

PLAINFIELD CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
616-364-8466

**SEWER ADMINISTRATION ORDINANCE**

**ORDINANCE # \_\_\_\_\_**  
**RESOLUTION #09-\_\_**

At a regular meeting of the Plainfield Charter Township Board held at the Township Offices, 6161 Belmont Avenue NE, Belmont, Michigan, on the \_\_\_\_ day of \_\_\_\_\_ 2009, at 7:30 PM, the following resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

An ordinance to amend in full the Sewer Administration Ordinance (Chapter 38, Article III, Division 2 of the Plainfield Charter Township Code) to update the ordinance to reflect the new role of the North Kent Sewer Authority and its sewage treatment facility with respect to the vast majority of the sewage entering the public sewer system within the Township, to regulate the use of the public sewer system in the Township, and to provide a means of enforcement and penalties for violators.

**THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:**

1. Division 2 of Article III of Chapter 38 of the Plainfield Charter Township Code is hereby amended in full to read as follows:

Sec. 38-171. Findings.

The Township Board finds the following:

- (1) That there is a need to assure the quality of the wastewater originating in the Township that is discharged by the publicly owned treatment works (POTW) in order to prevent the degradation of the Grand River;
- (2) That there is a need to protect the biological systems, operation and infrastructure through the regulation of discharge into the POTW;
- (3) That there is a need for the Township to enhance its ability to regulate the discharge of wastewater to the POTW consistent with local, state and federal laws and consistent with the requirements of the North Kent Sewer Authority as owner and operator of the sewage treatment facility which processes almost all of the sewage that originates in the Township, and the requirements of Grand Rapids as owner and operator of the sewage treatment facility that serves a very small portion of the Township pursuant to a contract between the Township and Grand Rapids.

Sec. 38-172. Purposes and objectives.

The purpose of this division is to establish standards, rules and regulations, with respect to the use of the POTW, to provide for rates and charges for connection to and use of the system, to establish limits for the discharge of pollutants into the system and to prevent the pollution of the environment.

(1) This division sets forth requirements for dischargers into the POTW, and enables the governmental entities with applicable jurisdiction to protect the public health and environment in conformity with all applicable state and federal laws relating thereto.

(2) The objectives of this division are:

- a. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the system or contaminate the resulting sludge;
- b. To prevent the introduction of pollutants into the POTW 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 either within or outside of the Township;
- c. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(3) This division provides for the issuance of permits for the regulation of discharges into the POTW.

#### Sec. 38-173. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division. For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

##### *Authorized representative.*

(1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function;

(2) In the case of a limited liability company, the manager or a principal managing member or the member in charge of the principal business functions;

(3) In the case of a partnership or proprietorship, a general partner or proprietor; and

(4) An authorized representative of the individual designated above if:

- a. Such a representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
- b. The authorization is in writing; and
- c. The written authorization is submitted to the POTW.

*BOD.* An empirical test in which standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted water. The standardized laboratory procedures to be used can be found in part 136 of the Code of Federal Regulations, specifically in the method for the "Five (5) Day BOD Test."

*Clean Water Act.* The Federal Water Pollution Control Act, 33 USC Sec. 1251 et seq., as amended and applicable regulations promulgated thereunder.

*Commercial user.* A person or entity whose premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters and governmental buildings. However, some commercial users may also be designated as significant industrial users (SIU) should they meet the criteria established in 40 CFR 403.3(t), rule 323.2302(cc) of MAC and section 2.62(45) of this division.

*Compliance schedule.* A schedule consisting of one or more milestone dates required for corrections, additions or modifications of treatment systems or related pollution prevention or control activities as a result of enforcement actions, expansions or changes in operations or changes in local or categorical treatment standards. Compliance schedules do not preclude additional enforcement actions due to violations of requirements of this division.

*Confined space, permit required.* Space defined by reference to part 90 of Act 154 of the Public Acts of Michigan of 1974, as amended, section 408.1001 et seq. of the Michigan Compiled Laws.

*Director* means the Township superintendent. The Township superintendent may appoint one more representatives to be responsible for the administration and enforcement of this division. The Superintendent may delegate all or a portion of the director's authority, and the delegation may apply to the entire POTW or a specific portion of the POTW.

*Discharger.* Any person or entity owning, controlling or operating any real property that directly or indirectly utilizes the POTW. Discharger also means any employee, officer, director, partner, member, contractor or other person who participates in, or is legally or factually responsible for, any act or omission which is a violation of this division or which results in a violation of this division. This definition shall be interpreted broadly to include any person or entity that participates in an act or omission that results in a violation of this division.

*Domestic user.* A person or entity whose premises are domiciles for single or multiple family use.

*Effluent.* Waste material (as smoke, liquid, industrial refuse or sewage) discharged into the POTW.

*Enforcement action.* Action taken to return a user into a state of compliance with the standards established or referenced in this division. This may include, but is not limited to, fines, penalties and compliance schedules.

*Garbage.* Animal and plant waste resulting from the handling, preparation and cooking of foods.

*Grand Rapids.* The City of Grand Rapids, Kent County, Michigan.

*Infiltration.* The water entering a sewer system, including sewer service connections, from the ground, through such manner as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

*Inflow.* The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders/drains, cellar, yard and area drains, foundation/footing drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm drains and combined sewers, catch basins, stormwater, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

*Interceptor sewer lines.* Those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to at sewage treatment facility.

*Interference.* A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW collection, treatment processes or operations, or its sludge processes or operations, use, disposal, or causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

*Lateral sewer line.* A sewer pipe beginning at the local collector sewer or other connection point and extending to the premises actually served. The lateral sewer includes the stub to which a user connects.

*MDEQ.* The Michigan Department of Environmental Quality.

*New Source.* Any building, structure, facility or installation of which the construction commenced after the publication of the proposed pretreatment standards under section 307(c) (33 USC) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

- (1) The construction is a site at which no other source is located; or
- (2) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
- (3) The production or wastewater generating processes are substantially independent of an existing source at the same site.

See 40 CFR 403.3(k) (2-3) or rule 323.2302(r) of the Michigan Administrative Code for the remainder of the definition.

NKSA (North Kent Sewer Authority) means the sewer authority established pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended, and whose members include Alpine Township, Cannon Township, Courtland Township, Plainfield Township, and the City of Rockford.

*NPDES.* National Pollution Discharge Elimination System, a permit issued pursuant to section 402 of the Act (33 USC 1342), as amended.

*Pass through.* A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase of the magnitude of duration of a violation).

*Person or entity.* An individual, firm, partnership, association, public or private corporation, limited liability company or public agency or instrumentality.

*pH.* The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

*Pollutant.* The term includes, but is not limited to: any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

*POTW (publicly owned treatment works).* A treatment works as defined by section 212 of the Clean Water Act, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in section 502(4) of the Clean Water Act that has jurisdiction over the indirect discharges to and the discharges from such treatment works. Unless the context clearly indicates otherwise, the POTW or system includes only the sewers, pipes and equipment located in the Township that are used to convey wastewater to the sewage treatment facilities.

*Premises.* Each lot or parcel of land or building having any connection directly or indirectly to the POTW.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user in this division or by the North Kent Sewer Authority as it pertains to sewage that is processed by the NKSA treatment facility, or Grand Rapids as it pertains to sewage that is processed by the Grand Rapids treatment facility.

*Property owner.* Any person having legal or equitable title to real property or any person having or exercising care, custody or control over any real property.

*Public sewer.* Local collector, trunk and interceptor sewer lines including lift stations and all appurtenances, now or hereafter existing, used or useful in connection with the collection, pumping, disposal and treatment of sewage, as now or hereafter added to, expanded or improved which are owned or controlled by the Township or the NKSA.

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

*Sewage.* Any liquid or water carried waste received from domestic, commercial and industrial customers, including any infiltration or inflow as may be present.

*Sewage treatment facility.* Any arrangement of devices and structures used for treating sewage. The sewage originating within the Township and entering into the POTW is treated by either the sewage treatment facility owned and operated by the NKSA or the sewage treatment plant facility owned and operated by Grand Rapids. The NKSA sewage treatment facility serves the entire Township served by the POTW except for the following area which is served by the Grand Rapids sewage treatment facility: Those parcels of property abutting the north boundary of Four Mile Road right-of-way between Briggs Avenue and Coit Avenue (except for Parcel No. 41-10-31-477-040) and between Coit Avenue and Eastern Avenue (except for Parcel No. 41-10-31-480-024).

*Sewer.* Any pipe or conduit for the conveyance of sewage.

*Significant change.* Any change in a discharger's effluent which causes the constituents of the discharge to be different and/or increases in the concentration or flow by 20 percent over those reported on the discharger's permit application.

*Slug discharge.* A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.

*Storm drain.* Any underground pipe or any facility intended to convey only storm water runoff, street wash waters, groundwater and drainage. This also includes discharges allowed by state or federal discharge permits.

*Suspended solids.* All matter existing in non-liquid state which is removable by filtration in accordance with 40 CFR 136 referenced as "residue, non-filterable," or an alternative method approved by the EPA administrator in accordance with 40 CFR 403.12(b)(5)(vi) and rule 323.2310(e)(vi) of the Michigan Administrative Code.

*System.* Refers to the POTW.

*Toxic pollutant.* Any pollutant identified pursuant to section 307 of the Clean Water Act, or pursuant to part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or pursuant to any other applicable laws or regulations.

*User class.* Either a domestic, commercial or industrial group of users.

*USEPA.* The United States Environmental Protection Agency.

*Utility billing office or accounting department of the Township.* The accounting department, office of utility billing of the Township that is responsible for the reading of meters, submitting bills for water and/or sewer service, collection of payment for bills and the preparation and maintenance of the customer accounts including applications for service.

*Wastewater.* Water, or any liquid, whether or not containing pollutants, which is discharged or permitted to be discharged into the sanitary sewer system.

*Abbreviations.* The following abbreviations shall have the designated meanings:

TABLE INSET:

BTEX	Benzene, Toluene, Ethylbenzene and Xylene
CFR	Code of Federal Regulations
MTBE	Methyl tertiary butyl ether
MAC	Michigan Administrative Code
mg/l	Milligrams per liter

Sec. 38-174. Sewer use.

(a) *Management of the POTW.* Subject to management supervision, and control provisions of outstanding contracts between and among the Township, the NKSA, the county, and Grand Rapids, the POTW shall be and remain under the management, supervision and control of the director. The director may make such rules, orders or regulations as are deemed advisable and necessary to assure the efficient management and operation of the system.

(b) *The director's emergency authority.* When a necessary or advisable emergency protective measure or action is required to protect the integrity or proper functioning of the System, the director is authorized to cause such measures and actions to be taken to the extent permitted by law. The cost of such protective measures or actions shall be at the expense of the property owner responsible for such measure or action. Failure to pay such cost will constitute a lien upon the property to the extent permitted by law.

Sec. 38-175. Inspection.

Under current federal and state laws, rules and regulations, the Township and/or NKSA has the right and obligation to inspect connections and discharges to the system in order to confirm compliance with state and federal laws and provisions of this division.

The director and other duly authorized employees or agents of the Township or the NKSA bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measuring, sampling and testing in accordance with the provisions of this division. Any person who uses, applies for use and/or is connected to the POTW under this division shall be deemed to have consented to inspections pursuant to this section, including entrance upon that person's property at reasonable times to make inspections. In the event that a violation of this division is identified the property owner shall be responsible for all costs of inspection and remediation if necessary.

Sec. 38-176. Standards, rules, regulations and administrative reference guide.

The standards, rules and regulations established in, or pursuant to, this division are deemed to be the absolute minimum consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment and to fulfill the obligations of the Township with respect to state and federal law, including all rules and regulations adopted in conformance thereto. In addition to the rules and regulations established herein, no person or entity shall violate any applicable standards, rules, regulations established by the owner/operator of the

sewage treatment facility to which the effluent is conveyed. The discharge into the POTW of any substance which does not meet the requirements contained herein or those established by the owner/operator of the sewage treatment facility to which the effluent is conveyed, or in any manner fails to conform hereto, is hereby declared to be a public nuisance.

Sec. 38-177. Use of the POTW.

Except as may be provided in any agreement to which the Township is a party, any person or entity conforming to the standards, rules and regulations established in, or pursuant to, this division shall be permitted to discharge sewage into the POTW provided there exists adequate sewer service available to which such person can connect, provided, however, the director may prohibit a person or entity from discharging sewage into the POTW if the director determines that such action is necessary as set forth in section 38-181(d).

Sec. 38-178. General discharge conditions and prohibitions.

(a) All premises connected to the POTW shall meet the following requirements:

(1) Minimum size of the building drain/sewer, including required cleanouts, shall be four inches or greater in diameter;

(2) For purposes of this section, "grease trap" means a device designed to intercept, separate and retain fats, oils, and grease from liquid waste and permit the liquid waste to discharge into the POTW.

a. Grease traps shall be installed at the sole expense of the discharger if:

1. The Township determines they are necessary for the proper handling of liquid wastes containing grease in excessive amounts; or

2. The Township, the state, or the county regulations or plumbing codes require such installation; or

3. Any regulatory agency having jurisdiction determines that existing installations are inadequate to protect the sewer system. All grease traps shall be of a type and capacity approved by the Township or by other regulatory agencies having jurisdiction and shall be located so as to be readily accessible for cleaning and inspection.

b. Grease traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight. Grease traps shall be installed in compliance with current plumbing codes adopted by the Township or other regulatory agency. There shall be ample room and reasonable access to interceptors to allow accurate sampling and preparation of samples for transport and analysis. After the effective date of this division, all newly constructed grease traps shall be accessible for maintenance and cleaning outside of enclosed buildings in a place that is easily accessible for that purpose.

c. After a newly constructed grease trap has been inspected by the plumbing inspector, the discharger responsible for maintaining the grease trap shall contact the Township or its

designee to arrange for an initial inspection and registration to facilitate the administration of the requirements of this division.

d. The discharger shall maintain grease traps at his expense, in continuously efficient operation at all times. Grease shall be removed from a grease trap in a manner in accordance with the requirements of the United States Environmental Protection Agency, the state department of environmental quality, and this division. The Township and its agents shall have the right to require evidence of records of maintenance and disposal related to the operation of grease traps and oil and sand interceptors or to inspect said records without prior notification.

e. The discharger served by a grease trap shall arrange for and carry out the inspection, cleaning and maintenance of the device by a licensed qualified contractor and shall submit to the Township or its designee, within ten days of the inspection, cleaning, and maintenance, a report of such inspection, cleaning and maintenance on a form approved by or acceptable to the Township, and signed by the contractor and thereafter repeat this inspection, cleaning, maintenance and reporting every 60 days. The discharger shall accomplish said reporting by requiring the contractor to forward a copy of his receipt and statement of services rendered directly to the Township or its designee. The receipt and statement must state:

1. The condition of the operation ("adequate" or "inadequate");
2. Whether the inlet and outlet of the grease trap was open or closed;
3. Whether the grease trap and appurtenances require jetting and whether this service was refused, and
4. What services were rendered.

f. The Township or its designee, in its sole discretion, may determine that conditions on the premises of a user require cleaning and/or maintenance more often or less often than every 60 days. Said determination shall be in writing and signed by the Township or its designee.

g. Regular grease trap pumping and cleaning requires pumping out all liquids and solids and not leaving any pumpable material remaining in the trap.

h. No decanted liquid from the pumped grease trap shall be returned to the grease trap.

i. An administrative charge, in an amount established by resolution of the Township Board, shall be levied against a discharger for each month or portion of a month following the date by which the required report is not submitted. Failure to provide the report or failure to pay any administrative charge shall be grounds for disconnection of the premises by turning off the public water supply or other means, in addition to all other remedies provided by law and ordinance.

j. In the event that the licensed contractor fails to provide the required report, and notice of said failure is provided to the owner of the premises, the Township or its designee shall accept written evidence of the services provided from the owner, in the form of a copy of the inspection and report of services provided by the licensed contractor. Said written evidence must be provided within ten business days of the first class mailing of the notice.

(3) Sand traps and similar interceptors for removal of heavy solids by commercial users, as determined by the director, shall be designed and installed, according to the Township design specifications. They shall be located as to be readily accessible for cleaning and shall have a water seal of not less than six inches. Sand traps and similar interceptors shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the director. Proof of maintenance and cleaning shall be sent to the director on an annual basis or as approved in the maintenance schedule.

(4) Oil/water separators are required at repair garages, gasoline stations with grease racks, grease pits or work racks and at factories, or other facilities, where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal. Oil separators shall have a depth of not less than two feet below the invert of the discharge drain. The outlet opening of the separator shall not have less than an 18-inch water seal. An alternative design may be approved by the plumbing inspector for the Township, as provided for by the plumbing code. Oil/water separators shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the director. Proof of maintenance and cleaning shall be sent to the director on an annual basis or as approved in the maintenance schedule.

(b) No discharger shall introduce into the POTW any pollutant(s) which cause pass through or interference. The following general and specific prohibitions of this section apply to each discharger introducing pollutants into the POTW whether or not the discharger is subject to any federal, state or local pretreatment standards or requirements:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW or results in interference.

(3) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or a pH greater than 10.5. These pH limits will be evaluated annually as part of the rate study and the limits set forth in this division will be revised as deemed necessary.

(4) 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 or exceed the limitations set forth in a categorical pretreatment standard.

(5) 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 maintenance and repair.

(6) Any substance which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of the applicable NPDES permit or any applicable state or federal water quality standards or interferes with any treatment process, or causes treatment residues, sludge or scum, to be unsuitable for reclamation or 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 developed

under section 405 of the Clean Water Act; any 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.

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

(8) Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but, in no case heat in such quantities that the temperature, at the headworks of the POTW, exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the MDEQ, upon the request of the POTW, approves the alternative temperature limits.

(9) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(10) Any unpolluted water including, but not limited to, non-contact cooling water, unless a discharge authorization is approved by the director.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration, except as set forth in 10 CFR part 20. Introduction of radioactive wastes that interfere with the operation of the POTW including, but not limited to, the use and disposal of sludge, the recycling of any and all waste products, or if the discharge causes the POTW to violate any local, state or federal laws.

(12) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(13) Any discharge of petroleum oil, non-biodegradable cutting oil, animal fat, vegetable fat, oil, grease, products of mineral oil or any combination thereof at a concentration of greater than 100 milligrams per liter, unless it can be demonstrated that matrix interference is responsible for levels greater than this amount, but, in no case in amounts that will cause an obstruction, interference or pass through in the POTW.

(14) Any substances not identified in (13) above, that will become solid or viscous after entering the POTW.

(15) Any effluent having an average daily flow greater than two percent of the POTW's average daily flow. The director, upon review, may approve greater discharges subject to conditions as authorized by this division or special conditions he/she deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable federal and state law.

(16) Any trucked or hauled pollutants, except at discharge points designated by the director.

(17) Any detectable level of mercury using EPA Method 245.1 with a detection limit not to exceed 0.2 µg/l unless the user can demonstrate that matrix interference prevents the attainment of this level. In the event that mercury is detected the user shall develop and implement a mercury elimination plan including elements deemed necessary by the director to progress toward the goal of no detectable discharge of mercury. For users whose operation and

discharge characteristics are substantially similar a group mercury elimination plan may be acceptable.

(18) There shall be no discharge to the POTW of groundwater that has been contaminated with gasoline and related petroleum products that would qualify for a state general discharge permit for gasoline and related petroleum products in accordance with Rule 2191 promulgated pursuant to Act 451, of the Public Acts of Michigan of 1994, as amended, Part 31, except where no other discharge option exists. If discharge to the POTW is desired under these conditions, the discharger must submit a wastewater discharge permit application as specified in subsection 38-180(a) which may be approved by the director. Upon approval a permit will be issued with appropriate conditions as set forth in section 38-180(e). The total BTEX concentration shall not exceed 20 micrograms per liter and the MTBE concentration shall not exceed 20 micrograms per liter.

(19) Disposal of septic tank waste into the POTW is prohibited, except that the director may authorize disposal of portable containers of domestic waste, including waste from recreational vehicles.

(20) Sludge from an industrial or commercial pretreatment system shall not be placed into the POTW. Such sludge shall be disposed of by a licensed hauler in a site approved by the MDEQ.

(21) Any concentration of surfactant that causes excessive foaming in the POTW.

Secs. 38 -179 - 38-180 Reserved.

Sec. 38-181. Enforcement, violations, penalties and liabilities.

(a) *Enforcement.* A discharger shall be guilty of a violation of this division if such person: (i) violates an order of the director (ii) fails to comply with any provision of this division (or permits issued hereunder or by the owner/operator of the sewage treatment facility which treats the discharger's effluent); (iii) fails to comply with the regulations or rules of the NKSA (the North Kent Sewer Authority Rules and Regulations) for that portion of the system that flows into or is treated by the NKSA sewage treatment facility; or (iv) fails to comply with the rules and regulations of Grand Rapids for that portion of the system that flows into or is treated by the Grand Rapids sewage treatment facility. To the extent the rules, requirements and standards contained in the division differ from the rules, requirements and standards of the owner of the sewage treatment facility where the sewage is treated, the stricter rules, requirements and standards shall apply. Whenever the director finds that any user has violated, or is violating, this division, a significant industrial user discharge permit or order issued hereunder, or any other pretreatment requirement, the director may serve upon said user a written notice of violation. Within five days of the receipt of this notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the NKSA or Grand Rapids as they case may be, or the Township to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Recovery of costs incurred by POTW.* Any discharger violating any of the provisions of this division, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the POTW or sewage treatment facility, shall be liable to the Township

and the entity incurring such loss, damage or impairment for any expense, loss or damage caused by such violation or discharge. This shall include, but not be limited to, penalties levied upon the POTW by the USEPA or MDEQ for violation of its NPDES Permit caused by any violation by a discharger, including all actual costs, court, attorney and other related legal fees plus an additional charge of 100 percent of the total costs and/or penalties.

(c) *Falsifying information.* Any person or entity 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 division, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be punished as provided for in section 38-182(a) of this division.

(d) *Suspension of service and discharge permits.* The director may temporarily suspend or permanently revoke the sewage disposal system service and/or the significant industrial user discharge permit of a discharger when it appears that an actual or impending discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, or the environment, interferes with the operation of the POTW, violates any pretreatment limits, or conditions imposed by this division (including those established by the owner/operator of the sewage treatment facility) or any significant industrial user discharge permit issued pursuant to this division. Except in the event of an emergency situation, before the director prohibits a person or entity from discharging sewage into the POTW, the director shall provide the person or entity with notice reasonably intended to apprise the user of the circumstances necessitating such action and the anticipated length of time during which sewage may not be discharged into the POTW. In the event of an emergency, notice shall be given as soon thereafter as practical. Any discharger notified of the suspension of sewage disposal system service and/or the discharger's significant industrial user discharge permit, shall, within a reasonable period of time, as determined by the director, cease all discharges and/or shut off the sewer connection to the POTW. In addition to or in lieu of the discharger taking the necessary steps to cease all discharges, the director may take whatever steps deemed necessary to eliminate the discharge, including prohibiting any sewage from entering the POTW at its point of entry, or by shutting off a portion of the POTW to one or more dischargers at any other location in the system, cessation of Township water service, if applicable, and/or commencing judicial proceedings for injunctive relief to compel the discharger's compliance with such order. The director may reinstate the significant industrial user discharge permit and/or sewage disposal system service and terminate any judicial proceeding upon presentation of proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(e) *Director's authority to issue administrative orders.* Whenever the director determines that any discharger has violated this division, or any other applicable laws or regulations which the Township is authorized to enforce, the director may issue administrative orders of the type listed below, as deemed appropriate under the circumstances. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single discharger.

(1) *Cease and desist order.* A cease and desist order directs the non-complying user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. Any person, who uses, applies for use and/or is connected directly or indirectly to the POTW shall be deemed to have consented to inspection pursuant to this section including entrance upon the person's property by the director to take such steps as necessary to eliminate the discharge should the discharger fail to comply with such order. Such order shall be final and in effect until a hearing, if requested by the user, is conducted and a final decision is made by the director. A

written request for such hearing shall be made within ten calendar days after receiving the order.

(2) *Consent order.* An agreement between the director and the user that may contain compliance schedules, requirements for reimbursement of the Township for damages and costs incurred or remedial actions, fines and administrative penalties, and signatures of the director and the authorized representative. A consent order shall address every identified and potential deficiency in the user's compliance status at the time of the order.

(3) *Show cause order.* Where the violation is not corrected by timely compliance, the director may order any discharger who causes or allows prohibited conduct, to show cause before the director why a proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, or by certified mail, return receipt requested, specifying the time and place of a hearing to be held by the director regarding the violations, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before the director 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 the discharger. The proceedings at the hearing shall be considered by the director who shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such order may be taken by the discharger in accordance with applicable state law.

(4) *Compliance order.* A compliance order directs the discharger to achieve compliance by a date specified in the order. Compliance orders require industrial users to develop management practices, spill prevention programs and related POTW industrial pretreatment program requirements.

(5) *Stop work order.* Where there is work in progress that constitutes causes or is causing a violation of any provision of this division, the director may issue a stop work order to prevent further violations or damage.

(f) *Director's authority to require financial assurances.* Pursuant to the director's authority to issue administrative orders, the director may require a non-complying industrial or commercial user to post a performance bond sufficient to cover expenses that might reasonably be incurred as a result of future violations. Industrial or commercial users, who have, in the prior two years, been responsible for causing an upset at the POTW, may be required to obtain liability insurance sufficient to cover the reasonable costs of restoring the POTW in the event of another such incident. These requirements may be made conditions of the significant industrial user discharge permit.

(g) *Judicial proceedings.* Following the entry of any order by the director with respect to the conduct of a discharger contrary to the provision of this division, the Township may, following the authorization of such actions by the director, commence a civil, civil infraction or criminal action for appropriate legal and/or equitable relief in the court of competent jurisdiction. Such relief may include, but is not limited to, the following: injunctive relief; suit for damages and costs to the NKSA, Grand Rapids and/or the Township including legal expense; municipal civil infraction actions and criminal prosecution seeking fines and imprisonment as permitted by section 38-182(a) of this division and state law.

(h) *Right of interpretation or ruling.* Any discharger shall have the right to request, in writing, an interpretation or ruling by the director on any matter covered by this division and shall be entitled to a prompt written reply.

(i) *Operating upsets.*

(j) Any discharger experiencing an upset in operations that places the discharger in a temporary state of noncompliance with this division, or a significant industrial user discharge permit issued pursuant hereto, shall inform the director immediately upon becoming aware of the upset. The director shall make a determination whether this discharge can continue. Upon the director allowing the discharge to continue, a written follow-up report thereof shall be filed by the discharger with the director within five days. The report shall include:

[1.] A description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;

[2.] The duration of noncompliance, including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur; and

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

(2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the director against a discharger for any noncompliance with this division or any significant industrial user discharge permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. It will not, however, be a defense to an action for damages to the POTW or to persons, property or natural resources caused by the upset. An upset will be considered "documented and bona fide" only if the discharger complies with subsection (a) above and with 40 CFR 403.16(c) and rule 323.2315 of MAC. In any enforcement proceedings the user seeking to establish the occurrence of an upset shall have the burden of proof.

(3) The user shall have controlled production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(4) A user who wishes to establish the affirmative defense of an operating upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:

a. An upset occurred and the user can identify the cause of the upset;

b. The facility was, at the time, being operated in a prudent and appropriate manner and in compliance with applicable operation and maintenance procedures;

c. The user notified the director immediately upon becoming aware of the upset; and

d. A written submission, containing the following information, was provided within five days of commencement of the upset:

[1.] A description of the discharge and cause of noncompliance;

[2.] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance was expected to continue; and

[3.] Steps taken to reduce, eliminate, and prevent recurrence of the noncompliance.

#### Sec. 38-182. Penalties

##### (a) *Criminal and civil liability.*

(1) Except as provided in subsection 3, any person or entity in violation of this division, or of any permit issued pursuant hereto or by the owner/operator of the sewage treatment facility which treats a discharger's effluent, or standards, rules and regulations, any order of the director issued pursuant to those rules and regulations or this division, shall be responsible for a municipal civil infraction which the director is authorized to enforce citations pursuant thereto on behalf of the Township. Each act of violation and every day upon which any violation is permitted or suffered to exist shall constitute a separate violation and shall be subject to a separate penalty. The director may issue a notice of violation prior to issuing a citation. In the case of a conviction pursuant to this section of a discharger who is not a natural person, any officer or director of a corporation, any officer or partner of a partnership, or any member of a limited liability company, or any officer or owner of a proprietorship is hereby deemed to be a proper person to serve any term of imprisonment imposed by the court as a result of the conviction.

(2) In addition to, and expressly not in lieu of, the foregoing any discharger who violates this division, or any permit issued pursuant hereto, or the standards, rules and regulations adopted pursuant to this division, or any order of the director issued pursuant to this division, shall be subject to civil penalties, and to the payment of any damages and costs which may be awarded, by any court of competent jurisdiction.

(3) In addition to any applicable state and federal penalties, any person who:

a. At the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this division, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the director under this division; or

b. Intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this division, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this division; or

c. Intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this division; or

d. Commits any other act that is punishable under State law by imprisonment for more than 90 days: shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both at the discretion of the court.

#### Sec. 38-183. Record retention.

(a) Any person or entity subject to this division shall retain and preserve, for no less than three years, any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records related to compliance with this division. This includes, but is not limited to, records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or other liquids discharged into the POTW.

(b) Any and all records which pertain to matters which are the subject of a notice of violation, administrative order, show cause hearing, or any other enforcement or litigation activities brought by the Township pursuant to this division, shall be retained and preserved for five years, or until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, whichever is later.

Sect. 38-184. Reserved

Sec. 38-185. User charges.

(a) *Purpose of charges.* Charges for the installation of, connection to and use of the POTW shall be established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation and replacement of the system. Such charges shall be made in accordance with USEPA regulations. Rates and charges shall be levied from time to time by resolution of the Plainfield Charter Township Board.

(b) *Use charges.* Rates and charges for sewage disposal service furnished by the POTW shall be charged to all persons using the system. Such charges shall reasonably reflect the proportionate costs of providing the service to the users of the POTW.

(c) *Determination of user charges.* The charges established shall be based upon the water consumption of the user's premises, including water from public and private supplies, as determined by this division and the standards, rules and regulations promulgated pursuant hereto. Where public water is not available, the Township shall, at its sole option, estimate water sewage flow or require such metering as the Township in its sole discretion may authorize. However, a monthly service charge shall be based upon the size of the water meter. If a premises is served by both public water and a private well (e.g. irrigation system), no water from the private well shall be allowed to enter the POTW unless the director's written approval is obtained and a method of determining usage is in place.

Sec. 38-186. Rates and charges.

(a) *Applicability.* Users of the system shall pay rates and charges as established by resolution of the Township Board. Such fees, rates and charges shall be designed to produce revenues that are proportionate to the cost of providing service to each user class of each customer class. Such cost may include but not be limited to operation, maintenance, replacement, depreciation and capital costs of the system.

(b) *Surcharges and permit fees.* Fees for a significant industrial user discharge permit shall be determined by the director of the NKSA sewage treatment facility. The director of the NKSA sewage treatment facility may assess fees for analytical testing which may be required as part of a significant industrial user discharge permit.

(c) *Enforcement.* Delinquent bills shall be collected as provided for in div. 3 of this article.

Sec. 38-187. Sewer use standards.

(a) *Sewer service applications and notification.*

(1) A user desiring to obtain sewer service shall make application on forms prescribed by the Township. In the event that sewer service at a premises is continuous through a change of ownership, the new owner must file a notification of change of ownership within ten days. Failure to complete an application or notification may result in discontinuance of service.

(2) Whenever a condominium has a single sewer connection servicing the premises, the account shall be made in the name of the condominium association. Sewer service shall not be provided until the condominium association has filed with the Township written proof that it has the authority to enter into such an agreement.

(b) *Sewer lines.*

(1) Oversizing shall mean the enlargement of a local collector sewer so that the enlargement will serve as a trunk or interceptor sewer. When the system requires a local collector sewer line to be oversized, it will pay the cost of such oversized sewer as computed in the following manner:

a. In a residential assessment district or a new residential plot, the oversized share is the material difference in cost of the oversized sewer;

b. In a commercial, industrial or high density residential development assessment district, the oversized share is the material difference in the cost of the oversized sewer; and

c. In cases where the larger than normal size sewer line is required solely to provide adequate service to a local service area and is not used as part of the larger network, then the entire cost of the enlargement will be treated in the same manner as a normal sized local collector line and the system will not participate in the oversized cost.

(2) All new sewer lines shall conform to the standard specifications of the Township, or its designee, for sanitary sewage collection systems and shall be a minimum of eight inches in diameter in most areas. The director reserves the right to determine the minimum acceptable sewer size in those cases where drainage problems exist or larger size lines are warranted.

(c) *Sewer laterals and appurtenances.*

(1) The property owner shall be responsible for the maintenance and/or replacement at his/her expense of his/her sewer lateral to insure continuous flow of sewage and be free from infiltration from the structure to the local collector sewer.

(2) Whenever a sewer lateral is to be extended into the premises, the plumber or contractor may obtain location measurements from the Township or its designee. However, the Township does not assume responsibility for the accuracy of such location measurements.

(3) Every structure with plumbing fixture(s) shall have an independent, owner-maintained building sewer lateral to the local collector sewer line when the system is available. There shall

not be more than one structure served by a single sewer lateral connection, except upon approval of the director.

(4) When a structure is to be demolished, satisfactory arrangements shall be made with the Township to disconnect and seal the sewer lateral at the property line or at the point designated by the Township or its designee. The lateral disconnection shall be inspected by the Township or its designee prior to sealing. Failure to make arrangements for inspection and the proper termination of the connection shall cause the director to order excavation of the lateral for the required inspection with all associated costs to be the responsibility of the property owner.

(5) Unless specifically permitted by this division, no person or entity shall cause or permit any inflow, including but not limited to inflow from roof drains or footing drains, to enter the POTW. The owner of the premises shall be responsible for any and all costs associated with disconnections necessary to prevent inflow, and all costs including, but not limited to, legal costs and inspection services required to enforce the provisions of this division.

(6) Basement waterproofing systems shall not be connected into the system or discharged in such a manner as to cause a public or private nuisance. Given due cause, the director may order the owner to discontinue the discharge of water from a basement waterproofing system. Each day the owner fails to comply with such order shall constitute a separate violation of this section.

(7) Disposal of garbage into the POTW shall be permitted only after it has been pulverized by an installed food-waste-grinder unit. Such units shall be installed in accordance with the then current plumbing code for the Township.

(d) *Connection permits.* Persons shall obtain a permit for sewer lateral connection from the Township in accordance with the plumbing code for the Township or the State of Michigan. Said permits shall be obtained before any such work may begin.

(e) *Sewer connections.*

(1) If at any time it is found that any sewer lateral connection has been installed contrary to or in violation of this division or rules or regulations governing such installation, the director shall issue an order requiring compliance within 30 days after notification. If compliance has not been obtained within 30 days of the notice, the director may authorize termination of water/sewer service until the corrections are made. The owner or user will not have redress for any such charges occurring because of shut-off or termination. In addition, the violator may be subject to a municipal civil infraction action.

(2) Each new sewer lateral installation, or repair of an existing sewer lateral, shall be inspected and approved by the Township or its designee prior to backfilling.

(3) If a piece of property that has an existing sewer lateral serving more than one building is subdivided into separate lots or parcels, then the owner of the building that does not have direct sewer service must install his/her own sewer service across his/her property or on an easement and the original sewer lateral to the adjoining sub-divided property must be disconnected. Any required easements shall be recorded with the Kent County Register of Deeds.

(4) Whenever a new sewer lateral is installed or repaired by a contractor or plumber, it shall be guaranteed to be free from any defective material or poor workmanship, in the public right-of-way, for a period of one year from the date of installation.

(5) Wastewater metering facilities may be installed by a user as required by the director to measure sewage discharge from the user's premises to the sanitary sewer. All such arrangements shall be made subject to acceptance by the director, and the expense thereof, including the installation, maintenance and operation, shall be borne by the user. Plans and specifications for the installation of any wastewater meter must be submitted to the Township before actual installation begins. Such metering facilities shall meet the following criteria:

a. A state licensed professional engineer must develop installation plans. Drawings of the location of the primary measuring device and the meter, the location of the meter's data output(s) and specifications for the meter, including its manufacturer, model and logging frequency, must be included with the plans.

b. A plan location map, which accurately shows where the primary measuring device and meter are located, shall be submitted as part of the drawings.

c. Meter reading provisions shall be convenient to any existing water meter reading location.

(6) Underground structures and all associated piping that contain the primary measuring device and the meter shall be installed in accordance with the plumbing code for the Township.

(7) If possible, the primary measuring device must be located in an open or non-permitted confined space. The recording device may not be located in a confined space.

(8) The meter must include a data logger capable of recording and displaying continuous flow data in 1,000 gallon units. The data must be inspected each business day, by the user, with documentation of the inspection in the form of the inspector's initials, date and time. All data records must be maintained for a minimum of three years and be available for inspection by the director.

(9) The meter installation must be inspected and found to be acceptable by the director before any data from the meter will be used for billing purposes.

(10) The user must maintain a meter service contract provided by the manufacturer or the manufacturers approved representative. The meter shall be checked and calibrated annually, or more frequently as required by the director, by the service provider. All calibration records must be maintained for a minimum of three years and be available for inspection by the Township.

(11) If failure of the meter occurs, the user must notify the director within one business day. Repairs to the meter, which are the responsibility of the owner, must be completed within five business days. If repairs cannot be completed within five business days, a timetable for completion of repairs must be submitted to the director. If, as a result of failure, or suspected failure, the sewer meter readings are in dispute, the volume of water indicated by the water meter during the disputed time will be used as the wastewater volume.

(12) At its discretion, the Township must be allowed to inspect the meter and all records pertaining to the meter. At the director's discretion, the acceptance of any wastewater metering device and/or data may be revoked.

This Ordinance shall take affect thirty (30) days after publication.

YEAS:

NAYS:

ABSENT:

Motion carried. Ordinance #\_\_\_ Resolution #09-\_\_\_ declared adopted.

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K. Scott Harvey  
Plainfield Charter Township Clerk

### **CERTIFICATION**

I, K. Scott Harvey, the duly qualified and elected Clerk of Plainfield Charter Township hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Plainfield Township Board at a regular meeting held on \_\_\_\_\_, 2009, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

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K. Scott Harvey  
Plainfield Charter Township Clerk