

CHAPTER 52: SEWER SYSTEM

Section

General Provisions

- 52.01 Definitions
- 52.02 Operation
- 52.03 Conditions of service
- 52.04 Sewage charges for premises connected to the system
- 52.05 Billing

Regulations

- 52.20 Use of public sewers required
- 52.21 Private sewage disposal
- 52.22 Building sewers and connections
- 52.23 Use of public sewers
- 52.24 Protection from damage

Enforcement

- 52.35 Administration and enforcement generally
- 52.36 Right of review
- 52.37 Powers and authority of inspectors

- 52.99 Penalty

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BENEFIT CHARGE. The amount charged at the time, and in the amount hereinafter provided, to each premises in to a city which must connect to the system and which has not been previously connected to the system. The new charge is based upon the proportionate cost allocated to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five days at 20°C.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls or the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other places of disposal.

COMMERCIAL USER. An establishment listed in the office of the Management and Budget's Standard Industrial Classification Manual (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

DEBT RETIREMENT CHARGE. The charge levied to all users for retirement of bonded indebtedness associated with the system.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GOVERNMENTAL USER. Any federal, state or local government user of the system.

INDUSTRIAL USER. Nongovernmental, nonresidential users of the system that discharge industrial waste as part of an industrial, trade or business process.

INDUSTRIAL WASTE. The wastewater discharges from industrial, trade or business processes, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

INSPECTOR. Any person or persons duly authorized by the City Council to inspect and approve the installation of sewers.

INSTITUTIONAL USER. Nongovernmental, noncommercial, nonresidential and nonindustrial users of the system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). Any permit or requirement of the United States Environmental Protection Agency (the "EPA") issued by an agency of the State of Michigan or the EPA pursuant to Pub. L. 92/500, as amended, under the authority of section 402 of Pub. L. 92/500, as amended.

NORMAL DOMESTIC SEWAGE. A combination of the water carried domestic wastes from residences, business buildings, institutions and industrial establishments and normal amounts of infiltration. The **NORMAL DOMESTIC SEWAGE** shall be considered to have a loading of 215 mg/l BOD and 235 mg/l suspended solids per capita.

O, M & R CHARGE. The charge levied to all users for operation, maintenance and replacement costs associated with the system.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis to conform with all federal, state and local wastewater management requirements and to assure optimum long-term management of the sewage works. **OPERATION AND MAINTENANCE COSTS** shall include replacement costs.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, is controlled by the City of Standish and is located within the public right-of-way or a public easement.

REPLACEMENT COSTS. Expenditures made during the useful life of the system to replace equipment and appurtenances necessary to maintain the intended performance of the system.

RESIDENTIAL USER. All dwelling units used as domiciles.

REVENUES and **NET REVENUES.** These terms shall have the meanings as defined in Public Act 94 of 1933, § 3, being M.C.L.A. § 141.103, as amended.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

SEWAGE TREATMENT PLANT. All facilities for collecting, pumping, treating and disposing of sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waste.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

SYSTEM. All facilities of the Standish city sanitary sewer system and all subsequent additions, including all sewers, pumps, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.
(Ord. 159, passed 2-21-83)

§ 52.02 OPERATION.

(A) The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the city. The city may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the system and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system. As part of the operation of the system the City Council shall cause to be reviewed not less than every two years the waste water contribution of users and user classes, the total costs of operation (including replacement funds) and maintenance of the treatment works and its approved user charge system.

(B) The city shall from time to time revise the charges for users or user classes to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by applicable federal regulations;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
(Ord. 159, passed 2-21-83)

§ 52.03 CONDITIONS OF SERVICE.

(A) The city shall install and maintain at its expense that portion of the building sewer from the public sewer to near the lot or easement line, and the customer shall install and maintain at his or her expense that portion of the building sewer from the public sewer to his or her premises. The size and slope of the building sewer shall be subject to the approval of the authorized personnel of the city, but in no event shall the diameter be less than four inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) Applications may be canceled and/or sewer service discontinued by the city for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system;

(2) Nonpayment of bills;

(3) Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

(C) Bills and notices relating to the conduct of the business of the city will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the City Council; and the city shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in the notice.

(D) The city shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains for service pipes 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.

(E) The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the city.

(F) All substances and quantities which are prohibited from discharge to the system by Pub. L. 92-500, the regulations thereto and other applicable United States laws and regulations as same shall from time to time be published be and are hereby prohibited from discharge to the system. (Ord. 159, passed 2-21-83)

§ 52.04 SEWAGE CHARGES FOR PREMISES CONNECTED TO THE SYSTEM.

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

(B) The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order and to provide for such other expenditures and funds for the system as this chapter may require. The rates shall be reviewed annually by the City Council and shall be fixed and revised periodically as may be necessary to produce these amounts.

(C) Commencing with the effective date of this chapter, charges for sewage disposal services to each premises within the service area having any connection to the system shall be as follows. Except as herein otherwise provided, charges for sewage disposal services rendered by the system to premises connected to the system shall be as follows:

Standish - Public Works

(1) See Exhibit B attached to Ordinance 159 and made a part hereof for the rates to be charged for service by the system;

(2) All charges contained in the rate schedule (Exhibit B) shall be allocated to Debt Retirement Charge (DRC) and Operations, Maintenance & Replacement (OMR) as follows:

First \$30 charge:	\$23 to DRC \$7 to OMR.
Each \$3.25 charge thereafter:	\$1.50 to DRC \$1.75 to OMR.

(Ord. 159, passed 2-21-83)

§ 52.05 BILLING.

Sewer bills for the rates herein charged shall be rendered at least quarterly during each operating year on the first day of January, April, July and October and shall represent charges for the period immediately preceding the date of rendering the bill. The bills shall be due and payable within 30 days from the date thereof, and all bills not paid when due shall be deemed delinquent, and a penalty of 10% of the amount of such billing shall be added thereto and become due and owing as a part hereof. Each user of the system shall be notified each January 15 of the rate and portion of the sewer service charge attributable to OMR cost of wastewater treatment services.

(Ord. 159, passed 2-21-83)

REGULATIONS**§ 52.20 USE OF PUBLIC SEWERS REQUIRED.**

(A) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(B) Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure shall cause such structure to be connected to an available public sanitary sewer. The connection shall be completed promptly but in no case later than 90 days from the date of occurrence of the last of the following events:

(1) Publication of a notice by the City Clerk of the availability of the public sanitary system in a newspaper of general circulation in the city;

(2) Modification of a structure so as to become a structure in which sanitary sewage originates;

(3) This chapter becomes effective.

(C) Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within 90 days of the period provided in division (D) of this section, the City Clerk shall require the connection to be made forthwith after notice by first class mail or certified mail to the owners, occupants and persons having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this chapter.

(D) Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the city may bring an action for a mandatory injunction or order in the district or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system forthwith. The city in one or more of such actions may join any number of owners of structures situated within the city to compel each owner to connect to the available sanitary sewer system forthwith.
(Ord. 159, passed 2-21-83)

§ 52.21 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(C) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided herein, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.
(Ord. 159, passed 2-21-83)

§ 52.22 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Council. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the city and deposited with the Treasurer a corporate surety in the sum of \$10,000, conditioned that he or she will perform faithfully

all work with due care and skill and in accordance with the laws, rules and regulations established under the authority of any ordinances of the city pertaining to the plumbing. This bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with plumbing or excavating for plumbing as prescribed in this chapter. The bond shall remain in force and must be executed for a period of two years, except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

(B) There shall be two classes of building sewer permits: for residential service and for service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. A permit and inspection fee of \$250 for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the City Treasurer at the time the application is filed. The fee shall increase in like amounts for each dwelling having more than one single family dwelling unit, \$250 for each such unit. Upon completion of installation, applicants shall pay the actual cost of installation if such cost of installation exceeds the fee paid at the time of installation.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner (the "owner"). The owner or the person installing the building sewer for the owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation.

(D) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.

(E) Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the city to meet all requirements of this chapter.

(F) The building sewers shall be constructed of either vitrified clay sewer pipe and fittings meeting the current ASTM specifications for standard or extra strength clay sewer pipe, extra heavy cast iron soil pipe meeting the current ASTM specifications or the Department of Commerce commercial standards for extra heavy cast iron soil pipe and fittings or Polyvinyl Chloride (PVC) plastic pipe SDR-35 meeting the current requirements of ASTM D-3034 and D-1784. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that one of the other three pipes may be accepted if laid on a suitable improved bed or cradle as approved by the inspector.

(G) All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the current ASTM "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). PVC plastic pipe joints shall

be the push-on type equal to ASTM D3212. The joints and connections shall conform to the manufacturer's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.

(H) The size and slope of the building sewers shall be subject to the approval of the city, but in no event shall the diameter be less than four inches. The slope of such four inch pipe shall not be less than one-fourth inch per foot, except as otherwise approved by the Superintendent. All building sewers shall be laid on a sand cushion having a minimum thickness of three inches. All irregularities and depression in the subgrade shall be fitted with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment, the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the work has been inspected by the city.

(J) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

(K) The connection of the building sewer into the public sewer shall be made at a location designated by the inspector.

(L) The applicant for the building sewer shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city.

(M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 159, passed 2-21-83)

§ 52.23 USE OF PUBLIC SEWERS.

(A) The City Council shall prohibit any new connections from inflow sources to the system and shall refuse to accept inflow sources from existing connections which are not consistent with the system's design capacity, including discharge of storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer and shall further prohibit new connections unless there is capacity in all downstream sewers, lift stations, force mains and treatment plant facilities, including capacity for BOD and suspended solids.

(B) It shall be unlawful for any person to place, deposit or permit to be deposited substances as are listed in Exhibit A attached to Ordinance 159 and made part hereof in an unsanitary manner upon public or private property within the city (or any area under its jurisdiction), any human or animal excrement, garbage or other objectionable waste, including but not limited to such substances as are listed in Exhibit A attached to Ordinance 159 and made part hereof.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(D) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city;

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(d) Unusual volume of flow or concentration of wastes constitute slugs, as defined herein;

(10) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) When required by the city, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his or her expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136, October 16, 1973) and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(F) The city may exclude from the system a portion or all industrial waste from any user.

(G) A surcharge may be imposed on the rate charged to industry for the treatment of industrial waste. The surcharge shall be based on the volume, strength and character of the industrial waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the city.

(H) Special assessments or contracts may be executed with industries which shall be coordinated with this chapter for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is capable of handling such industrial waste.

(Ord. 159, passed 2-21-83) Penalty, see § 52.99

§ 52.24 PROTECTION FROM DAMAGE.

No unauthorized 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 municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 159, passed 2-21-83)

ADMINISTRATION AND ENFORCEMENT

§ 52.35 ADMINISTRATION AND ENFORCEMENT GENERALLY.

(A) Benefit charges and charges for sewage disposal services are made a lien on all premises served thereby, are recognized to constitute such lien, and whenever any such charge against any property shall be delinquent for six months, the city official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the tax assessing officer, the fact of such delinquency, whereupon such charge shall be by him or her entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises are collected and the lien thereof enforced.

(B) Each industrial user shall pay the proportionate share of the operation and maintenance costs of the system that are allocable to the treatment of said user's industrial wastes.

(C) Each user that proposes to discharge wastewater to the system which exceeds the limits of the surcharges set forth in division (B) of this section will be required to either:

(1) Provide satisfactory pretreatment to reduce the strength of the wastewater to normal domestic sewage as required by 40 CFR 403, pursuant to Section 307(b) of the Clean Water Act; or

(2) Pay a surcharge determined by the relative concentration of BOD, suspended solids or other pollutant as compared to normal domestic sewage.

(D) The system shall be operated on the basis of the same operating year as the city.

(E) (1) The city will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The city will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit report to authorized public officials on request.

(2) The city will maintain and carry insurance on all physical properties of the system of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.
(Ord. 159, passed 2-21-83)

§ 52.36 RIGHT OF REVIEW.

Any person who deems himself, herself or itself aggrieved by any provision of this chapter or the implementation hereof shall have the right to address the City Council regarding the grievance.
(Ord. 159, passed 2-21-83)

§ 52.37 POWERS AND AUTHORITY OF INSPECTORS.

The duly authorized employees of the city bearing proper credentials and identification shall be permitted during normal business hours to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.
(Ord. 159, passed 2-21-83)

§ 52.99 PENALTY.

(A) Any person found to be violating any provision of this chapter except § 52.24 shall be served by the City Council with written notice of the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than \$15 and not more than \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
(Ord. 159, passed 2-21-83)

CHAPTER 53: SEWER PRETREATMENT

Section

General Provisions

- 53.01 Purpose and policy
- 53.02 Definitions
- 53.03 Fees
- 53.04 Retaining records

Regulations

- 53.15 General discharge prohibitions
- 53.16 Limitations on wastewater strength
- 53.17 Special agreements
- 53.18 Allotment of POTW capacity

Administration

- 53.30 Wastewater discharges
- 53.31 Discharge permits, contracts or waivers
- 53.32 Construction schedule
- 53.33 Plan review
- 53.34 Permit or contract modifications
- 53.35 Permit or contract conditions
- 53.36 Permit or contract duration
- 53.37 Limitations on permit or contract transfer
- 53.38 Special reporting requirements, new discharge or new pretreatment standard
- 53.39 Periodic compliance reports
- 53.40 Monitoring facilities
- 53.41 Inspection and sampling
- 53.42 Confidential information

Enforcement

- 53.55 Emergency suspension of service and discharge permits, contracts or waivers
- 53.56 Revocation of permit, contract or waiver
- 53.57 Notification of violation administrative adjustment
- 53.58 Show cause hearing

- 53.59 Judicial proceedings
- 53.60 Enforcement actions from annual publication
- 53.61 Right of appeal
- 53.62 Operating upsets

- 53.99 Penalty

GENERAL PROVISIONS

§ 53.01 PURPOSE AND POLICY.

(A) This chapter sets forth requirements for dischargers into the POTW authority wastewater collection systems, treatment systems, surface waters, ground waters, storm sewers, septic systems or dry wells or on the ground and enables the City of Standish to protect public health, the environment and the POTW in conformity with all applicable local, state and federal laws relating thereto.

(B) The objectives of this chapter are:

(1) To control or prevent the introduction of pollutants into the municipal wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(2) To control or prevent the introduction of pollutants into the municipal wastewater system which do not receive adequate treatment in the POTW and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(4) To control or prevent discharges or potential discharges (storage of materials) to systems or areas under the jurisdiction of this municipality that may impair the environment.

(C) This chapter provides for the regulation of discharges into the wastewater system or other discharges through the issuance of permits, execution of binding contracts or enforcement of administrative regulations. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by industrial dischargers, in proportion to their use of the POTW, which are the subject of separate enactments.

(Ord. 165, passed 2-18-85)

§ 53.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Clean Water Act (33 USC 1251 *et seq.*), as amended.

AUTHORITY. The state or local governmental entity enacting and enforcing this chapter.

CATEGORICAL PRETREATMENT STANDARDS. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial dischargers.

DISCHARGER-INDUSTRIAL DISCHARGER. Any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches and all constructed devices and appliances appurtenant thereto.

INDIRECT DISCHARGE. The discharge or the introduction of nondomestic pollutants from a source regulated under Section 307(b) and (c) of the Act into a POTW.

INDUSTRIAL WASTE. Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, operation and maintenance.

INTERFERENCE. The inhibition or disruption of a POTW's sewer system, treatment processes or operations which may contribute to a violation of any requirement of its NPDES permit.

NPDES. National Pollutant Discharge Elimination System Permit Program, as administered by the U.S. EPA or the state.

OTHER WASTES. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances, except sewage and industrial wastes.

POLLUTANT. Any substance discharged into a POTW or its collection system, listed in Appendices A and C to Ordinance 165, or any substance which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations or physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

POTW. Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto owned and operated by the Authority.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

SEWAGE. Water-carried human wastes or a combination of water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

SEWER. Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

SHALL. Is mandatory.

SLUGLOAD. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW. Any discharge which exceeds for a period of duration longer than 15 minutes more than five times the average 24 hour flows during normal operation or more than five times the 24 hour allowable concentration of any substance listed in Appendices A and C attached to Ordinance 165, or which causes interference to a POTW.

TOXIC POLLUTANTS. Those substances listed in Appendix A attached to Ordinance 165.

UPSET. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in Appendices A and B attached to Ordinance 165 due to factors beyond the reasonable control of the discharger and 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.

WASTEWATER. Industrial waste or sewage or any other waste, including that which may be combined with any ground water, surface water or storm water that may be discharged to the POTW. (Ord. 165, passed 2-18-85)

§ 53.03 FEES.

(A) It is the purpose of this section to provide for the payment of fees from dischargers to the Authority's wastewater disposal system to compensate the Authority for the cost of administration of the pretreatment program established herein.

(B) The city may adopt charges and fees which may include:

- (1) Fees for monitoring, inspections and surveillance procedures;
- (2) Fees for contract, permit or waiver applications;
- (3) Fees for filing appeals;
- (4) Fees for reviewing accidental discharge procedures and construction;
- (5) Fees for review of plans for additions or connections to municipal systems;

(6) Fees for review of pretreatment plans, specifications and construction;

(7) Fees for special studies or continuous studies to evaluate pretreatment systems.
(Ord. 165, passed 2-18-85)

§ 53.04 RETAINING RECORDS.

All dischargers subject to this chapter shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
(Ord. 165, passed 2-18-85)

REGULATIONS

§ 53.15 GENERAL DISCHARGE PROHIBITIONS.

No discharge shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City of Standish:

(A) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction to cause fire or explosion, to be injurious in any other way to the operation of the POTW or to cause unusual maintenance and operational problems;

(B) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system or cause unusual maintenance and operational problems;

(C) Any wastewater having a pH less than 5.0 or higher than 10 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel;

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals to exceed the limitation set forth in federal categorical pretreatment standards, as adopted by the Environmental Protection Agency, which are adopted by reference and are made a part hereof or to cause a violation of State of Michigan water quality standards. A toxic pollutant shall include but not be limited to any pollutant identified in the toxic pollutant list set forth in Appendix A to Ordinance 165;

(E) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;

(F) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state standards applicable to the sludge management method being used;)

(G) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;

(H) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(I) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F);

(J) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW;

(K) Any unpolluted water, including, but not limited to noncontact cooling water;

(L) Any wastewater containing any radioactive waste or isotopes of such half-life or concentration as exceed limits established by the Authority in compliance with applicable state or federal regulations;

(M) Any wastewater which causes a hazard to human life or creates a public nuisance.
(Ord. 165, passed 2-18-85)

§ 53.16 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *National categorical pretreatment standards.* National categorical pretreatment standards as promulgated by the U. S. Environmental Protection Agency (EPA) pursuant to the ACT and as adopted as Appendix C to Ordinance 165 shall be met by all dischargers of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Regional Administrator by the Authority, when the Authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

(B) *State requirements.* State requirements which are limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

(C) *Right of revision.* The Authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in § 53.01.

(D) *Dilution.* No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(E) *Supplementary limitations.*

(1) No discharger shall discharge wastewater containing concentrations of the following enumerated materials, except under contract or permit from the authority, material: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, and zinc.

(2) The Authority may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this chapter or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.

(Ord. 165, passed 2-18-85)

§ 53.17 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste with unusual strength or character may be accepted by the Authority for treatment, subject to payment therefore, by the industrial concern, unless prohibited by state or federal regulations.

(Ord. 165, passed 2-18-85)

§ 53.18 ALLOTMENT OF POTW CAPACITY.

(A) The wastewater collection and treatment facilities have finite limitations for accepting flow, concentrations or mass loadings from present or future customers. Capacity may be reserved for properties that have paid for or are paying for sanitary sewer service even though no use is now being made of the system. (Vacant property within sewer authority.)

(B) Excess capacity beyond that as reserved above will be allotted on a first-come basis determined by the date the application is received by the Authority, provided construction leading to prompt completion is underway within two years of the date of approval for sewer service. Should construction not be underway, a subsequent application will be processed as above. Application dates will be as provided by the City Council and approval dates will be by the City Council. An incomplete application

will be honored for 30 days after notification of requirements, provided positive continuous action is underway to obtain all appropriate requirements.
(Ord. 165, passed 2-18-85)

ADMINISTRATION

§ 53.30 WASTEWATER DISCHARGES.

It shall be unlawful to discharge sewage, industrial wastes or other wastes without a permit, contract or waiver by the City of Standish City Council to any surface water, groundwater, storm sewer, sanitary sewer, septic system, dry well or other system within the jurisdiction of the City of Standish and/or to the POTW.

(Ord. 165, passed 2-18-85) Penalty, see § 53.99

§ 53.31 DISCHARGE PERMITS, CONTRACTS OR WAIVERS.

(A) *General.* All industrial dischargers proposing to connect to or to discharge sewage, industrial waste and other wastes to the POTW shall obtain a wastewater discharge permit, contract or waiver before connecting to or discharging to the POTW. All existing industrial dischargers connected to or discharging to the POTW shall obtain a wastewater discharge permit, contract or waiver within 180 days after the effective date of this chapter. All existing industrial dischargers planning a new, increased or modified discharge shall obtain a new permit, contract or waiver prior to initiation of operations of the new or modified facilities. An application for renewal of a permit, contract or waiver which will expire shall be submitted 100 days prior to the expiration date and shall note any changes in the discharge since the issuance of the last permit, contract or waiver.

(B) *Permit application.* Industrial dischargers shall complete and file with the City of Standish a permit application, contract application or waiver application in the sequence prescribed by the City Council and accompanied by the appropriate fee. Existing industrial dischargers shall apply for a wastewater discharge permit, contract or waiver within 30 days after the effective date of this chapter, and proposed new dischargers shall apply at least 90 days prior to connecting to the POTW. No discharge permit, contract or waiver shall be issued unless and until the following information has been provided or the following conditions have been met:

- (1) Disclosure of name, address and location of the discharger;
- (2) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or ground waters noted, described and the waste stream identified. Air exhaust vents and rupture disks will also be noted when serving areas where potential problems exist. Contaminants that can accumulate on roofs from exhaust vents and be flushed to the ground water or sewers during a rain will be noted;

(4) Provide detailed plans of treatment facilities, chemical or fuel storage areas, chemical use areas, operational and support facilities that may affect waste control; provide plans of plumbing and plans of inspection or sampling manholes; provide plans for secondary containment at storage areas or large volume use areas to prevent sudden losses of materials from the plant to surface waters, ground waters, storm sewers or sanitary sewers;

(5) Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as those factors may affect waste control. A material safety data sheet shall be provided for all materials used, stored or discharged, where brand names, product names or commercial names are listed;

(6) Provide information:

(a) Each source of water;

(b) The amount of water from each source;

(c) The amount of water discharged at each location;

(d) A schedule of average daily flow, peak flow rates, time and duration of flow variations and seasonal or monthly variations at each location;

(e) A statement on the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes;

(f) A schedule on the variation of characteristics of the wastes, including average daily concentrations, peak concentrations, time and duration of concentrations, seasonal or monthly variations, corresponding flow rates or mass loadings (pounds/hour or pound/day);

(7) Provide a statement on whether or not compliance is being achieved with this chapter on a continuing basis or whether additional equipment, operational changes or maintenance activities are necessary for compliance with this chapter;

(8) Provide guidelines for prompt control of potential spills, including equipment, materials, control procedures, clean up procedures, personal protection required and requirements for notification of plant and government officials. Evaluate effects of potential losses in the sewer systems or other discharge point;

(9) Provide a schedule to sample, test and file reports with the City of Standish and appropriate state agencies on appropriate characteristics of wastes at locations and according to methods approved by the City of Standish;

(10) Place waste treatment facilities, process facilities, waste streams, storage facilities, transfer facilities or other potential waste problems under the specific supervision and control of persons who have been designated by the owner and who have been accepted or certified by the city or the state as properly qualified to supervise such facilities;

(11) Provide a manual(s) of instructions for operation and maintenance of waste control facilities, for loading and unloading of chemicals, for laboratory control, for other matters related to a pollution incident prevention plan and for the training of personnel in the above areas of concern;

(12) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes;

(13) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the City of Standish subject to approval;

(14) All permit or contract applications for new or modified permits or contracts shall be signed by a principal executive officer of the discharger and, unless waived by the City of Standish, a qualified engineer (licensed professional). All renewal applications for existing permits or contracts shall be signed by a principal executive officer of the discharger.

(Ord. 165, passed 2-18-85)

§ 53.32 CONSTRUCTION SCHEDULE.

Where additional pretreatment, secondary containment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment, secondary containment and/or implementation of additional operation and maintenance activities.

(A) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or secondary containment required for the discharger to comply with the requirements of this chapter, including but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this chapter.

(B) Under no circumstance shall the City of Standish permit a time increment for any single step directed toward compliance which exceeds nine months.

(C) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City of Standish, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City of Standish. (Ord. 165, passed 2-18-85)

§ 53.33 PLAN REVIEW.

The City of Standish shall be provided with all plans, specifications, shop drawings and operations and maintenance manuals for review and approval prior to initiation of construction for all secondary containment facilities, pretreatment facilities and/or operational facilities required to comply with this chapter. Direct costs for review will be billed to the discharger regardless of whether construction is initiated or not. (Ord. 165, passed 2-18-85)

§ 53.34 PERMIT OR CONTRACT MODIFICATIONS.

The City of Standish reserves the right to amend any wastewater discharge permit, contract or waiver issued hereunder in order to assure compliance by the City of Standish with applicable laws and regulations. Within nine months of the promulgations of a national categorical pretreatment standard, the wastewater discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All national categorical pretreatment standards adopted after the promulgation of this chapter shall be adopted by the City of Standish as part of this chapter. Where a discharger subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by § 53.31, the discharger shall apply for a wastewater discharge permit from the City of Standish within 180 days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA. In addition, the discharger with an existing wastewater discharge permit shall resubmit to the City of Standish within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by § 53.31. The discharger shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 165, passed 2-18-85)

§ 53.35 PERMIT OR CONTRACT CONDITIONS.

Wastewater discharge permits or contracts shall specify no less than the following:

(A) Fees and charges to be paid upon initial issuance;

(B) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;

(C) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;

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

(E) Special conditions as the City of Standish may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(F) Compliance schedules;

(G) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.

(Ord. 165, passed 2-18-85)

§ 53.36 PERMIT OR CONTRACT DURATION.

All wastewater discharge permits or contracts shall be issued for a three year duration, subject to amendment or revocation as provided in this chapter. A permit may be issued for a shorter or longer period or may be stated to expire on a specific date.

(Ord. 165, passed 2-18-85)

§ 53.37 LIMITATIONS ON PERMIT OR CONTRACT TRANSFER.

Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger or transferable to any other location without the prior written approval of the City of Standish.

(Ord. 165, passed 2-18-85)

§ 53.38 SPECIAL REPORTING REQUIREMENTS, NEW DISCHARGE OR NEW PRETREATMENT STANDARD.

Within 90 days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or 90 days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City of Standish a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into

compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger and certified to by a qualified engineer (licensed to practice in the State of Michigan).

(Ord. 165, passed 2-18-85)

§ 53.39 PERIODIC COMPLIANCE REPORTS.

(A) Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the City of Standish, shall submit to the City of Standish during the months of June and December, unless required more frequently by the City of Standish, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in § 53.38. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the City of Standish may accept reports of average and maximum flows estimated by verifiable techniques. The City of Standish for good cause when considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors may authorize the submission of the reports on months other than those specified above.

(B) Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where required by the City of Standish. The frequency of monitoring by the discharger shall, as a minimum, be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with 40 CFR 136 and amendments thereto. (Comment: where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in questions, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.) (Ord. 165, passed 2-18-85)

§ 53.40 MONITORING FACILITIES.

(A) Each discharger shall, when determined as necessary by the City of Standish, provide and operate at the discharger's own expense, a monitoring facility or location for inspection, sampling and flow measurement of each sewer discharge to the City of Standish. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City of Standish may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(C) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit or contract by an existing discharger and prior to initiation of operations by a new discharger.

(Ord. 165, passed 2-18-85)

§ 53.41 INSPECTION AND SAMPLING.

The City of Standish may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Authority, the Department of Natural Resources or their representatives, upon presentation of credentials of identification, to enter the premises of the discharger at all reasonable hours for the purposes of inspection, sampling, records examination or records copying. The Authority, Department of Natural Resources or their representatives shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(Ord. 165, passed 2-18-85)

§ 53.42 CONFIDENTIAL INFORMATION.

Information and data furnished to the City of Standish with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City of Standish that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City of Standish as confidential shall not be transmitted to any governmental agency or to the general public by the City of Standish until and unless a ten day notification is given to the discharger.

(Ord. 165, passed 2-18-85)

ENFORCEMENT**§ 53.55 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS, CONTRACTS OR WAIVERS.**

(A) The City of Standish may for good cause shown suspend the wastewater treatment service, the water supply service, electrical service and/or the wastewater discharge permit, contract or waiver of a discharger when it appears to the City of Standish that an actual or threatened discharge presents or threatens: a violation of the NPDES; an imminent or substantial danger to the health or welfare of persons; an adverse impact to the environment; interference with the operation of the POTW; violation of any pretreatment limits imposed by this chapter or violation of any wastewater discharge permit, contract or waiver issued pursuant to this chapter. Any discharger notified of the suspension of the City of Standish wastewater treatment service, the water supply services, the electrical service and/or the discharger's wastewater discharge permit, contract or waiver shall within a period of time, as determined by the Authority, cease all discharges or be subject to utility cutoff or sewer blockage by the Authority. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the City of Standish shall notify the Department of Natural Resources and commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The City of Standish shall reinstate the wastewater discharge permit, contract or waiver and/or the wastewater treatment service and terminate judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above.

(B) It is the intent of this section to authorize the City of Standish to order in person, or by signed document, the immediate, but orderly shutdown of any operation, discharge or facility, or any part thereof, for good cause shown. Orderly shutdown means consideration is to be given to protection of human safety and property of both the city and the discharger. It does mean that the responsible person for an offending discharge will immediately initiate discussion with the Authority and will initiate the orderly actions required to stop the offending discharge and not wait for the next shift, weekend or other convenient time. Orderly shutdown recognizes that consideration is to be given to the discharger for protection of human safety and for protection of equipment or property. For example, if the offending discharge source can be isolated, only that part of a facility need be shutdown. A discharge may need to be continued from a furnace or reaction vessel during cool down to prevent injuries or damage. Reduced flows may be allowed, for example, to provide fire protection, refrigeration to protect food inventories or to provide heat during the winter. Such consideration is not to be construed to relieve the discharger of any liability for damages caused before or during the orderly shutdown period.
(Ord. 165, passed 2-18-85)

§ 53.56 REVOCATION OF PERMIT, CONTRACT OR WAIVER.

The City of Standish may revoke the permit, contract or waiver of any discharger which fails to:

(A) Factually report the wastewater constituents and characteristics of its discharge;

(B) Report significant changes in wastewater constituents or characteristics;

(C) Refuses reasonable access to the discharger's premises by representatives of the City of Standish or the Department of Natural Resources for the purpose of inspection or monitoring; or

(D) Violates the conditions of its permit, contract, waiver or this chapter or any final judicial order entered with respect thereto.

(Ord. 165, passed 2-18-85)

§ 53.57 NOTIFICATION OF VIOLATION ADMINISTRATIVE ADJUSTMENT.

Whenever the City of Standish finds that any discharger has engaged in conduct which justifies revocation of a wastewater discharge permit, contract or waiver pursuant to § 53.56, the City of Standish shall serve or cause to be served upon such discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten continuous days of the date of the receipt of the notice, the discharger shall respond personally or in writing to the City of Standish, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.

(Ord. 165, passed 2-18-85)

§ 53.58 SHOW CAUSE HEARING.

Where the violation of § 53.56 is not corrected by timely compliance by means of administrative adjustment, the City of Standish may order any discharger which causes or allows conduct prohibited by § 53.56 to show cause before the City Council or its duly authorized representative why the proposed revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the City Council or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before the City Council or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the City Council, which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.

(Ord. 165, passed 2-18-85)

§ 53.59 JUDICIAL PROCEEDINGS.

Following the entry of any order by the City Council with respect to the conduct of a discharger contrary to the provision of § 53.56, the attorney for the City of Standish may, following the authorization of such action by the City Council, commence an action for appropriate legal and/or equitable relief in the appropriate court.

(Ord. 165, passed 2-18-85)

§ 53.60 ENFORCEMENT ACTIONS FROM ANNUAL PUBLICATION.

A list of all significant dischargers which were the subject of enforcement proceedings pursuant to this subchapter during the 12 previous months shall be annually published by the Authority in the largest weekly newspaper, published in the municipality in which the Authority is located, summarizing the enforcement actions taken against the dischargers during the same 12 months whose violations remained uncorrected 45 or more days after notification of noncompliance, which have exhibited a pattern of noncompliance over that 12 month period or which involve failure to accurately report noncompliance.

(Ord. 165, passed 2-18-85)

§ 53.61 RIGHT OF APPEAL.

Any discharger or any interested party shall have the right to request in writing an interpretation of ruling by the Authority on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local or state law.

(Ord. 165, passed 2-18-85)

§ 53.62 OPERATING UPSETS.

(A) Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant hereto shall inform the City of Standish immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City of Standish within five days.

(B) The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance; and if the noncompliance continues, the time by which compliance is reasonably expected to occur;

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(C) A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the City of Standish against a discharger for any noncompliance with the ordinance or any wastewater discharge permit, contract or waiver pursuant hereto which arises out of violations alleged to have occurred during the period of the upset.

(Ord. 165, passed 2-18-85)

§ 53.99 PENALTY.

(A) *Civil penalty.* Any discharger who is found to have violated an order of the City Council or who has failed to comply with any provision of this chapter and the regulations or rules of the City of Standish or orders of any court of competent jurisdiction (or permits issued hereunder) may be subjected to the imposition of a civil penalty of \$300 per day for each day the violation occurs and a penalty of double any economic gain made by continuing operations during a violation.

(B) *Recovery of costs incurred by the municipality.* Any discharger violating any of the provisions of this chapter or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City of Standish storm water or wastewater disposal system shall be liable to the City of Standish for any expense, loss or damage caused by such violation or discharge. The City of Standish shall bill the discharger for the costs incurred by the City of Standish for any supervision, investigation, sampling, administration, cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of this chapter. In addition to the foregoing, the charges which are made pursuant to this chapter are made a lien on all premises served thereby. In case any bill, together with all penalties thereon, shall not be paid within six months of the date on which the bill is due and payable, the delinquent bill and all penalties thereon shall be a lien on the premises served. The City Assessor shall then place such charges on the next general tax roll and the same shall be collected in the same in all respects as provided by law for the collection of taxes by the city.

(C) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter (or wastewater discharge permit), or who falsifies, tampers with or knowingly renders inaccurate any monitoring devise or method required under this chapter, shall, upon conviction, be punished by the imposition of a civil penalty of not more than \$300 or by imprisonment for not more than 90 days or by both.

(Ord. 165, passed 2-18-85)