

CHAPTER 1042
SEWER USE ORDINANCE

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CROSS REFERENCES

Municipal Owned Utilities – see CHTR Ch. 11

Public Utility Franchises – see CHTR Ch 12

Sewers and sewer systems in home rule cities – see

M.C.L.A. §§117.4b, 117.4e, 117.4f, 117.35

1042.01 Purpose and Policy

This Ordinance sets forth requirements for discharges into the POTW Authority wastewater collection systems, treatment systems, storm sewers, septic systems, and enables the City of Ewart to protect public health, the environment, and the POTW in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of this Ordinance are:

- (a) 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;
- (b) 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 of the state or otherwise be incompatible with the system;
- (c) to improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (d) 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.

This Ordinance 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 Ordinance 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.

1042.02 Definitions

In the interpretation of this Chapter the following definitions shall apply unless the context clearly indicates otherwise:

- (1) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade, expressed in parts per million by weight.
- (2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (4) "Combined Sewer" shall mean a sewer receiving roof drainage, surface runoff and sewage.
- (5) "Director" shall mean the Director of Utilities and Public Works of the City of Ewart or his authorized assistant, deputy, agent or representative.
- (6) "Discharge" shall mean the introduction of wastewater or pollutants into the P.O.T.W., whether intentional or unintentional, and whether direct or indirect.
- (7) "Footing Drain" shall mean a buried pipe surrounding the building for the purpose of draining groundwater away from the building footing.
- (8) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage, processing and sale of produce.

- (9) "Industrial Wastes" shall mean the liquid wastes, solids, or semi-solids from industrial processes as distinct from sanitary sewage.
- (10) "Industrial Wastes" shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.
- (11) "Infiltration Inflow" shall mean water that enters the sewage collection system through broken leaky pipes and manholes or through illegal roof or footing drains and catch basins connected to the sanitary sewer.
- (12) "Inspector" shall mean a person designated by the City to perform inspection work on public utility construction and private construction that affects public utilities.
- (13) "MDEQ" shall mean the Michigan Department of Environmental Quality.
- (14) "Natural Outlets" shall mean any outlet into a watercourse, pond, ditch, lake or other body of water, either surface or groundwater.
- (15) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (16) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (17) "POTW" shall mean publicly operated treatment works.
- (18) "p.p.m." shall mean parts per million.
- (19) "Pretreatment" shall mean a process for treating an incompatible industrial waste to the extent that it can be discharged to the public sanitary sewer without endangering the municipal sewage treatment system or the watercourse to which the treatment plant discharges its effluent.
- (20) "Properly Shredded Garbage" shall mean the wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely underflow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in dimension.
- (21) "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and is controlled by the City of Evart or a public agency or authority.

- (22) "Roof Drain" shall mean a system for collection of precipitation, which falls on the building roof and includes roof gutters and downspouts.
- (23) "Sanitary Sewer" shall mean a sewer, which carries sewage and to which storm and surface water are not intentionally admitted.
- (24) "Sanitary Wastewater" shall mean wastewater free from groundwater, surface water, storm water, or industrial or commercial wastes, emanating from the sanitary conveniences, including toilet, bath, laundry, lavatory, and or kitchen sink, of private, commercial, industrial or semi-public sources.
- (25) "Secondary Sewage Treatment" shall mean a treatment process that removes 85% of the B.O.D. and suspended solids entering the sewage treatment facility or produces an effluent that meets the established water quality standard.
- (26) "Sewage" shall mean any combination of water-carried wastes from residences, business and commercial buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (27) "Sewage Treatment Plan" shall mean any arrangement of devices and structures for treatment of sewage.
- (28) "Sewage Works" shall mean all facilities for collecting, pumping, treatment and disposing of sewage.
- (29) "Sewer" shall mean any pipe, tile, tube or conduit for carrying sewage.
- (30) "Shall" is mandatory, "May" is permissive.
- (31) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, which exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration or flow rate during normal operation.
- (32) "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface water and drainage but which excludes sewage and polluted industrial wastes.
- (33) "Superintendent" shall mean the Superintendent of Sewage Works of the City of Evart or his authorized assistant, deputy, agent, or representative. He shall be licensed as required by the State of Michigan.

(34) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by standard laboratory filtering techniques.

(35) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by standard laboratory filtering techniques.

(36) "Tertiary Sewage Treatment" shall mean any treatment process, which increases the removal percentage above that defined for secondary treatment or removes an impurity in the sewage not required to be removed under secondary treatment.

(37) "Waste" shall mean any material other than water, which is accidentally or purposely discarded into the wastewater system.

(38) "Wastewater" shall mean the water-borne wastes and/or sanitary wastewater as defined herein, emanating from residential, commercial, industrial or semi-public sources, singular or in any combination, together with such groundwater, surface water or storm water as cannot be avoided.

(39) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(40) "Water Quality Standard" shall mean the maximum amount of various foreign substances in the water to be discharged into a watercourse.

1042.03 Public Sewer Requirements

(a.) Waste Deposits

It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the City any human or animal excrement, garbage or other objectionable waste.

(b.) Water Pollution

It shall be unlawful to discharge into any sanitary sewer, POTW, or storm sewer, within the City, any sanitary sewage, industrial waste, or other polluted waters, except where

suitable treatment has been provided in accordance with the standards established by the Michigan Department of Environmental Quality ("MDEQ").

(c.) **Privies and Septic Tanks**

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.

(d.) **Sewer Connection Required**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, right-of-way, or public utility easement in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his own expense to install suitable toilet facilities therein and to connect such facilities directly to the public sewer in accordance with the provisions of this Charter, within ninety (90) days after date of the official notice to do so has been issued by the Director, provided that said public sewer is located within a public easement contiguous to and not further than two hundred (200') feet from any such housed buildings, structures, or properties and further provided that a public sewer is available within one hundred (100') feet of the property to be served.

1042.04 Private Sewer Disposal

(a.) **Private Sewer Systems.**

Where a public sanitary sewer or combined sewer is not available under the provisions of section (D) above, the building sewer shall be connected with a private disposal system complying with the regulations and orders of the MDEQ, the City and the provisions of the Building Code and Regulations.

(b.) Maintenance of Systems.

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.) Discontinuance of System.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section (D) a direct connection shall be made to the public sewer in compliance with the provisions of this Chapter, and sewage in any septic tank, cesspool seepage pit, or other similar private sewage facility shall be removed and disposed of in a sanitary manner, and the septic tank, cesspool, seepage pit, or other private sewage facility shall be filled with sand or gravel.

(d.) Additional Requirements.

No statement contained in the Chapter shall be construed to interfere with any additional requirements that may be imposed by Osceola County Health Department with respect to private sewage disposal.

1042.05 Building Sewer and Construction

(a.) Permit Required.

No authorized person shall uncover, make any connections with or open into use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the City Treasurer.

(b.) Permit Fee.

All connections with the sanitary or combined sewers of the City shall be made only on written authorization and permits issued by the City on such forms and on payments of such fees as the City Council shall, from time to time, prescribe by resolution.

(c.) Installation Costs.

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

(d.) Plans and Specifications.

All applicants for sewer connection permits shall submit for approval, plans and specifications for all plumbing construction within the building or premises that meet the requirements of the Plumbing Code of the City. The plans and specifications must be approved by the Director before construction can occur and before connection with the City sewer system.

(e.) Inspection.

The applicant for a building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The Building Inspector shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of other sections of this Chapter.

(f.) Repairs.

The cost of all repairs and replacements of existing building sewers and their connection to public sewer shall be borne by the property owner to the right of way line. Such owner shall make application to perform such work to the Director. Maintenance of building sewer lines such as cleaning or root removal from the building to the main sewer line shall be borne by the property owner

(g.) Separate Building Sewer for Each Building

A separate and independent building sewer shall be provided for each new building or lot split

(h.) When Old Building Sewers May be Used.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by city personnel, to conform to regulations of the City.

(I) Size, Slope and Alignment.

The size and slope of the building sewer from the property line (or right-of-way line) to the building shall be subject to the approval of the City, but in no event shall the inside diameter be less than 4-inches for residential or 6-inches for multiple units. The slope of the building sewer shall be not less than 1/8 inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Maximum distance between cleanouts shall be 100 feet. A minimum of one cleanout must be installed outside of each house, building, or property used for human occupancy that is connected to the public sewer. Cleanouts may be placed at the property line by the City.

(j.) Materials and Joints, Bedding and Change of Pipe Material.

The building sewer shall be Schedule 40 PVC piping (or greater), reinforced or non-reinforced concrete pipe, ABS composite pipe, or vitrified clay pipe. Joints shall be tight and waterproof. The building sewer shall be bedded on a 4-inch minimum compacted sand cushion and shall be backfilled to a point at least 12-inches above the pipe with sand. Changes from one type of pipe to another shall be made only with a suitable factory manufactured adapter approved by the Director.

(k.) Building Sewer near Building.

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 within 3-feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but not less than 5 feet.

1042.06 Use of Public Sewers

(a.) Generally

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, subsurface drainage cooling water or unpolluted industrial process waters into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Engineer and/or the MDEQ. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the City Engineer, into a storm sewer, combined sewer or natural outlet.

(b.) Prohibited Discharges.

Except as hereafter provided, no person shall discharge any industrial type wastes into the City Sewer System that are deleterious to the public health and safety of the people of the City. Any waste will be considered deleterious that may cause damages or effects as stated under General Conditions and/or does not confirm to the limitations stated under the Specific Conditions.

(1) General Conditions. No person shall contribute nor cause to be contributed, directly or indirectly, into the sewage works, any substances that may cause the following:

- (a) Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures.
- (b) Mechanical action that will destroy or damage the sewer structures.
- (c) Restrictions of the hydraulic capacity of sewer structures.
- (d) Restriction of the normal inspection or maintenance of the sewer structures.
- (e) Placing of unusual demands on the sewage treatment equipment or process.
- (f) Limitation of the effectiveness of the sewage treatment process.

- (g) Danger to public health and safety.
- (h) Obnoxious conditions inimical to the public interest.

(2) Specific Conditions:

- (a) Acidity or alkalinity must be neutralized to a pH of a maximum temporary variation of 5.05 -10.5. In any event a minimum pH of not less than 5.5 is necessary in order to comply with 40 CFR 403.5.
- (b) Must not contain more than 10 p.p.m. of the following gases: Hydrogen Sulphide, Sulphur Dioxide, Oxides of Nitrogen, or any of the Halogens.
- (c) Must not contain any explosive substance.
- (d) Must not contain any flammable substance with flash point lower than one hundred eighty-seven (187°) degrees F, which might be injurious to the sanitary sewer system.
- (e) Must have a temperature within the range of thirty-two (32°) degrees and one hundred four (104°) degrees F.
- (f) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between thirty-two (32°) degrees and one hundred four (104°) degrees F.
- (g) Must not contain insoluble substance in excess of ten thousand (10,000) p.p.m. or exceeding a daily average of five hundred (500) p.p.m.
- (h) Must not contain total solids (soluble and insoluble substance) in excess of twenty thousand (20,000) p.p.m. or exceeding a daily average of two thousand (2,000) p.p.m.
- (i) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
- (j) Must not contain insoluble substance having a specific gravity greater than 2.65.
- (k) Must not contains insoluble substances that will fail to pass a No. 8 Standard Sieve, or having any dimension greater than one-half (1/2) inch.
- (l) Must not contain gasses or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.

- (m) Must not contain chlorine demand greater than fifteen (15) p.p.m.
- (n) Must not contain more than one hundred (100) p.p.m. of any antiseptic substance.
- (o) Must not contain phenols in excess of five-thousandths (.005) p.p.m.
- (p) Must not contain in excess of fifty (50) p.p.m. or exceed a daily average of twenty-five (25) p.p.m. of any fats, oil or grease or any other oily substance.
- (q) Must not contain phosphorus in excess of eight (8) p.p.m.
- (r) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.

(3) National Categorical Pretreatment Standards

Discharges in excess of specific quantities or concentrations or pollutants or pollutant properties set forth in any national standard for industrial pretreatment as set forth by the U.S. Environmental Protection Agency or its successors, are hereby prohibited. Upon promulgation of any national categorical pretreatment standard, alternative discharge limits or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this ordinance shall be considered part of this ordinance. Compliance by an existing source with categorical pretreatment standards shall be within the time frame prescribed by the standard in the appropriate subpart of 40 CFR Chapter I, subchapter N.

(4) Application of State Requirements or Limitations

State requirements or limitations on discharges shall apply whenever they are more stringent than national categorical pretreatment standards or limitations provided in this ordinance. State and national requirements are not subject to any appeal procedures.

Further, no Discharger shall contribute any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, to exceed the

limitations set forth in categorical pretreatment standards or to cause a violation of the State of Michigan Water Quality Standards.

All of the preceding Standards and Regulations are to apply at the point where industrial or commercial type wastes are discharged into a public sewer and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(5) 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 ordinance.

(c.) Interceptors.

(1) Generally

Grease, oil and sand interceptors shall be provided for restaurants, car washes and other users that in the opinion of the Director and/or MDEQ are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and/or the MDEQ and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(2) Interceptor Maintenance

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(D) Preliminary Treatment Facilities.

(1) Generally

The discharge into the public sewers of any waters or wastes having:

- (a) a five (5) day BOD greater than three hundred (300) parts per million (p.p.m) by weight, or
- (b) containing more than three hundred fifty (350) p.p.m., by weight of suspended solids, or
- (c) containing any quantity or substance having the characteristic described in section (B) (Prohibited Discharges), or
- (d) having a daily sewage flow greater than two (2%) per cent of the average daily sewage flow of the City, shall be subject to the review and approval of the City Council and the MDEQ. The owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- (1) reduce the BOD to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or
- (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in section (B)(2), or
- (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities, shall be submitted for approval of the City Council and/or the MDEQ and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(2) Maintenance of Preliminary Facilities

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation, by the owner, at his expense.

(E) Control Manholes.

When required by the City Council and/or MDEQ, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be maintained by him so as to be safe and accessible at all times.

(F) Measurements and Testing.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in sections (B) and (D) shall be determined at the control manhole provided for in section (E) or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, then control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.

(G) Agreements.

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the said City for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment, unless prohibited by state or federal regulations.

(H) Protection from Damage or Obstruction.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage system or treatment plant nor shall any unauthorized person obstruct or cause any obstruction in any part of the municipal sewage system. Any person violating this section shall be punished as provided in chapters 6 and 7 of this ordinance.

(I) Orders of Determination.

(1) Generally. The City may issue written Orders of Determination upon the request of a sewer user. Any Order of Determination issued in accordance with these regulations shall be considered a part of these regulations for the specific user involved.

(2) Violation of Order of Determination. When a particular user is found to be violating the terms of the Order of Determination, the City may discontinue water and/or sewer service to such user until such time as the user shall conform to the provisions of the Order of Determination.

(3) Annual Review. Any Order of Determination issued by the eased flows in the entire sewer system or increased contribution of toxic, poisonous or objectionable substances by other users of the sewer system.

(4) Waste Characteristic Statement. Any person or industry whose operations discharge wastes containing toxic, poisonous or objectionable substances shall file with the City a written statement setting forth the nature of the operation contemplated or currently being carried on, the amount of water required to be used and its source, the proposed point of discharge of said waste into the sewer, the maximum amount to be discharged per second and a fair statement setting forth the expected bacterial, physical, chemical or other known characteristics of the wastes. Upon receipt of said statement, the City shall make a written Order of Determination setting forth the maximum limits for the substance.

(J) Pretreatment When Required.

Where the wastes from a user exceed the limits set forth in the Order of Determination, said user may be required, as a condition precedent to this right to use the City sewer, to construct necessary pretreatment facilities to keep waste discharged into the City sewers within the limits set forth in the Sewer Ordinance.

(K). Supplementary Specifications.

With the approval of the City, a Township may adopt such supplementary specifications as it deems necessary and proper for the construction, maintenance and operation of water mains and sewers which will connect to or become a part of the City system, provided that:

- (1) Said supplementary specifications shall equal or exceed the City specification and shall in no way detract from or conflict with the intent of the City specifications, and
- (2) Said Township system is maintained and operated by personnel employed and paid by the Township.

The intent of this permissive regulation is to provide for local standards for hydrant configuration, water service fittings, manhole castings and similar appurtenances.

1042.07 Design and Construction Requirements for Sewage Collection Systems

(A) General.

- (1) All plans for the extension of the public sewer system that require a permit for construction from MDEQ shall first be approved by the City Superintendent.
- (2) New public sewer systems shall not be placed in service until approved. Approval shall be contingent upon receipt of satisfactory test results and subject to receipt of "as built" plans, within ninety (90) days. Building drain connections shall not be permitted until, the public sewer is accepted by the City Engineer.
- (3) Any sewer, which services two or more separate buildings or dwellings shall be a public sewer, unless the buildings are part of a singly owned industrial complex or a public complex where future division of ownership is not anticipated.
- (4) Combined sewer systems shall not be permitted.

(B) Design Flows.

- (1) Sewer systems shall be designed on the basis of an average flow, which shall include not less than seventy-five (75) gallons per capita per day and the estimated flow from unusual industrial sources.
- (2) Generally, the sewers shall be designed to carry, when running full, not less than the following peak flows:
 - a. Lateral sewers -- 400% of average daily flow.
 - b. Trunk sewers -- 260% of average daily flow.
- (3) When deviations from the foregoing per capita rates are demonstrated, a description of the procedure used for sewer design shall be included.

(C) Public Sewers.

- (1) Any generally accepted material for sewer will be given consideration, but the material selected should be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion and similar problems.
- (2) Sewer joints and materials shall be designed to eliminate infiltration and to prevent the entrance of roots. All joints shall be of a premium nature.
- (3) Based on items "a" and "b" above, or on other pertinent data, the Superintendent may reject any type of sewer pipe or joint in any project whose water is proposed to be processed by the Sewage Treatment Facilities under the control of the City.
- (4) A bulkhead shall be installed at each outlet to an existing system, and shall not be removed until the new sewer system has been accepted by the Superintendent.
- (5) General Design.
 - (a) Sewers shall be a minimum of 8" in diameter.

- (b) Sewers shall be designed for mean velocities, when flowing full, of not less than 2.0 feet per second, based on Kutter's formula using an "n" value of 0.013. Use of other "n" values may be permitted if deemed justifiable on the basis of research or field data presented.
- (c) Sewers shall be designed with a uniform slope and direction between manholes.
- (d) When a smaller sewer joins a larger one, the invert of the larger sewer shall be lowered at least enough to maintain the 0.8 depth point of both sewers at the same elevation.
- (e) Where velocities greater than 12 feet per second are attained, special provisions may be required to protect against scouring and thrust displacement.
- (f) All sewer systems shall be designed so as to limit infiltration to less than 200 gallons per inch of pipe diameter per mile per day or as determined by the Superintendent.
- (g) Sewers shall be sufficiently deep so as to prevent freezing.
- (h) Sewers shall be properly vented.
- (i) Sewer pipe strength requirements are as tabulated below.

SEWER STRENGTH CLAFFICATION

SATURATED CLAY

Sewer Depth (ft)	3-8	8-12	12-16	Over 16
Vitrified Clay Pipe	c 700	*c 700	**	---
ABS Composite Pipe	Std.	Std.	Std.	Std.
PVC Sewer Pipe	Std.*	Std.	Std.	Std.*
Non-reinforced Concrete	c 14-3	*c 14-3	**	---
Reinforced Concrete	c76-IV	c 76-V	*c 76-V	**

DRY SAND

Sewer Depth (ft)	3-8	8-12	12-16	Over 16

Vitrified Clay Pipe	c 700	c 700	*c 700	*c 700
ABS Composite Pipe	Std.	Std.	Std.	Std.
PVC Sewer Pipe	Std.*	Std.*	Std.*	Std.*
Non-reinforced Concrete	c 14-2	c 14-2	c 14-3	*c 14-3
Reinforced Concrete	c 76-IV	c 76-IV	c 76-V	c 76-V

Sewer depths of less than three feet require special treatment as directed by the Engineer.

* Class B Bedding and Backfill required.

** Specified for use only under direct supervision of the Engineer.

(6) Manholes

- (a) Manholes shall be installed at the end of each line, at all changes in grade, type of pipe, size, and alignment, at all intersections, and at distances not greater than 400 feet.
- (b) A standard drop connection shall be provided for a sewer whose invert is at an elevation of 24 inches or more above the manhole invert.
- (c) The minimum inside of diameter of manholes shall be 48 inches.
- (d) Only solid manhole covers are to be used. Where venting is required, vent pipes shall be installed,
- (e) The flow channel through manholes shall be made to conform in shape and slope to that of the sewers.
- (f) All manholes shall be watertight.
 - (i) Pre-cast manholes shall have approved joints. Joints shall be wrapped with a bituminous waterproof coating if required.
 - (ii) Manholes of brick or segmented block shall be waterproofed on the exterior with plaster coatings, supplemented by a waterproof coating, if required.

(7) Pumping Systems.

- (a) All pumping systems would be equipped with an approved recording totalizing flow meter and a wet well level indicator. I
- (b) An emergency power supply for pumping stations shall be provided, and may be accomplished by connection of the station to at least two (2) independent public utility sources, or by provision of in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment.

(8) Force Mains.

- (a) At design minimum flow, a cleansing velocity of at least 2 feet per second shall be maintained.
- (b) An automatic air relief valve shall be placed at high points in the force main to prevent air locking.
- (c) Force main cleanouts shall be provided at intervals of about 1,000 feet.
- (d) A velocity reducing device, may be required at the juncture of the force main with the gravity sewer.

(9) Testing

(a) Sewer Systems

- i. Leakage tests shall be specified. This may include appropriate water or low pressure air testing. The leakage outward or inward (exfiltration or infiltration) shall not exceed 200 gallons per inch of pipe diameter per mile per day for any section of the system, or as required by the Superintendent.

ii. The use of a television camera for inspection may be required.

iii. Tests and/or television inspection shall be witnessed by the Superintendent or his authorized representative. Satisfactory results shall be obtained prior to permitting any building sewer connections.

(b) Pumping Systems

Tests shall be conducted to verify performance curves of each pumping device installed in the system.

(10) Plans

(a) Five (5) sets of plans shall be submitted to the Superintendent for all proposed public sewage collection systems. Plans that are completed to his or her satisfaction shall be transmitted by the City to the Michigan Department of Public Health for a construction permit.

(b) The following data shall be incorporated in the plans.

1. A location map indicating the 1/4 section in which the project is located.
2. When more than one sheet is required for the plan, a small scale overall plan shall be shown.
3. Each set of plans shall bear the embossed seal of the engineer who is responsible for the plans.
4. Two benchmarks shall be shown on each plan sheet.
5. Existing utilities shall be shown on plan and profile.
6. All existing sewer inverts must be field measured and shall be so designated on the plan.
7. A profile including inverts, top of casting grades, gradient, length and drop connections shall be shown for each run of sewer or force main.

8. Proposed and existing elevation of curb or road, or ground above the sewer shall be shown on the profile. Where the difference in elevation between the road grade and sewer invert is less than 7.0 feet, basement elevations should be indicated on the plan.
9. The location of stoppers and bulkheads shall be indicated on the plan.
10. Manholes shall be numbered on plan and profile.
11. An allowable type of pipe, joint and stoppers for public and building sewers shall be indicated on the plans.
12. An easement shall be designated on the plan for each run of public sewer not in public right-of-way. The minimum easement shall be twelve (12) feet wide, or as required by the Superintendent.
13. The following notes shall appear on the plans:
 - a. All construction and materials shall conform to the City's current standards, specifications and details.
 - b. No connection receiving storm water shall be made to sanitary sewers.
 - c. Infiltration for any section of sewers between manholes shall not exceed 200 gals./inch dia./mile/24 hours.
 - d. All elevations shall be based on Evert, Datum, U.S.C.S.
14. Details of pipe bedding, building sewers, drop connections, bulkheads, manholes, manhole covers, and other appurtenances shall be submitted with the plans.
15. Extension of the City sewer system outside the city limits shall require the approval of the applicable Township

representatives or designated official. Such approval shall be submitted prior to final City approval.

(11) Existing Systems

(a) Alterations to Existing Systems

1. General: No work shall be performed on existing sewer systems, which would change the capacity of the system or would result in non-conformity with these regulations, except by written permission of the Superintendent.
2. Manholes: When it is necessary to excavate adjacent to manholes or similar structures, the excavation shall extend around the entire perimeter, except by permission of the Superintendent.

(b) Approval to Existing Systems as City Systems

1. Sewer systems not having been previously approved as City sewers may be accepted as City sewers provided they meet all general requirements of this regulation.
2. The Superintendent shall cause such tests on the sewer as he deems necessary. Television inspection of the system may be required. All costs of performing such tests shall be borne by the owner of the facility.

1042.08 Wastewater Dischargers

It shall be unlawful to discharge sewage, industrial wastes or other wastes without a Permit or Waiver by the City of Ewart to any storm sewer sanitary sewer, septic system, dry well, or other system within the jurisdiction of the City and/or to the POTW. The City shall notify industrial users that pretreatment standards may be applicable to the enforcement of this Ordinance. Failure of the City to so notify a user shall not however, excuse violation of this Ordinance by sewer users.

(A) Wastewater Discharge Permits or Waivers

All Industrial Dischargers proposing to connect to or to discharge sewage, industrial waste and other wastes to the POTW shall obtain a Waste-water Discharge permit or Waiver before connecting to or discharging to the POTW.

(B) Wastewater Discharge Permits or Waivers for Existing Dischargers

All existing Industrial Dischargers planning a new, increased, or modified discharge shall obtain a new Permit or Waiver prior to initiation of operations of the new or modified facilities. An application for renewal of a Permit or Waiver, which will expire, shall be submitted 90 days prior to the expiration date and shall note any changes in the discharge since the issuance of the last Permit or Waiver.

(C) Permit Application

Industrial Dischargers shall complete and file with the Director a Permit Application or Waiver Application in the sequence hereby prescribed by the City of Ewart and accompanied by the appropriate fee. Proposed new Dischargers shall apply at least 90 days prior to connecting to the POTW. No discharge Permit 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 sanitary sewer or storm sewer 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 groundwater or sewers during a rain will be noted.

- (4) Upon request provide detailed plans of treatment facilities; chemical or fuel storage areas, chemical use areas; operational and support facilities that may affect wastewater 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 storm sewers or sanitary sewers.
- (5) Provide a report such as the Michigan Controlled Materials Report on raw materials entering the process or support system, intermediate materials, final products, and waste by-products as those factors may affect waste control.
- (6) Provide the following information when requested by the City: each source of water; the amount of water from each source; the amount of water discharged at each location; a schedule of average daily flow, peak flow rates, time and duration of flow variations and seasonal or monthly variations at each location; a statement on the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes; 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 pounds/day).
- (7) Provide a statement on whether or not compliance is being achieved with this Ordinance on a continuing basis or whether additional equipment, operational changes, or maintenance activities are necessary for compliance with this Ordinance.
- (8) Provide a program 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 when requested. 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 Evert and appropriate State agencies on appropriate characteristics of wastes at locations, according to methods approved by the City of Evert.
- (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 as a responsible person authorized to sign on behalf of the Discharger.
- (11) Provide a manual(s) of instructions for operation of waste control facilities, the proper loading and unloading of chemicals, for laboratory controls, for other information [or requirements] related to a Pollution Incident Prevention Plan and for the training of personnel in the above areas of concern.
- (12) Maintain records reporting the final disposal of specific liquids, solid wastes, oils, radioactive materials, solvents, or other wastes when requested.
- (13) If any industrial process is to be significantly altered as to include or negate a process wastewater or potential wastewater, written notification shall be given to the City and it will be 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 or his or her designated representative. All renewal applications for existing permits or contracts shall be signed by a principal executive officer of the Discharger or his or her designated representative.

(D) Construction Schedule

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

- (1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Discharger to comply with the requirements of this Ordinance including but not limited to dates relating to hiring an engineer, hiring

other appropriate personnel, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, and all other acts necessary to achieve compliance with this Ordinance.

- (2) No 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 Evert 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.

(E) Plan Review

The City of Evert 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 applicable secondary containment facilities, pretreatment facilities, and/or operational facilities required to comply with this Ordinance. Direct costs for review may be billed to the Discharger regardless of whether construction is initiated or not.

(F) Permit or Waiver Modifications

The City of Evert reserves the right to amend any Wastewater Discharge Permit or Waiver issued hereunder in order to assure compliance by the City of Evert with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit for each Discharger subject to such standards may be revised to require compliance with such standards within the time frame prescribed by such standards. If the Discharger has not previously submitted an application for a Wastewater Discharge Permit as required by 5.02.2, the Discharger shall apply for a Wastewater Discharge Permit from the City of Evert 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 re-submit to the City of Evert within 180 days after

the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Section 5.02.2. The Discharger shall be informed of any proposed changes in his 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.

(G) Wastewater Discharge Permit - Contents

Wastewater Discharge Permits may specify no less than the following:

- (1) Fees and charges assessed on initial issuance.
- (2) Limits on the average and minimum wastewater constituents and characteristics regulated thereby.
- (3) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization.
- (4) Requirements for the installation and maintenance of inspection and sampling facilities.
- (5) Special conditions as the City of Ewart may reasonably impose under the particular circumstances of a given discharge including sampling locations, frequency of sampling, number types, and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Ordinance.
- (8) A statement of duration (see 5.07).
- (9) A statement of non-transferability without, at a minimum, prior notification to City of Ewart (see 5.08).

(H) Permit or Duration

Generally, Wastewater Discharge Permits will be issued for a five (5) year duration, subject to amendment or revocation as provided in this Ordinance. In certain cases, a permit may be issued for a shorter or longer period or may be stated to expire on a specific date.

(I) Limitations on Permit 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 Evert.

(J) Special Reporting Requirements, New Discharge, or New Pretreatment Standards

Within ninety (90) days following the date for final compliance by the Discharger with applicable Pretreatment Standards set forth in this Ordinance or 90 days following commencement of the introduction of wastewater into the POTW by a new Discharger, any Discharger subject to this Ordinance shall submit to the city of Evert a report indicating the 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.

(K) Periodic Compliance Reports

- (1) Any Discharger subject to a Pretreatment Standard set forth in this Ordinance, 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 Evert shall submit to the City of Evert during the months of June and December, unless required more frequently by the City of Evert a report indicating the nature and concentration of pollutants in the effluent which are limited by Pretreatment Standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows

shall be reported on the basis of actual measurement provided, however, that if cost or feasibility considerations justify such reporting, the City of Evert may accept reports of average and maximum flows estimated by verifiable techniques. The City of Evert for good cause when considering such factors as high/low flow rates, holidays, budget cycles or other extenuating factors may authorize submission of said report. The City of Evert shall require the frequency of monitoring necessary to assess and ensure compliance by the industrial user with applicable pretreatment standards and requirements. If an industrial user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the City of Evert, the results of this monitoring shall be included in the report. At the discretion of the director, the director may alter the months during which the above reports are to be submitted. This report shall include the certification statement or a statement of compliance as required in section 5.02.2(7). This report, shall be signed by an authorized representative, as outlined in section 5.02.2(14). In the case of non-categorical significant industrial users, where the POTW itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.

- (2) The director may also impose limitations on users using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (1) of this section shall also indicate the mass of pollutants regulated by pretreatment standards in effluent of the user.

(L) Monitoring Facilities

Each Discharger shall provide and operate at the Dischargers own expense, a monitoring facility or location for inspection, sampling and flow measurements of each sewer discharge to the City of Evert. 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 Evert 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. 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. 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.

(M) Inspection and Sampling

The City of Ewart may inspect the monitoring facilities of any Discharger to determine compliance with the requirements of this Ordinance. The Discharger shall allow the City of Ewart, or its representatives, upon presentation of credentials of identifications, to enter upon the premises of the Discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. The City of Ewart, or its 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.

(N) Confidential Information

Information and data furnished to the City of Ewart with respect to the nature and frequency of Discharge may 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 Ewart that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information, (records) for the private use, 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 Ordinance, 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 may be available for use by the State or 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.

1042.09 Enforcement

(A) Emergency Suspension of Service and Discharge Permits or Waivers

The City Council of the City of Evert may for good cause shown suspend the wastewater treatment service and/or the Wastewater Discharge Permit or Waiver of a Discharger when it appears to the City of Evert that an actual or threatened discharge presents or threatens: A violation of the NPDES Permit; 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 Ordinance; or violation of any Wastewater Discharge Permit, Contract, or Waiver issued pursuant to this Ordinance. Any Discharger notified of the suspension of the City of Evert wastewater treatment service, the water supply service, and/or the Discharger's Wastewater Discharge permit, Contract, or Waiver shall within a period of time, as determined by the City of Evert, cease all discharges. In the event of failure of the Discharger, to comply voluntarily with the suspension order within a specific time, the City of Evert may notify the Department of Environmental Quality and commence judicial proceedings pending proof from the Discharger of the elimination of the non-complying discharge or the conditions creating the threat as set forth above.

(B) Revocation of Permit or Waiver,

The City Council of the City of Evert may revoke the Permit or Waiver of any Discharger:

- (a) which fails to factually report the wastewater constituents and characteristics of its Discharger;
- (b) which fails to report significant changes in wastewater constituents or characteristics;

- (c) which refuses reasonable access to the Discharger's premises by representatives of the City of Ewart or its representatives for the purpose of inspection or monitoring; or
- (d) which violates the condition of its Permit, Contract, Waiver, or this Ordinance, or any final judicial order entered with respect thereto.

(C) Notification of Violation - Administrative Adjustment

Whenever the Director finds that any Discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit or Waiver pursuant to Section 6.02 hereof, the Director may serve or cause to be served upon such Discharger a written notice either or personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 10 continuous days of the date of receipt of the notice, the Discharger shall respond personally or in writing to the Director 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

(D) Show Cause Hearing

Where the violation of Section 6.02 hereof is not corrected by timely compliance by means of Administrative Adjustment, the Director may order any Discharger which causes or allows conduct prohibited by Section 6.02 hereof to show cause before the Director's, or the Director's 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 Director 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 Director or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than twenty 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 Director, which may 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.

(E) Judicial Proceedings

Following the entry of any order by the City of Evert with respect to the conduct of a Discharger contrary to the provision of Section 6.02 hereof, the Attorney for the City of Evert may, following the authorization of such action by the City of Evert commence an action for appropriate legal and/or equitable relief.

(F) Operating Upsets

Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of noncompliance with this Ordinance or a Wastewater Discharge Permit issued pursuant thereto shall inform the Supervisor 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 Supervisor within five days. 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 the occurrence of an upset or other conditions of noncompliance.

A documented and verified bonafide upset may be an affirmative defense to an enforcement action brought by the City of Evert against a Discharger for noncompliance with Ordinance or any Wastewater Discharge Permit, Contract, or Waiver pursuant hereto, which arises as a result of violations alleged to have occurred during the period of

the upset and where actual harm or interference to the Sewage Works occurs or which jeopardizes the POTW's Discharge Permit.

1042.10 Penalties

(A) Violation; Municipal Civil Infractions.

Except as provided in Section 1042.10 (F), a person who violates any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this ordinance) is responsible for a municipal civil infraction, which is an act or omission that is prohibited, made or declared unlawful, or an offense by this Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions including without limitation fines, damages, expenses, and costs maybe ordered as authorized by Act 236, of Public Act of 1961, as amended, and Act 279, of Public Act of 1909, as amended, and subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.

(B) Repeat Offenses; Increased Fines.

Increased fines may be imposed for repeat offenses. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

- (1) The fine for any offense that is a first repeat offense shall be not less than \$2,500.00 plus costs.

- (2) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs.

(C) Amount of Fines.

- (1) **Municipal Civil Infraction Citations.** Subject to the minimum fine amounts specified in section 1042.10 (A) and (B), the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this article: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

- (2) **Municipal Civil Infraction Notices; Schedule of Fines.**
Notwithstanding any provision of this ordinance to the contrary, the amount of a municipal civil infraction fine due in response to the issuance of a municipal civil infraction notice for a violation as provided by section 1042.10 (A) shall be according to the following schedule:

First Offense: \$1,000.00

First Repeat Offense \$2,500.00

Second Repeat Offense (or any subsequent repeat offenses)
\$5,000.00

A copy of this schedule shall be posted by the City of Evert.

(D) Authorized City Official.

Notwithstanding any other provision of this ordinance to the contrary, the Director (and any representative designated by the Director) is hereby designated as the authorized city official to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this ordinance.

(E) Recovery of Costs Incurred by the Municipality

Any Discharger violating any of the provisions of this Ordinance, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City of Evert storm water or wastewater disposal system may be liable to the City of Evert for any expense, loss, or damage caused by such violation or discharge. The Director may bill the Discharger for such costs incurred by the City of Evert 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 Ordinance enforceable under the provisions of Section 1044.06.

(F) 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 Ordinance (or Wastewater Discharge Permit), or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required

under this Ordinance, shall, upon conviction be punished by the imposition of a criminal penalty of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both.

1042.11 Records Retention

All Dischargers subject to this Ordinance shall retain and preserve for no less than three (3) 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.

1042.12 Removal Credits

Where applicable, the Authority may elect to initiate a program of removal credits as part of this Ordinance to reflect the POTW's ability to remove pollutants in accordance with 40 CFR part 403.7.

1042.13 Net/Gross Calculations

The Authority may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the Discharger's intake water, in accordance with 40 CFR Part 403.15.

1042.14 Severability

If any provision, paragraph, sentence, word, section, or chapter of this Ordinance is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, sentences, words, sections, and chapters shall not be affected and shall continue in full force and effect.

1042.15 Conflict

All other ordinances regulating sewage system use are hereby repealed.