kjeldahl nitrogen

If authorized pursuant to a discharge permit, any person discharging any of the below listed pollutants shall be subject to an additional high strength surcharge:

Charge/lb. of BOD above 180 mg/l	\$4.99/100 lbs.
Charge/lb. of COD above 450 mg/l	\$1.99/100 lbs.
Charge/lb. of SS above 200 mg/l	\$3.32/100 lbs.
Charge/lb. of phosphorus above 19 mg/l	\$40.14/100 lbs.