

Chapter 44

UTILITIES*

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ARTICLE I. IN GENERAL

Secs. 44-1 – 44.15. Reserved.

ARTICLE II. WATER SUPPLY

Sec. 44-16. Application for service.

- (a) When the installation of new service is desired from the water distribution system, an application in writing shall first be made to the division of water.. Such application shall set forth the correct legal description of the premises it is proposed to serve, the size of the service desired and such other pertinent data as may be required to answer truthfully all questions regarding such application which may be put to him by an officer or employee of the division of water. The application fee shall be twenty dollars (\$20.00).
- (b) Connections to the distribution mains shall be installed only by the city and then only upon the prepayment of fees established by section 44-18. The fee established, which shall be known as the connection fee, shall include the cost of excavation and backfill, making the tap, furnishing and installing service pipe from the main to a point between the curb and the sidewalk and shall include furnishing and installing the service box and curb stop.
- (c) After the service pipes have been installed to the premises, persons may apply for and be granted the use of water, provided such application is made in writing at the office of the division of water on such forms as shall be prescribed, and provided further, that the applicant agrees to be bound by all legally established rules and regulations of the division of water. (Gen. Code 1946, Ch. 5, § 301; Code 1972, § 2.41; Ord. No. 546-86, 3-10-86)

***Cross references-**Buildings and building regulations, Ch. 11; collection and disposal of garbage and rubbish, § 18-16 et seq.; planning, Ch. 31; railroads, Ch. 33; streets, sidewalks and other public places, Ch. 37; subdivisions, Ch. 38; franchises, App. B.

Charter references-Water supply generally, § 11.11 et seq., superintendent of water, § 3.38

Cross references-Division of water, § 2-64 et seq.; plumbing, § 11-116 et seq.; waterways, Ch. 47.

Sec. 44-17. Installation of service

- (a) The division of water will not be required to grant water connection permits at any time which in the judgment of the city manager will endanger the mains from frost or other damage.
- (b) All service pipe hereinafter laid shall be of minimum internal diameter of three-quarters (3/4) of an inch and shall be galvanized wrought iron, galvanized wrought steel, cast iron, copper, or approved equivalent and shall conform to the specifications of the American Waterworks Association. The minimum depth of cover for service lines shall be five (5) feet below the surface of the ground or the established street grade, whichever is lower. No service shall be laid along the outside wall or in any position where there is danger of freezing. Every service shall be furnished with two (2) valves, one (1) on the influent side of the meter below the action of frost and on the effluent side of the meter. When such valve is placed under the floor, the rod operating the valve shall extend above the floor. Service pipe laid in the same trench with a sewer shall be at least eighteen (18) inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, it shall be shelved into the bank to a solid bottom. In no case shall a service pipe be laid on a fill. (Gen. Code 1946, Ch. 5, §§ 302.1, 302.2; Code 1972, § 2.42; (Ord. No. 546-86, 3-10-86)

Sec. 44-18. Connection charges; deposit.

- (a) Charges for water service connections on unpaved streets shall be based on the cost for material and labor. All costs shall be figured from the center line of the street fronting the property for which the connection is requested, and shall terminate at the curb stop which will be located approximately seven (7) feet outside the property line. If the street is paved, the cost of removal and replacement of the pavement will be added to the above cost. A schedule of charges for the service connection shall be revised when deemed necessary by the division of water, subject to the approval of the city manager.
- (b) A deposit of five hundred dollars (\$500.00) to be placed against the actual cost of water service connection will be required at time of application for water service connection. (Gen. Code 1946, Ch. 5, § 309.2; Code 1972, § 2.62; (Ord. No. 546-86, 3-10-86)

Sec. 44-19. Separate connections required.

Each and every water consumer, whether residential, commercial or industrial, shall have a separate connection to the city water main and shall be so metered, if service is desired. (Gen. Code 1946, Ch. 5, § 302.3; Code 1972, § 2.43)

Sec. 44-20. Rules governing installation.

No person shall make any attachment or connection with the water distribution system or make any repairs, additions to, or alterations of any fixtures connected with the system unless such connection, repairs, additions, extensions or alterations are in accord with the plumbing code, and with any additional rules and regulations regulating the installation of plumbing which the city commission may from time to time adopt. All work performed in making additions, connections, repairs, extensions or alterations of any fixtures, connections, repairs, extensions or alterations of any fixtures connected with the distribution system shall be subject to inspection by the division of water representatives who have authority, hereby granted, to order any part of such work disconnected or changed in order that the same shall comply with the rules and regulations of the division of water. No consumer shall change the location of the meter without permission of the division of water. (Gen. Code 1946, Ch. 5, § 302.4; Code 1972, § 2.44)

Sec. 44-21. Ownership of service connection.

All rights, title and ownership to the street portion of the water service, including the corporation cock, curb cock, service box and service pipe shall be vested in the city. (Gen. Code 1946, Ch. 5, § 302.5; Code 1972, § 2.45)

Sec. 44-22. Maintenance of service.

Every person having service from the water distribution system shall at his own cost and expense keep in repair that portion of the service between the service box and the meter. In case the service be permitted to remain out of repair, the division of water may shut off the water from the premises served. (Gen. Code 1946, Ch. 5, § 303.1; Code 1972, § 2.46)

Sec. 44-23. Fire protection service

(a) Water for automatic sprinkler systems will be furnished for the rates set forth herein. No person shall use any water from the sprinkler systems except in case of fire.

(b) No chemicals shall be included in the system backflow prevention if large enough to overcome the friction loss or drain system and preorganize with air or solenoid valve. (Gen. Code 1946, Ch.5, § 304.2; Code 1972, § 2.48; Ord. No. 546-86, 3-10-86)

Cross reference-Fire prevention and control generally, Ch. 17.

Sec. 44-24. Meters required.

All connections with the water mains with the exceptions of fire hydrants and fire protection sprinkler systems must be prepared for the use of water through a meter and no water shall be supplied to any inhabitant of the city unless such water shall be measured by a water meter of a design approved and installed by the division of water. The division of water will not be required to furnish meters of a larger or smaller size than in the judgment of the city manager appears to be necessary.

No meter shall be installed less than three-quarters ($\frac{3}{4}$) of an inch in size. All meters less than three-quarters ($\frac{3}{4}$) of an inch in size may be replaced at the city's option. (Gen. Code 1946, Ch. 5, § 304.1; Code 1972, § 2.47; Ord. No. 546-86, 3-10-86)

Sec. 44-25. Meter location.

All water meters must be set in a clean, dry, sanitary place which is easily accessible as determined by the city manager. They will not be allowed in closets, or other places that are kept locked or in coal bins, crawl spaces, or other places difficult of access. Where practical meters shall be installed within the building served but where this is impracticable, meter pits shall be built in accordance with plans and specifications furnished by the division of water. The cost of construction of meter pits shall be borne by the consumer. (Gen. Code 1946, Ch. 5, § 304.3; Code 1972, § 2.49; Ord. No. 546-86, 3-10-86)

Sec. 44-26. Meter Installation.

Actual placing of the water meter shall be done by the division of water after the property owner has provided a place in the system, at his own expense, for setting the meter. All meter places shall be furnished with a "yoke" approved by the division of water. In case an application for water service has been filed and no provision made for the meter by the time the division of water is ready to set it, the division of water will not be required to set the meter until the place has been provided. In the interim water may be provided, if possible, in the judgment of the city manager, on a temporary basis and to be charged at a flat rate as periodically established by ordinance. (Gen. Code 1946, Ch. 5, § 304.4; Code 1972, § 2.50; Ord. No. 546-86, 3-10-86)

Sec. 44-27. Title to meter

Water meters will be furnished by the division of water at cost to the consumer and all rights, title and ownership of the meter shall be vested in the city. (Gen. Code 1946, Ch. 5, § 304.5; Code 1972, § 2.51; Ord. No. 546-86, 3-10-86)

Sec. 44-28. Damage to meter.

The city will maintain all water meters and make all necessary replacements caused by wear through normal usage, but the consumer will be held responsible for care and protection of the meter from freezing or damage by hot water and from injury by any person, and any damage which may occur to any water meter due to the carelessness or neglect of the tenant, owner or agent of the property on which the water meter is placed shall be

paid for by such person upon presentation of a statement of damages. (Gen. Code 1946, Ch. 5, § 304.6; Code 1972, § 2.52)

Sec. 44-29. Testing meter.

The accuracy of the water meter on any premises will be tested by the division of water upon written request of the owner accompanied by a fee of twenty-five dollars (\$25.00). If on such test the meter shall be found to register over four (4) percent more water than actually passes through it another meter will be substituted therefor and the fee will be refunded to the owner and the water bill may be adjusted in such manner as may be fair and just. If on such test the meter shall be found to register less than four (4) percent more water than actually passes through it, the fee will not be refunded and actual costs for removal, testing and resetting will be added. (Gen. Code 1946, Ch. 5, § 304.7; Code 1972, § 2.53; Ord. No. 546-86, 3-10-86)

Sec. 44-30. Estimate of water used.

In case a meter reading does not appear to be consistent or in case the meter has ceased to register, the amount of water charged for shall be the amount estimated by the division of water. In making such estimates previous quantities of water used by the same consumer shall be used as a basis for estimates, but special conditions found, such as leaky fixtures or abnormal demand for water may also be considered. When it appears that abnormal use of water has resulted from leakage or carelessness on the part of the consumer, no deduction shall be made therefor. (Gen. Code 1946, Ch. 5, § 305.8; Code 1972, § 2.54)

Sec. 44-31. Tampering with meter.

All persons are forbidden to interfere with or remove a water meter from any service connection. No person shall break, remove or tamper with or shall cause or suffer to be broken, removed or tampered with any seal which is placed on any meter or service box by an employee of the division of water. No person shall place or cause or suffer to be placed any device which shall serve to allow any water to be used which does not pass through the meter. (Gen. Code 1946, Ch. 5, § 304.9; Code 1972, § 2.55)

Sec. 44-32. Reading meters.

It shall be the duty of the water department to obtain readings of all meters periodically and to render statements for the amounts due as shown by the reading. The readings may be obtained in any manner which is lawful, including the water department personnel taking readings or mail-out, mail-back customer performed readings. Statements shall be payable as determined by this Code, but in no event shall failure to receive a statement excuse any customers for nonpayment thereof. (Gen. Code 1946, Ch. 5, § 304.10; Code 1972, § 2.56; Ord. No. 523-83, § 2.56; 12-12-83)

Sec. 44-33. Access to property.

The division of water, through its authorized representative, shall have access to the water meter and all waste plumbing fixtures at any reasonable hour for the purpose of inspecting the meter or any other plumbing used in connection with the water supply system and no such meter or auxiliary equipment shall be covered or fenced in such a way as to be inaccessible. (Gen. Code 1946, Ch. 5, §306.1; Code 1972, § 2.57)

Sec. 44-34. Hydrants—Use.

No person shall without written authority draw water from any public hydrant or any other public connection with the water supply system except in emergency cases for the purpose of extinguishing fire, or fire practice by the regularly organized division of fire. Permits to use hydrants shall be granted by the city manager or the superintendent of the division of water only for specific hydrants at specific times for specific work. (Gen. Code 1946, Ch. 5, § 307.1; Code 1972, § 2.58)

Sec. 44-35. Same—Display of permit.

Any person holding permission from the city manager or the superintendent of the division of water to use fire hydrants shall keep his written permit at the place of use, which permit shall be displayed to any city official upon request. (Gen. Code 1946, Ch. 5, § 307.2; Code 1972, §2.59)

Sec. 44-36. Same—Deposit.

Persons desiring service from a fire hydrant shall place on deposit such a sum of money as the city manager or the superintendent of the division of water shall designate, which sum shall be held until all charges incurred have been fully paid and all division of water equipment returned to good condition. The division of water shall have the right to use any portion of such sum to repair or replace any equipment damaged through negligence of the consumer or by reason of its use thereof. (Gen Code 1946, Ch. 5, § 307.3; Code 1972, § 2.60)

Sec. 44-37. Same—To be fitted with valve and meter.

Before use of water from a hydrant is allowed, the discharge port shall first be fitted with a valve and meter under the direction of the division of water. (Gen Code 1946, Ch. 5, § 307.4; Code 1972, §2.61)

Sec. 44-38. Cross connections.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply:

- (1) *Backflow* shall mean water of questionable quality, wastes or other contaminants entering water supply system due to a reversal of flow.
- (2) *Cross-connection* shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (3) *Safe air gap* shall mean the minimum distance of water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which water is furnished which shall be at least two (2) times the inside diameter of the water inlet pipe; but shall not be less than one (1) inch and need not be more than twelve (12) inches.
- (4) *Secondary water supply* shall mean a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended [MCL § 325.201 et seq., MSA § 14.411 et seq.], or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.
- (5) *Submerged inlet* shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.
- (6) *Water utility* shall mean the city division of water.

(b) *Adoption of state rules.* The city adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Public Health, being R 325.431 to R 325.440 of the Michigan Administrative Code.

(c) *Inspections.* It shall be the duty of the city manager or his designate to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the cross-connection control program, and as approved by the state department of public health.

(d) *Right of entry to premises.* The representatives of the city manager shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner,

lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

- (e) *Discontinuance of water service.* The division of water is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination to the public water supply system. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.
- (f) *Protection from contamination.* The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: “WATER UNSAFE FOR DRINKING!”
- (g) *Compliance with existing laws.* A connection with a public water supply system shall comply with the existing laws and rules including Act No. 266 of the Public Acts of 1929, as amended [MCL § 338.901 et seq., MSA § 14.451 et seq.], and the provisions of this Code. This does not supersede the state plumbing code and city plumbing ordinance, but is supplementary to them.
- (h) *Cross-connection prohibited.* Cross-connection of the public water supply system and any other water supply system or source including but not limited to the following are prohibited:
 - (1) Between a public water supply system and a secondary water supply;
 - (2) By submerged inlet;
 - (3) Between a lawn sprinkling system and the public water supply system;
 - (4) Between a public water supply and piping which may contain sanitary waste or a chemical contaminant;
 - (5) Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.
- (i) *Local cross-connection control program.* The city shall develop a control program for the elimination and prevention of all cross-connections. The plan for the program shall be submitted to the state department of public health for review and approval. After the plan has been approved by the state department of health, the city shall implement the program for removal of all existing cross-connections and prevention of all future cross-connections.
- (j) *Corrections and protective devices.* Any user of city water shall obtain written approval from the city manager or his designee of any proposed corrective action or protective device before using or installing it. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereinafter specified, the city shall physically separate the city water supply from the on-site piping system in such a manner that the two (2) systems cannot again be connected by any unauthorized person.
- (k) *Piping identification.* When a secondary water source is used in addition to the city water supply, exposed city water and secondary water piping shall be identified by distinguishing colors or tags and so maintained

that each pipe may be traced readily in its entirety, it will be necessary to protect the city water supply at the service connection in a manner acceptable to the division of water.

- (l) *Private water storage tanks.* A private water storage tank supplied from the city water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.
- (m) *Penalty for violations.* Any person or customer found guilty of violating any of the provisions of this section, or any written order of the building official, his designate or the division of water in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred fifty dollars (\$150.00), nor more than three hundred dollars (\$300.00), or imprisonment of ninety (90) days, or both such fines for each violation. Each day upon which a violation of the provisions of this section shall occur shall be deemed a separate and additional violation for the purpose of this section. (Gen. Code 1946, Ch. 7, § 501.1; Code 1972, § 2.63; Ord. of 4-16-73; Ord. of 5-31-77)

Sec. 44-39. Emergency limits on water use.

During any emergency pertaining to the division of water, the city commission may make such rules and regulations governing the use of water by the consumer as it shall deem necessary. Such rules and regulations shall have the same force and effect as ordinances. (Gen. Code 1946, Ch. 5, § 311.1; Code 1972, § 2.64)

Sec. 44-40. Tampering with property.

It shall be unlawful for any person not duly authorized to tap any pipe, open or close any hydrant, valve or stopcock, or interfere in any manner or tamper with any part of the water system, or to use water which does not pass through a meter except as provided herein, and any damage resulting from such unlawful interference or tampering with the system, may be collected in an action at law. (Gen. Code 1946, Ch. 5, § 308.1; Code 1972, § 2.65)

Secs. 44-41 – 4451

ARTICLE III. SEWERS*

DIVISION 1. GENERALLY

Sec 44-52. Sewage system defined.

The sewage system of the city consists of conduit of pipe, usually under the streets, and built of glazed tile, concrete, brick, glazed segmental blocks or cast-iron soil pipe, with the necessary appurtenances. This system consists of sanitary sewers for carrying sewage only. The lines carrying sewage and connecting the buildings with a sanitary sewer are known as sewer connections. (Gen. Code 1946, Ch. 5 § 401.1; Code 1972, § 2.111)

Secs. 44-53 – 44-59. Reserved

DIVISION 2. CONNECTIONS

Sec. 44-60. Required.

No person shall erect or maintain any dwelling or commercial or industrial building without providing sewerage facilities and connections to the sanitary sewer; provided that such connection need not be made if the premises are located at a greater distance than two hundred (200) feet from a sanitary sewer. Gen. Code 1946, Ch. 7, § 401.1; Code 1972, § 2.101)

Charter references-Sewers and drains generally, § 11.7 et seq; director of sewage disposal, § 3.39.

Cross reference-Plumbing, § 11-16 et seq.

Sec. 44-61. Septic tank as alternative.

- (a) When a connection to the sanitary sewer is not required under section 44-60, the person erecting or maintaining the dwelling or commercial building, shall provide a septic tank, provided a written permit is secured from the building department. No outside privies shall be allowed.
- (b) All septic tanks shall be constructed in accordance with the specifications of the state department of health and under the supervision of the health officer or other appropriate official.
- (c) Whenever, in the opinion of the health officer or other appropriate official any septic tank shall become offensive to the safety, health, comfort, convenience or repose of the public, he shall give notice in the manner provided in section 2-3, requiring the owner or occupant of the premises to clean, remove or alter the septic tank in a manner satisfactory to the health officer or other appropriate official within five(5) days from the day of the first notice.
- (d) Should the owner or occupant of the premises fail to clean, remove or alter the septic tank within the time specified, the health officer or other appropriate official shall cause the work to be done and the expense of such work shall be levied and collected by special assessment upon such premises. Such special assessment shall in each case be made in pursuance of a resolution of the city commission directing the same and specifying the amount thereof and the lot or premises upon which the same shall be assessed, or at the option of the city commission, the charges may be collected in a suit at law.
- (e) No person shall remove the contents of any privy, vault, cesspool or septic tank except in a manner approved by the health officer. (Gen Code 1946, Ch. 7, §§ 401.2, 401.3, 402.1—402.3; Code 1972, §§ 2.102—2.106)

Sec. 44-62 Construction specifications.

The construction of all sewer connections whereby the plumbing in or from a building or lot are connected with the sewerage system of the city shall be made in accordance with the provisions of this division and the plumbing ordinances of the city. Further, they shall be constructed in accordance with the sewer specifications of the city on file with the building department. (Gen. Code 1946, Ch. 5, § 402; Code 1972, § 2.112)

Sec. 44-63. Plumber's license required.

No person shall lay, alter, or repair any sewer connection, or make any connection whatever with any sewer or manhole or building belonging to the sewerage system, or do any kind of work connected with the laying of house sewers or making any repairs, additions to, or alterations of any sewer connected, or designed to be connected, with the sewerage system, unless he be a licensed plumber of the state, registered with the city. Any person doing such work without such license shall be deemed guilty of a misdemeanor. (Gen. Code 1946, Ch. 5, § 403; Code 1972, § 2.113)

Cross reference-Licensing, registration and bonding of plumbers, § 11-130 et seq.

Sec. 44-64. Owner's privilege.

Nothing contained in this division shall prohibit any bona fide owner from personally installing sewers on his own property, providing that the owner shall before connecting the sewer with the sewage system of the city:

- (1) Apply for and secure a permit in accordance with section 44-65;
- (2) Pay required fees

- (3) Do the work himself in accordance with this Code;
- (4) Apply for inspection
- (5) Receive approval of plumbing inspector. (Gen Code 1946, Ch. 5, § 4044.1; Code 1972, § 2.114)

Sec. 44-65. Permit-Required.

No connection with any sewer of the sewerage system within the city and no extension of any sewer connection from a connection previously made or repairs thereto shall be made by any person until a written permit for doing the same shall have been obtained from the building department, and every connection with any such sewer, made without permission, or in any manner not herein prescribed for such connection shall subject the person making the same, and the licensed plumber to a penalty as prescribed for a violation of this section.

Sec. 44-66. Same—Application.

Application to the city building department for permits to connect with the sewerage system, or to repair or relay part or parts of such existing connections must be made in writing by a licensed plumber or his authorized agent or by the owner. Such application shall give the exact location of the property, the number of the lot and the name of the subdivision, number of feet frontage, the name and address of the owner and the name of the licensed plumber employed to do the work, and shall be made on blanks furnished for the purpose. Provided, however, that the permit shall be granted with the express condition that the licensed plumber making the connection or repair shall, in behalf of himself, or his heirs, or assigns, hold the city harmless for any loss or damage that may in any way result or be occasioned by the making of any such connection or repair. Provided further, that such permit shall not be granted until the applicant shall have paid the fee of five dollars (\$5.00) if a new connection or repair or replacement of more than twenty (20) feet of an existing connection, or two dollars and fifty cents (\$2.50) if a repair or replacement of less than twenty (20) feet of an existing connection. Such permit upon issuance shall be kept at the site of the work and returned to the building department at the time of final inspection, together with the information for filling in the spaces provided on the permit, showing the number, feet and size of pipe laid, the depths and the locations thereof. After such information is placed on the permit, it shall be signed by the licensed plumber to whom issued and who did the work, and then indexed and filed at the office of building department. (Gen. Code 1946, Ch. 5, § 405.2; Code 1972, § 2.116; Ord. No. 565-87, 5-26-87)

Sec. 44-67. Charges

A connection charge must be paid to the city treasurer before the permit can be issued for a connection to any sewer for which the property to be connected has not already paid its share of the cost, either by special assessment, by a previous connection charge, or by the person installing the sewer. The amount of the connection charges are to be ten dollars (\$10.00) per front foot of the property to be connected to a sanitary sewer, and provided, in case of sewer connection, corner lots shall be exempt seventy-five (75) lineal feet frontage on the site. (Gen. Code 1946, Ch. 5, § 406; Code 1972, § 2.117; Ord. No. 566-87, 5-26-87)

Sec. 44-68. Stubs to be placed in sewers.

Y branches or stubs shall be placed in sewers at frequent intervals, one or more for every lot. A record of the locations of such Y branches or stubs shall be kept at the office of the city engineer and shall be furnished to the licensed plumber but at the risk of the licensed plumber, as to the accuracy of the same. All connections with the sewers of the sewerage system must be made at such Y branches or stubs or in the event that it is necessary to make such connections with the sewer or at a point where a Y or stub has not been provided, the connections shall be made by inserting a Y in the sewer but no such connection shall be made except with the approval of the city engineer and in the presence of the city engineer or his representative. The breaking of any pipe, or any sewer to make a connection except as above provided, shall be deemed a misdemeanor and subject the plumber making such connection to a fine as herein provided, and in addition thereto he shall pay all the expenses of taking up such sewer and rebuilding it to the satisfaction of the city engineer and on his failure to do so, shall

forfeit his license as a plumber. Two (2) houses on adjoining lots must each have a separate connection to the sewer and shall not have a common connection. Two (2) houses on the same lot can have a common sewer connection only from the sewer to the curb line and from there on there must be a connection for each house, but must have a manhole at the junction of separate connections to the houses with common connection from the street. (Gen. Code 1946, Ch. 5, § 407; Code 1972, § 2.118)

Sec. 44-69. Notice before starting work.

At least twenty-four (24) hours' notice must be given at the office of the city engineer before any street or public way can be opened for the purpose of laying a connection. No work of laying connections can be commenced or continued unless a permit is on the site of the work in the hands of the licensed plumber or one employed by him. (Gen. Code 1946, Ch. 5, § 408; Code 1972, § 2.119)

Sec. 44-70. Inspection.

The city engineer is to be given notice when any work is ready for inspection, and all work must be left uncovered and convenient for examination until inspected and approved. Such inspection shall be made within twenty-four (24) hours after such notification. The licensed plumber shall remove and replace all rejected work and shall make all work fully meet the requirements of this division and all work shall be done to the full satisfaction of the city engineer. (Gen. Code 1946, Ch. 5, § 409; Code 1972, § 2.120)

Sec. 44-71. Connecting septic tank.

No septic tank shall be connected with any sanitary sewer or sewer connection. Any licensed plumber making any such connection shall be guilty of a violation of this Code. (Code 1972, § 2.121)

Sec. 44-72. Obstructions.

In case a water or gas pipe, conduit or other obstruction shall come in the way of a sewer connection, the question of passing under or over the same must be determined by the city engineer. In no case shall the licensed plumber be allowed to decide the question. All expense connected with passing by, under or over such pipes, conduits or obstructions shall be borne by the owner of the property for whose benefit the connection is being made. (Gen. Code 1946, Ch. 5, § 416; Code 1972, § 2.122)

Sec. 44-73. Certain trees to be removed.

Whenever it is determined to construct a sewer on any street or right-of-way, all willow or poplar trees or other trees forming hairlike roots, within a distance of seventy-five (75) feet from the main sewer or any house connection, shall be cut down and the life of the stump destroyed to prevent further growth of the roots, and thereafter no trees of the above mentioned varieties shall be planted within the prescribed limits. (Gen. Code 1946, Ch. 5, § 417; Code 1972, § 2.123)

Sec. 44-74. Connecting old lines.

Before any old private drain or any house connection shall be connected with the sewerage system, the owner of the private drain or house connections shall prove to the full satisfaction of the city engineer that it is entirely clean and that it conforms in every respect with the rules and regulations prescribed by this article. (Gen. Code 1946, Ch. 5, § 419; Code 1972, §2.124)

Sec. 44-75. Street openings.

In opening any street or alley, all material for paving and ballasting must be removed with the least possible injury or loss of same, and together with the excavated material from the trench, must be placed where it will cause the least inconvenience to the public. As little as possible of the trench must be dug until the Y branch in the sewer is found. Whenever the sides of the trench will not stand, perpendicular sheeting and braces must be used to prevent caving in of banks. In unpaved streets, no tunneling will be permitted, and in paved streets, no openings can be cut in the pavement without approval of the city engineer, and a sufficient cash deposit made to cover cost of repairing or replacing of same by the city. (Gen. Code 1946, Ch. 5, § 420; Code 1972, § 2.125)

Sec. 44-76. Size.

The sewer connection, from a point three (3) feet outside of the house to the curblin, shall be of A-1 standard socket salt glazed vitrified earthenware pipe or cast-iron pipe unless laid less than three (3) feet in depth, when it shall be of cast iron. Its interior diameter shall be at least four (4) inches. Outside the curblin, the interior diameter shall be at least six (6) inches. The connection between four and six-inch pipe shall be made with an increaser. All earthenware pipe shall be of the best quality of hard burned vitrified shale pipe with sockets and of a make and quality to be approved by the building department. (Gen. code 1946, Ch. 5, § 422; Code 1972, § 2.126)

Sec. 44-77. Method.

The cover of the Y branch or stub on the sewer shall be carefully removed so as not to injure the socket. The first length of pipe attached to the Y branch shall be curved so as to give a good fall into the sewer. The entire line of pipe on any house connection shall be laid as nearly as possible in a straight line and on a uniform grade from a point three (3) feet outside the wall of the house to the Y branch or stub. Such grade shall have a fall of not less than one foot in thirty from the house to the sewer unless by special permission of the building department, in which case provision must be made for regular and efficient flushing. Curved pipe shall be used for every deflection from a straight line of more than three (3) inches in two (2) feet. House connections in all details, particularly joints, must be constructed in such a manner as provided for in the city sewer specifications on file at the office of the building department. Any deviation therefrom must have the approval of the building department. (Gen. Code 1946, Ch. 5, § 423; Code 1972, § 2.127)

Sec. 44-78. Connections for future use.

Sewer connections laid within the city limits for houses on streets where no public sewers are yet laid shall be done according to the regulations of this division in every particular, and the owner or agent of the property must secure a permit to connect the same with the public sewer as soon as the same is built past the property from which the connection is laid. (Gen. Code 1946, Ch. 5, § 426; Code 1972, § 2.128)

Sec. 44-79. Improper connections.

No connection with any sewer of the sewerage system shall be made excepting as provided for in this division, and any person who shall make, or permit cause to be made, a connection with such sewer in a manner contrary to the provisions of this Code, shall, upon conviction, be fined any sum not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00), in the discretion of the court, and any person who shall fail to remove any private sewer or connection with the sewerage system of the city, which is constructed contrary to the provisions of this Code, within ten (10) days after being notified by the city engineer that the same is unlawfully made, shall be subject to a penalty of five dollars (\$5.00) for each day that such forbidden connection shall continue. (Gen. Code 1946, Ch. 5, § 427; Code 1972, § 2.129)

Secs. 44-80- 44-86. Reserved.

DIVISION 3. USE

Sec. 44-87. Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

BOD or 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 milligrams per liter.

Building sewer shall mean that sewer which receives the discharge from soil pipes, waste pipes and other drainage pipes from within a building and the extension thereof to the public sewer.

Combination sewer or combined sewer shall mean a sewer receiving both surface runoff and sewage.

Incompatible waste shall mean any waste containing substances which are not amenable to treatment whereby a nominal reduction of approximately eighty (80) percent is accomplished in the normal treatment process provided for at the joint plant.

Industrial wastes shall mean the liquid wastes, solids or semisolids from industrial processes as distinct from domestic sanitary sewage.

Joint board shall be understood to mean the joint board of commissioners of the Benton Harbor-St. Joseph Joint Wastewater Treatment Plant as defined in the joint sewage disposal contract between the two (2) cities and dated January 30, 1951, or their representatives.

Joint plant shall mean the Benton Harbor-St. Joseph Joint Wastewater Treatment Plant.

Mg/l shall mean milligrams per liter.

NPDES permit shall mean the National Pollutant Discharge Elimination System permit issued to the joint plant by the state water resources commission.

P or phosphorous shall mean the total amount, by weight, of the element phosphorous.

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

Pretreatment shall mean any arrangement of devices or structure used to treat, alter or otherwise change the physical and/or chemical characteristics of a waste prior to discharging the same into a public sewage collection system.

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 under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewage shall mean any combination of water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

Sewer shall mean any pipe, tile, tube or conduit for carrying sewage.

Slug or batch discharge shall mean any discharge of waters or waste in which the concentration of any substance exceeds three (3) times the allowable limits as defined for the substance in this division during any discharge period of fifteen (15) minutes or longer.

SS or 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.

Storm drain shall mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

Unpolluted industrial process water shall mean water used in an industrial process that has not come in contact with any substance used in, or incidental to, an industrial processing operation and to which no chemical or other substance or excessive heat has been added. (Gen Code 1946, Ch. 7, § 101; Code 1972, § 2.81; Ord. of 12-30-74, §2.81; Ord. No. 618-89, § 1, 3-27-89)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 44-88. Unpolluted water.

Storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters shall be discharged to a storm sewer or other approved drainage outlet, not to a sewer designed to carry sanitary wastes. (Gen. Code 1946, Ch. 7, §§ 201.1, 201.2; Code 1972, §§ 2.82, 2.83; Ord. of 12-30-74, § 2.82)

Sec. 44-89. Prohibited uses.

Except as otherwise provided in this division, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;
- (2) Any water or waste which may contain more than seventy-five (75) mg/l of fat, oil or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any grease, oil or other substance that will become solid or viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
- (5) Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with proper operation of sewage works;
- (6) Any garbage that has not been properly shredded;
- (7) Any waters or wastes having a pH lower than six point zero (6.0) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of sewage works;
- (8) Any waters or wastes, including any slug or batch discharge, containing suspended solids of such character and quantity as to interfere with the normal operation of the sewage treatment plant;
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (10) Any waters or waste with a chlorine demand exceeding an average of twenty point zero (20.0) mg/l;
- (11) Excessive discoloration such as, but not limited to, dye waste and vegetable tanning solutions;
- (12) Any paints, oils, lacquers, thinners or solvents;
- (13) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process or resulting from the pretreatment of any person's waters, waste or air pollutants;

(14) Any substance or incompatible waste which the joint board now or hereafter finds to be harmful to or interfere with the operation of the joint plant. (Gen. Code 1946, Ch. 7, § 201.3; Code 1972, § 2.84; Ord. of 12-30-74, § 2.83)

Sec. 44-90. Limitation on concentration and volume of discharge.

Any person who discharges a waste that contains:

- (1) Any toxic materials as defined in Section 307 of U.S.P.L. 92-500; such as, but not limited to; chromium, cyanide, copper, nickel, zinc, cadmium, aluminum, mercury or iron;
- (2) Any phenolic-compound or other taste and odor producing compound;
- (3) Any chlorinated hydrocarbon compounds;
- (4) Any incompatible element or substance;
- (5) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the joint board in compliance with state and federal regulations; shall be subject to limitations as to concentration and/or volume for the waste discharge. These limitations shall be adopted and kept on file by the joint board. They shall be revised from time to time as required by discharge imitations imposed on the joint plant by any state, federal or other public agency having jurisdiction for such discharge to the receiving waters. (Ord. of 12-30-74, § 2.84)

Sec. 44-91. Pretreatment—When required.

Before admission into a sewer tributary to the joint plant by any person of any waters or wastes containing:

- (1) A BOD greater than two hundred thirty-five (235) mg/l;
- (2) More than three hundred (300) mg/l of suspended solids;
- (3) More than twelve (12) mg/l of phosphorous;
- (4) More than the limits as established for such substances described in sections 44-89 and 44-90;

and when so directed by the joint board, the person shall provide, at his expense, such pretreatment as may be necessary to reduce the BOD to two hundred thirty-five (235) mg/l and the suspended solids to three hundred (300) mg/l and the phosphorous content to twelve (12) mg/l, and reduce the concentration of toxic or incompatible substance to within the limits as established in sections 44-89 and 44-90. (Code 1972, § 2.85; Ord. of 12-30-74, § 2.85)

Sec. 44-92. Same—Reports required.

All persons who have a pretreatment facility and all industries, as defined in the NPDES permit and who discharge into a public sewer tributary to the joint plant shall be required to submit regular reports to the joint plant relative to the volume and chemical and physical characteristics of the waste discharged. Each industry, subject to the pretreatment standards or other applicable requirements promulgated pursuant to Section 307 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), shall submit to the joint board semiannual notice regarding specific action taken to achieve full compliance with the requirements of Section 307 of the Act. The joint board will file these reports with the state water resources commission until full compliance is achieved. These reports shall contain only the information necessary for the joint board to meet the reporting requirement of their NPDES permit, and to insure the protection of the joint plant and its treatment processes. Thy type of equipment, methods and frequency used for metering, sampling and analysis shall be subject to the approval of the joint board. Where pretreatment facilities are provided for any water or wastes,

they shall be maintained in satisfactory and effective operation by the person at his expense. All monitoring and analytical instrumentation and related equipment shall be periodically calibrated and maintained at intervals to insure accuracy of measurements. (Ord. of 12-30-74, § 2.86)

Sec. 44-93. Additional charges.

Any persons discharging waters or wastes meeting the limitations of sections 44-89 and 44-90 and exceeding only the limitations of section 44-91 regarding BOD, suspended solids and phosphorous, then the joint board may at their discretion, allow the wastes to be discharged into a public sewer tributary to the joint plant and charge the person for treatment according to the following formula:

$$\text{Total Charges} = (M_1) V + (M_2) \text{BOD} + (M_3) \text{SS} + (M_4) \text{P} + \text{meter charge}$$

Where:

$M_1, M_2, M_3,$ and M_4 = multiplying constants

V = volume of waste in 100 cubic feet

BOD = 5 day BOD in 1000 pounds

SS = suspended solids in 1000 pounds

P = total phosphorous in 100 pounds

Meter charge = as provided for in article IV of this chapter as adopted by the joint board

The multiplying constants ($M_1, M_2, M_3,$ and M_4) shall be calculated annually after the end of the fiscal year used by the joint plant, which is July first to June thirtieth, by means of a formula approved, and filed at the joint plant. Billings will be rendered on a monthly basis. The volume will be actual. Loadings of BOD, SS and P will be actual as calculated from the analysis taken during the preceding month. Such persons shall be required to submit regular reports to the joint board relative to the discharge of their wastes. The reports shall contain such information as strength of BOD, SS, P, pH volume discharged and other data that might be readily available from their operational procedures. This data may be used for the basis of billing under the above formula; however, the joint board, at their discretion, may conduct analysis of representative samples taken by the joint board as means of verifying the results as submitted, and the joint board may use their own results of analysis for billing purposes. The type of equipment, methods and frequency used for metering, sampling and analysis shall be subject to approval of the joint board. (Gen. Code 1946, Ch. 7, § 201.5; Code 1972, § 2.86; Ord. of 12-30-74, § 2.87)

Sec. 44-94. Control manholes.

When required by the joint board, any person who discharges any waste that has been subject to pretreatment or is of the quality as described in section 44-92, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and the measurement of waste. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the joint board. The manhole shall be installed and maintained by such person at his expense. (Gen. Code 1946, Ch. 7, § 201.7; Code 1972, § 2.88; Ord. of 12-30-74, § 2.88)

Sec. 44-95. Measurements and tests.

All measurements, tests and analysis of the characteristics of waters and wastes shall be made in accordance with the methods described in the current edition of one of the following texts:

- (1) “Standard Methods for the Examination of Water and Wastewater” as published by the American Public Health Association;
- (2) “A.S.T.M. Standards, Part 23, Water, Atmosphere Analysis” as published by the American Society for Testing and Materials;
- (3) “Methods for Analysis of Water and Wastes: as published by the Environmental Protection Agency, Water Quality Office.

Such tests as are herein specified shall be determined upon representative samples taken at the control manhole provided for in section 44-94. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer. (Gen. Code 1946, Ch. 7, § 201.8; Code 1972, § 2.89; Ord. of 12-30-74, § 2.89)

Sec. 44-96. Acceptance of septic tank waste.

Any operator of a septic tank waste hauling firm that desires to deposit domestic septic tank wastes at the joint plant shall first obtain all applicable state and local licenses and permits governing this service. The dumping of domestic septic tank wastes at the joint plant shall be done in strict accordance with the rules and regulations established by the joint board and on file at the joint plant. Only that waste resulting from domestic and/or sanitary facilities will be permitted to be disposed of at the joint plant. The dumping of any water or wastes originating from an industrial or commercial process or the sludge, precipitate or congealed substances resulting from any person’s water, waste or air pollutants is prohibited. The rate of charges for depositing domestic septic tank waste at joint plant will be based on the cost of treating the waste. The rates are on file at the joint plant. Billing will be based on the number of loads received and the capacity of the tank truck. (Gen. Code 1946, Ch. 7, § 201.9; Ord. of 12-30-74, § 2.90)

Sec. 44-97. Special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the joint board and any person whereby a waste of unusual strength or character may be accepted by the joint board for treatment. (Gen. Code 1946, Ch. 7, § 201.9; Code 1972, § 2.90; Ord. of 12-30-74, § 2.90)

Sec. 44-98. Power and authority of inspectors.

The joint board or other duly authorized representative of the joint board shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this division at any time during reasonable or usual business hours. (Gen. Code 1946, Ch. 7, § 301.1; Code 1972, § 2.91; Ord. of 12-30-74, § 2.91)

Sec. 44-99. Violations

- (a) Any person found to be violating any provisions of this division shall be served written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, comply with the requirements thereof.
- (b) Any person violating any of the provisions of this division shall be liable, in a civil action to the joint board for any expense, including any fines imposed on the joint board by any state or federal agency for violation of NPDES permit limitations, loss or damage occasioned by the joint board or joint plant by reason of such violation. (Gen. Code 1946, Ch. 7, §§ 401.1; 401.2; Code 1972, § 2.92; Ord. of 12-30-74, § 2.92)

Sec. 44-100 – 44-110. Reserved.

ARTICLE IV. WATER AND SEWER RATES*

Sec. 44-111. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

Department shall mean the utility services department of the city

Industrial shall be defined as those industries which are identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1976, as amended and supplemented, under category “Division D- Manufacturing” and which discharge an industrial waste as defined in the revised rules and regulations, “Industrial Waste Sewer Use,” adopted by the Benton Harbor-St. Joseph Joint Wastewater Treatment Plant on November 14, 1974.

Person shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.

Premises shall mean each lot or parcel of land, building or premises having any connection to the water distribution system of the city or the sewage disposal system of the city

Superintendent shall mean the utility services director.

(Code 1972, § 2.141; Ord. of 11-29-76, § 2.141; Ord. of 1-14-80, § 2.141; Ord. No. 535-84, § 2.141, 9-7-84; Ord. No. 619-89, § 1, 3-27-89)

Sec. 44-112. Basis of charge.

All water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the division of water or on the basis of an estimated minimum usage. The estimated minimum usage will be determined according to the national average residential usage published by the American Water Works Association and the latest United States Department of Commerce, Census Bureau statistics concerning population per household, all sewage disposal service shall be charged on the basis of water consumed. No free water service or sewage disposal for service shall be furnished to any person.

***Charter reference**-Free water prohibited, § 11.14.

(Code 1972, § 2.142; Ord. of 11-29-76, § 2.142; Ord. of 1-14-80, § 2.142; Ord. No. 535-84, §2.142, 9-17-84; Ord. No. 546-86, 3-10-86)

Sec. 44-113. Water rates.

(a) Rates for Customers: The following user rates, fees and charges are hereby established, ratified, confirmed and approved for services provided by the water supply system:

(1) Ready-to-Serve Charge – Water.

(A) Each customer of the water supply system shall be charged a flat monthly Ready-To-Serve Charge – Water as follows:

<u>Meter Size</u>	<u>Monthly Charge</u> <u>Ready to Serve Charge - Water</u>
5/8	\$9.03
3/4	13.54
1	23.47
1 1/2	54.16
2	90.26
3	207.60

4	370.06
6	830.40
8	1,489.30

(B) On each July 1 for five consecutive years, commencing on July 1, 2020 and ending on July 1, 2024, the Ready-To-Serve Charge shall increase by 9.95% per year.

(2) Volume Consumption Charge - Water.

(A) Each customer shall be charged a monthly Volume Consumption Charge - Water based on usage per each 100 cubic feet or portion thereof of water consumption, at the following rate:

Water Monthly Volume Consumption Charge	
Per 100 Cubic Feet of Water or portion thereof	
Charge Per 100 Cubic Feet or portion thereof	\$3.80

(B) On each July 1 for five consecutive years, commencing on July 1, 2020 and ending on July 1, 2024, the Volume Consumption Charge shall increase by 9.95% per year.

(3) Turn On Fees. A fee of fifty dollars (\$50.00) shall be charged to turn on water service. This fee shall be charged for initial turn on for new water services and for a turn on to re-establish water service that has been turned off for any reason. No fee shall be charged to turn off water service.

(4) Fire Protection Fees. Charges for fire protection services and appurtenances shall be reviewed annually by the Utility Services Department and recommendations made to the City Commission for approval during the budget process.

<u>Charge Type</u>	<u>Charge</u>
Fire Hydrant, each	As determined by resolution
Fire hose cabinet, each	As determined by resolution
Sprinkler head, each	As determined by resolution

(b) Payment; Late Charges. Charges for water services shall be due as of the date billed and shall become delinquent twenty-two (22) days from the date of the bill. A two-percent late penalty payment shall be charged after the bill becomes delinquent.

(c) Rate Revisions. The City Commission may amend any of the rates, fees or charges charged for services provided hereunder by resolution at any time when review of such rates, fees, charges, costs of service, treatment or other factors related thereto indicate a rate change would be in the best interests of the City to ensure sound financial operation of the water supply system.

Sec. 44-114. Sewer rates—Billing.

Charges for sewage disposal service shall be levied upon all premises having any sewer connection with public sewers. Sewer service charges shall be billed on the water bill for each area and classification of service and shall be due as of the date billed and delinquent twenty-two (22) days from the date of the bill. A two-percent late payment penalty will be charged after the bill becomes delinquent.

Code 1972, § 2.145; Ord. of 11-29-76, § 2.145; Ord. of 1-14-80, § 2.145; Ord. of 1-26-81, § 2.145; Ord. No. 535-84, § 2.145; Ord. No. 546.86, 3-10-86; Ord. No. 599-88, 10-10-88; Ord. of 7-2-93, § 1)

Sec. 44-115. Same—Established.

(a) Rates for Customers. The following user rates, fees and charges are hereby established, ratified, confirmed and approved for services provided by the sewage disposal system:

(1) Ready-to-Serve Charge - Sewer.

(A) Each customer of the sewage disposal system shall be charged a flat monthly Readiness-to-Serve Charge, which shall be based upon the size of the water meter installed therein as follows:

<u>Meter Size</u>	Monthly Charge Ready-Serve Charge – Sewer
5/8	\$15.59
3/4	17.78
1	24.76
1 1/2	34.34
2	43.95
3	63.16
4	111.87
6	184.84
8	257.54

(B) On each July 1 for five consecutive years, commencing on July 1, 2020 and ending on July 1, 2024, the Readiness-To-Serve Charge - Sewer shall increase by 7.00% per year.

(2) Volume Consumption Charge - Sewer.

(A) Each customer shall be charged a monthly Volume Consumption Charge – Sewer based on usage per each 100 cubic feet or portion thereof of water consumption in excess of 300 cubic feet per month, at the following rate:

**Sewer Monthly Volume Consumption Charge
Based on Metered Usage Per Cubic Foot of Water**

Charge Per 100 Cubic Feet or portion thereof of Metered Water	\$2.96
Consumption in excess of 300 cubic feet per month	

(B) On each July 1 for five consecutive years, commencing on July 1, 2020 and ending on July 1, 2024, the Volume Consumption Charge - Sewer shall increase by 7.00% per year.

(b) Rate Revisions. The City Commission may amend any of the rates, fees or charges charged for services provided hereunder by resolution at any time when review of such rates, fees, charges, costs of service, treatment or other factors related thereto indicate a rate change would be in the best interests of the City to ensure sound financial operation of the sewage disposal system.

Section 3. Addition of Section 44-115A. A new Section 44-115A is hereby added to the Code of Ordinances as follows:

Section 44-115A Capital Improvement Charge. The following user rates, fees and charges are hereby established, ratified, confirmed and approved for services provided by the water supply and sewage disposal systems:

(a) Charge. Each customer of the water supply and sewage disposal systems shall be charged a flat monthly Capital Improvement Charge based on the customer's water meter size, as follows:

<u>Meter Size</u>	<u>Monthly Charge Capital Improvement Charge</u>
5/8	\$4.60
3/4	6.90
1	11.96
1 1/2	27.60
2	46.00
3	105.80
4	188.60
6	423.20
8	759.00

(b) Rate Revisions. The City Commission may amend any of the rates, fees or charges charged for services provided hereunder by resolution at any time when review of such rates, fees, charges, costs of service, treatment or other factors related thereto indicate a rate change would be in the best interests of the City to ensure sound financial operation of the water supply and sewage disposal systems.

Section 4. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 5. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 6. Publication. This Ordinance shall be published in full in a newspaper of general circulation in the City qualified under State law to publish legal notices promptly after its adoption, and the same shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 7. Effective Date. This Ordinance shall take immediate effect upon publication.

Section 8. Inspection. A copy of this Ordinance shall be available for purchase or inspection during regular business hours at the City Hall, 200 E Wall St, Benton Harbor, MI 49022.

Sec. 44-116. Added charges.

To reimburse the city for the cost of billing and collecting the sewer service charges, operating and maintaining the sanitary sewer system including interceptors, lift stations, and other sanitary expenses, the rates as billed by the city will be higher than the rates fixed by the joint sewage disposal board.

(1) The combined rate for the board and city shall be as follows for in-city customers:

a. *Readiness to serve charge:*

<i>Meter Size</i>	<i>Monthly Rates</i>	<i>Bimonthly Rates</i>
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5/8"	\$3.85	\$ 7.70
1/4"	4.30	8.60
1"	4.90	9.80
1 1/4"	5.70	11.40
1 1/2"	6.80	13.60
2"	8.70	17.40
2 1/2"	10.70	21.40
3"	12.50	25.00
4"	22.15	44.30
6"	36.60	73.20
8"	51.00	102.00

b. *Charges based on monthly water consumption:*

	<i>Rate</i>
0 to 300 cubic feet	In Readiness to Serve
Over 30 cubic feet:	
Nonindustrial	\$0.38 per 100 cu. Ft.
Industrial	0.32 per 100 cu. Ft.

c. *Charges based on Bimonthly water consumption:*

	<i>Rate</i>
Over 600 cubic feet:	
Nonindustrial	\$0.38 per 100 cu. Ft.
Industrial	0.33 per 100 cu. Ft.

(2) The combined rates for service outside the city shall be as follows:

a. *Readiness to serve charge;*

<i>Meter Size</i>	<i>Monthly Rates</i>	<i>Bimonthly Rates</i>
5/8"	\$ 7.40	\$ 15.40
3/4"	8.60	17.20
1"	9.80	19.60
1 1/4"	11.40	22.80

<i>Meter Size</i>	<i>Monthly Rates</i>	<i>Bimonthly Rates</i>
1 1/2"	\$ 13.60	\$ 27.20
2"	17.40	34.80
2 1/2"	21.40	42.80
3"	25.00	50.00
4"	44.30	88.60
6"	73.20	146.40
8"	102.00	204.00

b. *Charges based on monthly waste consumption;*

0 to 300 cubic feet	In Readiness to Serve
Over 300 cubic feet	

Nonindustrial	\$0.76 per 100 cu.ft.
Industrial	0.64 per 100 cu.ft.

- (3) The water department will bill residential users every two (2) months. Industrial and commercial users may be billed on a monthly basis all in accordance with the appropriate schedule. (Code 1972, § 2.148; Ord. of 11-20-76, § 2.148; Ord. of 1-14-80, § 2.148; Ord. of 1-26-81, § 2.148; Ord. No. 535-84, § 2.148, 9-17-84)

Sec. 44-117. Special sewer service charges

Where large volumes of water are used that do not enter the sanitary sewer system, special billings, based as nearly as possible on the water going into the sanitary sewer, shall be made. Special billings shall also be made where water other than that purchased from the city enters the sewer system. (Code 1972, § 2.149; Ord. of 11-29-79, § 2.149; Ord. of 1-14-80, § 2.149; Ord. of 1-26-81, § 2.149; Ord. No. 535-84, § 2.149; 9-17-84; Ord. No. 546-86, 3-10-86)

Sec. 44-118. Collections.

The utility services department is hereby authorized to enforce the payment of charges for water service to any premises by instructing the division of water to discontinue the water service to such premises, and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumpsit may be instituted by the city against the customer. The charges for water service and sewage disposal service, which under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended (MCL, § 141.101 et seq., MSA § 5.273 et seq.), are made a lien on the premises which, on the first day of October preceding, have remained unpaid for a period of ninety (90) days, shall be certified by the city official in charge of the collection thereof and provided to the tax assessing officer who shall place the same on the next tax roll of the city. Such charges so assessed shall be collected in the same manner as general city taxes. In cases where the city is properly notified in accordance with such Act 94 of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the division of water as determined by resolution. Where the water service to any premises is turned off to enforce the payment of water service charges or sewer disposal service charges, the re-establishment of water service shall not be recommended until all delinquent charges and a ten (10) percent late penalty payment have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of fifty dollars (\$50.00). In any other case where, in the discretion of the director, the collection of charges for water or sewage disposal service may be difficult or uncertain, the director may require a similar deposit. Such deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not affect the right of the division of water to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied. (Code 1972, § 2.150; Ord. of 11-29-76, § 2.150; Ord. of 1-14-80, § 2.150; Ord. of 1-26-81, § 2.150; Ord. No. 535-84, § 2.150; 9-17—84; Ord. No. 546-86, 3-10-86; Ord. No. 599-88, 10-10-88)

Secs. 44-119 – 44-129. Reserved.

ARTICLE V. PUBLIC UTILITIES

Sec. 44-130. Subject to jurisdiction of state public service commission and city commission rules and regulations.

All public utilities operating in the city shall be subject to the jurisdiction and regulation of the state public service commission insofar as such jurisdiction and regulation is authorized by the laws of the state. In addition thereto, such public utilities shall be subject to such rules and regulations as the city commission may from time to time adopt, provided such adoption is made in the manner provided by law. (Gen. Code 1946, Ch. 5 § 901.1)

Sec. 44-131. Annual permit for routine maintenance and minor extensions.

For all operations of public utilities involving routine maintenance and minor extensions, an annual permit may be executed for which permit no charge will be made. (Gen. Code 1946, Ch. 5, § 901.3)

Sec. 44-132. Permit and plans for proposed construction.

No construction job or extension shall be undertaken by public utilities until plans of the proposed construction or extension have been submitted for approval of the city engineer and job permit has been secured from the city engineer, for which job permit no charge will be made. (Gen. Code 1946, Ch. 5, § 901.4)

Sec. 44-133. Inspection costs, etc.

Waiving of permit fees shall not relieve public utilities from the requirement of reimbursing the city for necessary inspection costs, if any are incurred, and for the cost of replacing road surfaces or drainage structures if such replacement is necessary. (Gen. Code 1946, Ch. 5, § 901.5)

Sec. 44-134. Bond or insurance.

No recognized public utility shall be required to furnish a bond or insurance policy provided the terms of its application conform to this article.
(Gen. Code 1946, Ch. 5, § 901.6)

Sec. 44-135. Annual filing of layout.

All public utilities operating in the city shall annually file with the city manager details of their underground structures within the public streets or alleys and all public utilities shall likewise file copies of their general layout maps insofar as public streets, alleys and other public property is affected.
(Gen. Code 1946, Ch. 5, § 901.7)

Sec. 44-136. Relocation of facilities.

All public utilities shall be required to relocate poles, wires, pipes, mains or other property, for street widening, sewer construction or other reasons, when so ordered by the city manager.
(Gen. Code 1946, Ch. 5, § 901.8)

Secs. 44-137 – 44-150. Reserved.

ARTICLE VI. INDUSTRIAL WASTE RULES AND REGULATIONS*

DIVISION 1. GENERALLY

Sec. 44-151. Definition of terms.

Unless the context of usage indicates otherwise, the meaning of specific terms in this article shall be as follows:
Act shall mean the Federal Clean Water Act, as amended.

ASTM shall mean the American Society for Testing and Materials.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Building sewer shall mean the extension from the wastewater plumbing facilities of a building or premises to the public sanitary sewer.

Bypass shall mean the intentional diversion of waste streams from any portion of a Class III user's treatment facility.

CFR as referenced in this article shall refer to Title 40 of the Code of Federal Regulations as published by the United States Government. All definitions, terminology, and references to 40 CFR shall be in accordance with its latest revisions.

Combination sewer or combined sewer shall mean a sewer receiving both surface runoff and sewage.

Commercial user (Class II) shall include any property occupied by a nonresidential establishment not within the definition of an “industrial user (Class III)”, and which is connected to the wastewater facilities.

Contract customers shall mean those “municipalities” who are by contract with an “owner customer”, users of joint plant’s wastewater sewers and wastewater treatment facilities.

Day shall mean any consecutive twenty-four hour period.

DNR or MDNR shall mean Michigan Department of Natural Resources, its successors or assigns.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency or its official designee, its successors or assigns.

Garbage shall mean the solid animal and vegetable waste resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

Groundwater shall mean water within the earth.

Incompatible waste shall mean any waste, containing substances which are not amendable to treatment, or wastes which may adversely affect the treatment process, the joint plant effluent, or sludge disposal practices or cause the joint plan effluent, or sludge disposal practices or cause the joint plant to violate its NPDES permit.

Industrial user or Class III user shall mean any nonresidential user identified in Divisions A, B, D, E, or I of the Standard Industrial Classification Manual. Class III shall also include any user, industrial or otherwise, which discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference to the conveyance or treatment processes or any user designated as a categorical industry in accordance with 40 CFR Chapter I, Subchapter N.

Industrial wastes shall mean the liquid wastes, solids, or semisolids from nonresidential users as distinct from residential sanitary wastewater.

Interference shall mean any inhibition or disruption of the operation of any sewer system, wastewater treatment or sludge disposal process, which substantially contributes to a violation of applicable discharge permits.

Joint board where used in this article shall be understood to mean the joint board of commissioners of the Benton Harbor/St. Joseph joint wastewater treatment plant as defined in the joint sewage disposal contract between the two (2) cities and dated January 1, 1951, or their duly authorized representative.

Joint plant shall mean the Benton Harbor/St. Joseph Joint Wastewater Treatment Plant.

May is permissible, shall is mandatory.

Mg/l shall mean milligrams per liter.

National categorical pretreatment standards shall mean categorical standards as promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies discharge limits to a specific category of industrial user.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

New source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307© of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with the section, provided that:

- (a) The building, structure, facility or installation is constructed at a site which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

NPDES shall mean National Pollutant Discharge Elimination System Permit Program, whether administered by the EPA or other authority.

NPDES permit shall mean the National Pollutant Discharge Elimination System permit issued to the joint plant by the State of Michigan Water Resources Commission or EPA.

Owner customer shall mean the City of Benton Harbor and/or the City of St. Joseph, Michigan.

P or phosphorus shall mean the total amount, by weight of the element phosphorus.

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 in the magnitude or duration of a violation).

Permit to discharge or PTD shall mean a permit issued by the joint board to any Class III user.

Person shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in frams per liter of solution as determined by Standard Methods.

Pretreatment shall mean any arrangement of devices or structure used to treat, alter or otherwise change the physical and/or chemical characteristics of a waste prior to discharging the same into public wastewater facilities, and which results in a reduction, elimination, or alteration in the nature of pollutant properties in the wastewater to a less harmful state.

Pretreatment standard See National Categorical Pretreatment Standards.

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 under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension..

Publicly owned treatment works (POTW) shall mean a treatment works as defined by Section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The 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 Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Public sewer shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

Residential user (Class I) shall mean all premises used only for human residency and which is connected to the wastewater facilities.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted, and which may include pumping stations, metering stations, and other appurtenances.

Sanitary wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Service area shall include all properties within the boundaries of all owner customers and contract customers as defined herein.

Severe property damage shall mean substantial physical damage to property, damage to treatment facilities which causes them to become 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 shall mean any combination of water carried wastes from residences, business buildings, institutions, and industrial establishments together, with such ground, surface and storm waters as may be present.

Sewer shall mean any pipe, tile, tube, or conduit for carrying sewage.

Shall is mandatory, may is permissible.

Significant industrial user shall mean any industrial user of the wastewater disposal system(s) tributary to the Benton Harbor/St. Joseph joint wastewater treatment plant who (i) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, or (ii) discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater or (iii) contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant or (iv) has in its wastes toxic pollutants a defined pursuant to Section 307 of the Act or Michigan Statutes and rules or (v) is found by the joint board, state control agency, or the U.S. Environmental Protection Agency (EPA) to have a reasonable potential for adversely affecting either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the systems effluent quality, or air emissions generated by the system unless the industrial user is determined not to be a significant industrial user in accordance with 40 CFR 403.3(t) (2).

Significant noncompliance shall mean a violation which meets one or more of the following criteria specified in 40 CFR 403.8(f) (2) (vii):

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit daily maximum (or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under CFR 403.8(f) (vi) (B) to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug or batch discharge shall be a discharge of a nonrouting, episodic nature, which contains any pollutant including oxygen demanding pollutants (BOD, etc.) released at a rate of discharge or substantial deviation from normal rates of discharge sufficient to cause interference in the operation and performance of the wastewater facilities.

Standard methods shall mean the latest edition of the "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, Water Environment Federation and American Water Works Association.

State shall mean the State of Michigan.

Storm drain or storm sewer shall mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes and which is not intended to be transported to a sanitary wastewater treatment facility.

Surface water shall mean water which occurs on the surface, in the form of streams, ponds, marshes, swamps or any overland flow of runoff.

Suspended solids or SS shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, as determined by approved standard laboratory procedures.

Toxic shall mean any of the pollutants designated by Federal Regulations pursuant to section 307(a)(1) of the Act, or which appear in Michigan's Critical Materials Register.

Unpolluted shall mean the state of containing quantities or concentrations of substances equal to or less than the water quality standards for discharge to ground or surface waters of the State of Michigan as established by the U.S. EPA or MNR.

Unpolluted industrial process water shall mean water used in an industrial process that has not come in contact with any substance use in, or incidental to, an industrial processing operating and which has acquired no chemicals or other substance or excessive heat.

Upset shall mean an exceptional incident in which there is an unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the Class III user.

Users shall mean the person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge or will discharge to the joint plant's wastewater facilities.

Wastewater. See "Sewage".

Wastewater facility shall mean the combination of the wastewater sewers, pumping stations, and treatment facilities, together with all appurtenances.

Wastewater sewer shall mean the structures, processes, equipment and arrangements necessary to collect and transport wastewaters to the treatment facility.

Wastewater treatment facility shall mean the structures, processes, equipment and arrangements necessary to treat and discharge the wastewaters, including the disposal of residual solids.

WEF shall mean the Water Environment Federation.

General Definitions

Unless the context of usage indicates otherwise, the meaning of terms in these rules and regulations and not defined above, shall be as defined in the "Glossary: Water and Wastewater Control Engineering" prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Environment Federation, copyright 1969, or the most recent publication thereof. (Ord. of 3-8-93, § 1)

***Editor's note-**An Ordinance of March 8, 1993, § 1, amended former Art. VI, §§ 44-151 – 44-165, 44-171 – 44-175, 44-181 – 44-192, 44-201 – 44-206, 44-211- 44-217, 44-221 – 44-228, 44-231 – 44-236, in its entirety to read as herein set out. Former Art. VI pertained to similar subject matter and derived from Or. No. 540-85, Arts. I-X, §§ 101-1001, adopted Feb. 11, 1985, and Ord. No. 620-89, § 1 adopted March 27, 1989.

Sec. 44-152. Purpose.

The purpose of these rules and regulations is to provide for the maximum possible beneficial public use of the joint board's wastewater treatment facilities through regulation of sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the joint plant's wastewater treatment facilities; and to provide procedures for complying with the requirements contained herein.

(Ord. of 3-8-93, § 1)

Sec. 44-153. Scope.

The definitions of terms used in this article are found in section 44-151. The provisions of this article shall apply to the discharge of all wastewater to facilities of the joint plant. These rules and regulations provide for use of the joint plant’s wastewater facilities, regulation of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers’ capacity will not be preempted, issuance of wastewater discharge permits, and penalties and other procedures in case of violation of this article.

This article shall apply uniformly to all users of the joint plant which includes the Cities of Benton Harbor, St. Joseph (called owner customers), and to other municipalities who, by contract or agreement with the owner customers, discharge wastewater to the joint plant’s wastewater treatment facilities (called contract customers), or any other persons who use the wastewater treatment facilities of the joint plant. Present contract customers are:

Benton Harbor	St. Joseph
Benton Township	Western Portion of St. Joseph Township
Benton Harbor	St. Joseph
Eastern Part of St. Joseph Township	Lake Michigan Shoreline Water and Sewage Treatment Authority Royalton Township

(Ord. of 3-8-93, §1)

Sec. 44-154. Intent.

(a) The intent of this article is to preserve the wastewater facilities for use of resident persons contributing to the joint plant. Therefore, preferences in setting permit conditions or granting permits will be given in the following order:

- (1) An industry discharging wastewater generated on site to wastewater facilities served by the joint plant,
- (2) An industry discharging wastewaters generated at more than one (1) local facility, but treated at a single facility, into sanitary sewers tributary to the joint plant,
- (3) An industry that treats and discharges wastewater from its own plants located more than five (5) miles from the service area of the joint plan, and discharges into sanitary sewers tributary to the joint plant,
- (4) An industry that accepts wastes from other industries, local or at distance, and discharges wastewater to sanitary sewers tributary to the joint plant

(b) The joint board shall have the right to deny a permit to discharge to any industrial user that proposes to discharge treated or untreated wastes from industrial plants outside the service area of the joint plant.

(c) The joint board may require industrial users that discharge wastewaters originating beyond the sanitary sewers tributary to the joint plant, to sanitary sewers, or the joint plant, to post a bond with the joint board. Said bond shall cover any damages or expense, including those of cleaning and closing the industrial wastewater treatment facility, resulting from the storage, treatment, conveyance, and delivery of imported wastes on the industry’s site. Said bond shall not be less than two and one-half million dollars (2,500,000.00), and shall continue for one hundred (100) years after the industry closes the bonded operations. (Ord. of 3-8-93, § 1)

Sec. 44-155. Notice of violation.

Any person found in violation of this article, or a requirement of a permit issued by the joint board may be served with a written notice stating the nature of violation and providing a reasonable time limit for compliance. Any such notice given shall be sent to the last [known address. If the] address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, Division 5 of this article shall be implemented. (40 CFR 403.8(F)(1) and (2)). (Ord. of 3-8-93, § 1)

Sec. 44-156. Inspections—Access.

(a) The joint board, or other duly authorized representative of the joint board, bearing proper credentials and identification, shall be permitted to enter private or public properties at any reasonable time for the purpose of inspection, observation, measurement, and/or sampling of the private wastewater facilities discharge. Said inspection, observation, measurement, and/or sampling shall be conducted for the purpose of this article and to obtain remedies for nonconformance. (40 CFR 403.8(f)(1)(v), (2)(v) and (2)(vi)).

(b) Employees of the joint board must be permitted to enter any private or public properties at any hour during or following emergencies, spills, plant upset, or to investigate real or suspected violations of these rules and regulations.

(c) Inspections need not be announced by the joint board.

The joint board or other duly authorized representative of the joint board, bearing proper credentials and identification, shall be permitted to enter all public or private property through which the joint plant or its owner customers and contract customers hold ownership or an easement for the purpose of inspection, observation, measurement, sampling, and surveillance of any of the sanitary sewers tributary to the joint plant's wastewater facilities. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved. (40CFR 403.8 (F)(1) V). (Ord. of 3-8-93, § 1)

Sec. 44-157. Same—Observation of safety rules.

While performing the necessary work on private properties referred to in section 44-156 above, the joint board shall observe all safety rules established by the user of the property and applicable to the premises. (Ord. of 3-8-93, § 1)

Sec. 44-158. Same—Liability.

During the performance on private properties of inspections, wastewater sampling, or other similar operations referred to in section 44-156 above, the owner and occupant shall be:

(1) Held harmless for personal injury or death of the employees of the joint board and the loss or damage to joint plant supplies or equipment;

(2) Indemnified against loss of or damage to property of the owner or occupant by the joint board; and

(3) Indemnified against liability claims asserted against the owner or occupant for personal injury or death of employees of the joint board or for loss of or damage to property of the joint plant, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required by section 44-159 of these rules and regulations.

(Ord. of 3-8-93, § 1)

Sec. 44-159. Maintenance of property.

Users of public or private property in which sanitary sewers are located shall maintain the sanitary sewer and the surrounding area in a safe condition free of obstacles, obstructions, and deterioration.

(Ord. of 3—8-93, § 1)

Sec. 44-160. Monitoring requirements.

(a) Discharges of wastewater to the joint plant's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of Divisions 3 and 4 of these rules and regulations.

(b) In the event that the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, or in any way requires action other than written herein, such federal regulations shall immediately become a part of these rules and regulations, as if the same had been written therein, until such time as the joint board takes action to amend the same under section 44-163 of this article. (40 CFR 403.6 and 403.8).

(Ord. of 3-8-93, § 1)

Sec. 44-161. Revision of pretreatment standards.

The joint board may, if deemed in the best interest of the joint plant, apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facilities of the joint plant. (40 CFR 403.7).

(Ord. of 3-8-93, § 1)

Sec. 44-162. Administration.

Except as otherwise provided herein, the manager of the joint plant, or his duly authorized representative, shall administer, implement, and enforce the provisions of these rules and regulations.

(Ord. of 3-8-93, § 1)

Sec. 44-163. Amendments of these rules and regulations.

The joint board may amend these rules and regulations from time to time. Public notice shall be given in accordance with applicable provisions of state and federal law prior to adoption of any amendments of this resolution. (Ord. of 3-8-93, § 1)

Sec. 44-164. Records retention.

(a) The joint board shall keep records for a period less than three (3) years or such other period of time as established by EPA.

(b) Applicants for PTD shall retain all discharge records for a minimum of three (3) years, and shall make such records available for inspection and copying by the joint board upon request. This retention period shall be extended during the course of any unresolved dispute or litigation regarding the discharge of pollutants by the industrial user. Records shall conform to 40 CFR 4.03.12 (O) as a minimum. (40CFR 403.12).

(Ord. of 3-8-93, § 1)

Sec. 44-165. Severability.

(a) All other rules and regulations and parts of rules and regulations inconsistent with or in conflict with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

(b) A finding by any court or other jurisdiction that any part or provision of this article is invalid shall not affect the validity of any other part or provision of these rules and regulations which can be given effect without the invalid parts or provisions.

(Ord. of 3-8-93, § 1)

Secs. 44-166—44-170. Reserved.

DIVISION 2. USE OF PUBLIC SEWERS

Sec. 44-171. Discharge of storm water, surface water, etc.; interference with system.

- (a) Storm water, surface water, groundwater, roof runoff, subsurface drainage, noncontact cooling water and polluted industrial process waters shall be discharged to a storm sewer or other drainage outlet not to a sewer designed to carry sanitary wastewater to the joint plant.
- (b) Unpolluted waters, as defined in section 44-151, shall be discharged to the groundwater or to storm sewer or other drainage outlet, not to a sewer designed to carry sanitary wastewater.
- (c) Pollutants introduced to the sanitary sewer system by any source shall not pass through or interfere with the performance of the joint plant and/or its residual solids handling and disposal process. (40CFR 403.5(a)(1)).
- (d) Pollutants introduced to the sanitary sewer system by any source shall not contain any substance or incompatible waste which the joint board now or hereafter finds to be harmful to or to interfere with the operation of the joint plant. (40 CFR 403.5(a)(1)).
(Ord. of 3-8-93, § 1)

Sec. 44-172. Prohibited discharges.

Except as hereinafter provided, no person shall discharge or cause to be discharged to any wastewater facilities any substances, materials, waters, or wastes, in such quantities or concentrations which will:

- (1) Create a fire or explosion hazard, or be injurious in any other way to the joint plant or to the operation of the joint plant; including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas. (40 CFR 403.5(b)(1)).
- (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges having a pH lower than 6.0 (persons discharging more than twenty-five thousand (25,000) GPD may be subject to a higher pH limit). (40 CFR 403.5(b)(2)).
- (3) Cause obstruction to the flow in sewers, or other interference with the operation of wastewater facilities due to accumulation of solid or viscous materials. (40 CFR 403.5(b)(3)).
- (4) Contain any pollutant, including oxygen demanding pollutants (BOD), etc. released at a rate of discharge or substantial deviation from normal rates of discharge ("slug discharge") sufficient to cause interference in the operation and performance of the waste water facilities. (40 CFR 403.5(b)(4)).
- (5) Contain heat in amounts which will accelerate tide biodegradation of wastes causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities. In no case shall wastewater with a temperature greater than 40° C (104°F) be discharged to the sanitary sewer system. (40 CFR 403.5(b)(5)).
- (6) Contain noxious, malodorous gas or substances which are present in quantities that create a public nuisance or a hazard to life.
- (7) Contain radioactive wastes or radioactive isotopes of such half-life or concentration as may exceed applicable state and federal regulations.
- (8) Contain any garbage that has not been properly shredded.

(9) Contain any odor or color producing substances exceeding concentration limits which may be established by the joint board for the purposes of meeting the joint plant's NPDES permit.

(10) Become solid or viscous at temperatures between 32° F and 104°F, not limited to grease, oil or fat.

(11) Contain any paints, oils, lacquers, thinners or solvents.

(12) Contain any sludge, precipitate or congealed substances resulting from an industrial or commercial process or resulting from the pretreatment of any person's waters, waste or air pollutants.

(13) Intentionally dilute the pollutant with water which could otherwise have been handled as provided in section 44-171 or increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or local limit. (40 CFR 403.6(d)).

(14) Contain pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater facilities in quantity that may cause acute worker health and safety problems. (CFR 403.5 (b)(7)).

(15) Contain petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. (40 CFR 403.5(b)(6)).

No trucked or hauled pollutants shall be discharged to the sewer system except at point designated by the joint board. (40 CFR 403.5(b)(8)).

All industrial or Class III users shall immediately notify the joint board of any discharge that may overload, impair, damage, interrupt or interfere with the operation and performance of the sewer system or treatment process of the joint plant, including any slug loadings or discharges. (40 CFR 403.12(f)).
(Ord. of 3-8-93, § 1)

Sec. 44-173. Permit required.

Industrial and Class III users connected to the public sewer system tributary to the joint plant shall be subject to the permitting provisions of Divisions 5 and 6 of these rules and regulations. A determination concerning the need for a permit to discharge will be made based on nonresidential user survey information and/or on-site inspections of the user's facility. Users subject to federal categorical limits and/or local limits, users discharging high-strength wastewater, users with spill prevention needs and users required to operate and maintain pretreatment equipment shall obtain a permit to discharge from the joint board. The permitting provisions of these rules and regulations shall also extend to other industrial or Class III users which may discharge wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference to the wastewater conveyance or treatment processes or pose a pass through pollutant threat to the receiving stream.
(Ord. of 3-8-93, § 1)

Sec. 44-174. Notification—Required upon expansion.

An owner customer or contract customer shall notify the joint board of new industrial users within their jurisdiction or of an existing industrial user which expands operations at its present location or elsewhere within their jurisdiction. (CFR 403.8(f)(2)i).
(Ord. of 3-8-93, § 1)

Sec. 44-175. Same—Required before discharge by new customer.

Before a new contract customer is permitted to discharge wastewater to the joint plant, a user survey in conformance with applicable state, federal, and/or local regulations shall be completed by the customer, at its expense, and the survey submitted to and approved by the joint board.
(Ord. of 3-8-93, § 1)

Secs. 44-176—44-180. Reserved.

DIVISION 3. PRETREATMENT; COMPLIANCE WITH STANDARDS

Sec. 44-181. Compliance with federal categorical pretreatment.

- (a) All industrial or Class III users subject to Federal Categorical Pretreatment Standards shall be subject to the rules, regulations, and requirements of 40 CFR Part 403 and section 44-151. (40 CFR 403.6)
- (b) No person shall discharge or cause to be discharged to any wastewater facilities, wastewater containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA or such other discharge limitation set by the joint board under section 44-182, whichever is lower, in excess of the quantity prescribed in such applicable pretreatment standards or discharge limitation except as otherwise provided in this section. Compliance with such applicable pretreatment standards or discharge limitation shall be within the time set by EPA or by the joint board, whichever is less. (40 CFR 403.6)
- (c) Existing sources shall comply with categorical pretreatment standards within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in 40 CFR Chapter I, Subchapter N. (40 CFR 403.6(b)).
- (d) Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR 403.3 (k) and section 44-151.
- (e) Direct dischargers with NPDES permits modified or reissued to provide a variance to Section 301 (j)2 of the Act shall be required to meet compliance dates set in any applicable categorical pretreatment standard. (40 CFR 403.6(b)).
- (f) Compliance with categorical pretreatment standards and local limits for new sources shall be as follows (40 CFR 403.6(b)):
- (1) New sources shall install and have in operating condition and shall start-up all pollution control equipment required to meet applicable pretreatment standards and local limits before beginning discharge.
 - (2) Within the shortest feasible time (not to exceed ninety (90) days) new sources shall meet all applicable categorical pretreatment standards and local limits.
- (g) New sources, and sources that become industrial or Class III users, subsequent to the promulgation of categorical standards shall submit a baseline monitoring report (BMR) to the joint board at least ninety (90) days prior to the commencement of any discharge. The BMR shall include information required under 40 CFR 403.12b and the following (40 CFR 403.12):
- (1) A completed copy of the “Benton Harbor-St. Joseph Wastewater Treatment Plant Industrial Pretreatment Standards” and applicable local limits.
 - (2) Information on the method of pretreatment intended to be used to comply with the categorical pretreatment standards and applicable local limits.
 - (3) A description of the user’s operations including nature, average rate of production, and standard industrial classification (SIC) of its operation(s).
 - (4) Flow measurements relating to each regulated process and side streams.

(5) Analytical data and measurements relating to the pollutants from each regulated process.

(h) Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard or one hundred eighty (180) days after the final administrative decision made upon a category determination, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the joint board, report which contains the information listed in 40 CFR Part 403, Section 403.12(b).

Upon application by a Class III user or upon its own initiative, the joint board shall review any limitations on substances specified in the applicable pretreatment standards and may modify such limitations to reflect historic removal of the substances by the wastewater treatment facility if the requirements contained in 40 CFR Part 403 Section 403.7 are fulfilled and prior approval from the MDNR is obtained. (40 CFR).

Revised discharge limits for specified substances shall be derived in accordance with 40 CFR 403.7, Removal Credits. (40 CFR 403.7)

Upon application by a Class III user, the joint board shall review and may adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. (40 CFR 403.13).

Requests for and determination of a fundamentally different adjustment shall be in accordance with 40 CFR, 403.13, variance from categorical pretreatment standards for fundamentally different factors.

Any Class III user may seek an adjustment in the categorical pretreatment standards to reflect the presence of pollutants in the user's intake water. The joint board may allow a credit in accordance with 40 CFR 403.15 Net/Gross Calculations.

The joint board shall notify any Class III user affected by the provisions of this article and established an enforceable compliance schedule for each. (CFR 403.8(F)(2)(III) and (F)(1)(IV).
(Ord of 3-8-93, § 1)

Sec. 44-182. Wastewaters with special characteristics.

(a) While the joint board may initially rely upon the federal categorical pretreatment standards to protect wastewater facilities of receiving waters, if any wastewater which contains substances or possesses characteristics in excess of those established under section 44-184 or 44-185(b) or which constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the joint board may (40 CFR 403.6 and 403.8):

- (1) Require pretreatment to a condition acceptable for discharge to the wastewater sewers;
- (2) Require control over the quantities and rates of discharge;
- (3) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges;
- (4) Require the development of compliance schedules to meet any applicable pretreatment requirements;
- (5) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements;

(6) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;

(7) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Division 7 of this article, or appropriate criminal penalties; or

(8) Reject the wastewater if scientific evidence discloses the discharge will create unreasonable hazards within the sewers, pass thorough or interfere with operation or performance of the joint plant, cause the joint plant to violate its NPDES permit or render the wastewater or residual solids unfit for the designated method of final disposal.

(b) When considering the above alternatives, the joint board shall assure that conditions of the joint plant's NPDES permit are met. The joint board shall also take into consideration cost-effectiveness and the economic impact of the alternatives on the user. If the joint board allows the pretreatment of equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The joint board shall review and recommend any appropriate changes to the program, within sixty (60) days of submittal.

(c) Where pretreatment of flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the user.
(Ord. of 3-8-93, § 1)

Sec. 44-183. Compliance with pretreatment requirements.

Persons required to pretreat wastewater in accordance with section 44-182 above, shall provide a statement, reviewed by an authorized representative of the user and certified to by a qualified person, indicating whether applicable pretreatment requirements are being met on a consistent basis and if not, describe the additional operation and maintenance or addition pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the joint board. The plan (including schedules) shall be consistent with applicable conditions of the joint plant's NPDES permit or other local, state or federal laws.
(40CFR 403.12).

(Ord. of 3-8-93, § 1)

Sec. 44-184. Discharge limitations

(a) Any person who discharges a waste that contain (40 CFR 403.4, 403.6, and 403.8(f)(1)i):

(1) Any toxic materials as defined in Section 307 403.8(f) of U.S.P.L. 92-500; such as, but not limited to: chromium, cyanide, copper, nickel, zinc, lead, cadmium, mercury, or silver;

(2) Any phenolic compound or other taste or odor producing compound;

(3) Any compounds of grease, oil, or fat;

(4) Any organic compounds; including chlorinated hydrocarbons, purgeable volatile solvents, PCB's, or extractable organic compounds;

(5) Any substance or compound with a chlorine demand;

(6) Any incompatible element or substance;

(7) Any radioactive waste or radioactive isotopes of such half-life or concentration as may exceed applicable state and federal regulations;

Shall be subject to limitations as to concentration and/or volume for said waste discharge. These limitations shall be adopted by resolution and kept on file by the joint board. They shall be revised from time to time as required by discharge limitations imposed on the joint plant by any state, federal or other public agency having jurisdiction for such discharge to the receiving waters, and the final disposal of residual solids from the treatment process.

(b) When so directed by the joint board, industrial or Class III users shall provide, at their expense, such pretreatment as may be necessary to comply with the concentration, mass and/or volume limitations established under this section; and furthermore, limit the discharge of such regulated pollutants so as not to cause interference with the joint plant's treatment processes, residual solids disposal practices or effluent to the waters of the State of Michigan.

(Ord. of 3-8-93, § 1)

Sec. 44-185. Plant capacity; pretreatment of high strength wastes.

(a) The joint plant has a design capacity to receive and treat 37,900 lb/day of BOD, 28,350 lb/day of SS and 1,500 lb/day of P. When plant loadings approach these levels pretreatment may be required of all customers unless additional capacity is added to the plant. (40CFR 403.8(f)(1)iii).

(b) Wastewater exceeding the following parameter limits shall be considered high-strength wastewater;

(1) A biochemical oxygen demand (BOD) greater than two hundred thirty-five (235) mg/l; or

(2) Suspended Solids (SS) content greater than 300 mg/l; or

(3) Total phosphorous (P) content greater than 12 mg/l.

(c) When so directed by the joint board, industrial or Class III users shall provide, at their expense, such pretreatment as may be necessary to reduce the BOD, suspended solids, and/or phosphorus content, so as not to overload or cause interference with the joint plant's treatment process.

(d) (Ord. of 3-8-93, § 1)

Sec. 44-186. Reports; monitoring equipment.

a) All permitted industrial or Class III users who discharge into a public sewer tributary to the joint plant shall be required to submit regular reports to the joint board relative to the volume and chemical and physical characteristics of the wastewater discharge.

b) Each industrial or Class III user subject to the pretreatment standards or other applicable requirements promulgated pursuant to Section 307 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) shall submit to the joint board semiannual notice regarding specific action taken to achieve full compliance with the requirements of Section 307 of the Act. The joint board will file these reports with the Michigan Water Resources Commission until full compliance is achieved. These reports shall contain information necessary for the joint board to meet the reporting requirements of their NPDES permit, and to insure the protection of the joint plant and its treatment process.

c) The type of equipment, methods and frequency used for metering, sampling and analysis shall be subject to the approval of the joint board. Where pretreatment facilities are provided for any water or wastes, they shall be maintained in satisfactory and effective operation by said person at his expense. All monitoring and analytical instrumentation and related equipment shall be periodically calibrated and maintained at intervals to insure accuracy of measurements.

- d) Within ninety (90) days following the date for final compliance with categorical limits, or in the case of a new source, following commencement of the introduction of wastewater into a public sewer tributary to the joint plant, an industrial or Class III user subject to pretreatment limits shall submit to the joint board a report containing the new production, flow, and pollutant data required for BMRs in Section 401 (c) and a certification of compliance with pretreatment limits. This report shall also include production data from industrial or Class III users subject to production-based standards, and long-term production rate data for industrial or Class III users subject to equivalent mass or concentration limits established by the board in accordance with section 44-191. (40 CFR 403.12(d)).
- e) All industrial or Class III users who discharge into a public sewer tributary to the joint plant shall notify the joint plant, the EPA Region V Waste Management Division Director, and Michigan Department of Natural Resources in writing of any discharge into the wastewater facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Reporting requirements shall be in accordance with 40 CFR 403.12(p).
- f) Significant noncategorical industrial users will submit to the joint board at least once every six (6) months (on dates specified by the joint board) a description of the nature, concentration, and flow of the pollutants required to be reported by the joint board. All sampling and analysis will be in accordance with Divisions 3 and 4 of this article. (40 CFR 403.12(h)).

All reports shall be based on sampling and analysis performed in the period covered by the report.
(Ord. of 3-8-93, § 1)

Sec. 44-187. Treatment charge for high strength waste; reports required.

Any persons discharging waters or wastes conforming to the limitations of sections 44-171, 44-172, 44-181, 44-182, and 44-184, and exceeding only the limitations of section 44-185(b) regarding BOD, suspended solids, and P, may be allowed, at the discretion of the joint board, to discharge the waste into a public sewer tributary to the joint plant. Said persons shall be charged for the treatment of extra-strength wastewater according to the following formula:

$$\text{Total Charges} = (M1)V + (M2)\text{BOD} + (M3)\text{SS} + (M4)\text{P} + \text{Meter Charge}$$

Where:

M1, M2, M3, and M4 = Multiplying Constants

V = Volume of waste in units of 100 cubic feet.

BOD = 5 day BOD in units of 1000 pounds.

SS = Suspended Solids in units of 100 pounds.

P= Total Phosphorus in units of 100 pounds.

Meter Charge = As provided for in the rate resolution as adopted by the joint board.

The multiplying constants (M1, M2, M3, and M4) shall be calculated annually after the end of the fiscal year used by the joint plant, which is July 1 to June 30, by means of a formula approved and filed at the joint plant. Billings will be rendered on a monthly basis. The volume will be actual as metered. Loadings of BOD, SS, and P will be actual as calculated from the analysis taken during the preceding month.

Said persons shall be required to submit regular reports to the joint board relative to the discharge of their wastes. The reports shall contain such information as strength of BOD, SS, P, pH, volume discharged and other data that might be required by the joint board. This data may be used for the basis of billing under the above formula; however, the joint board, at their discretion, may conduct analysis of representative samples taken by the joint board as means of verifying the results as submitted, and the joint board may use their own results of

analysis for billing purposes. The type of equipment, methods and frequency used for metering, sampling, and analysis shall be subject to approval of the joint board.

(Ord. of 3-8-93, § 1)

Sec. 44-188. Control manholes.

When required by the joint board, any person who discharges any waste that has been subject to pretreatment or is of the quality as described in section 44-187, shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and the measurement of waste. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the joint board.

The manhole shall be installed and maintained by said person at his expense. (40 CFR 403.8(f)(1)v and (2)v).

(Ord. of 3-8-93, § 1)

Sec. 44-189. Standards for measurements, tests and analysis.

Measurements, tests, and analysis of the characteristics of waters and wastes shall be made in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures including procedures suggested by the joint board or other parties approved by the administrator. (40 CFR 403.12 (b)(5)(vi)).

Such tests as are herein specified shall be determined upon representative samples taken at the control manhole provided for in section 44-188. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer.

(Ord. of 3-8-93, § 1)

Sec. 44-190. Discharge of septic tank waste.

No septic tank waste shall be discharged to the joint plant or any part of the sewer system, including owner customer's or contract customer's sewers; except, any operator of a septic tank waste hauling firm that desires to deposit domestic septic tank wastes at the joint plant shall first obtain all applicable state and local licenses and permits governing this service. The dumping of domestic septic tank wastes at the joint plant shall be done in strict accordance with the rules and regulations established by the joint board and on file at the joint plant. Only that waste resulting from domestic and/or sanitary facilities will be permitted to be disposed of at the joint plant. The dumping of any water or wastes originating from an industrial or commercial process or the sludge, precipitate or congealed substances resulting from any person's water, waste or air pollutants as defined in these rules and regulations is prohibited. The rate of charges for depositing domestic septic tank waste at the joint plant will be based on the cost of treating said waste. The rates are on file at the joint plant. Billing will be based on the number of loads received and the capacity of the tank truck.

(Ord. of 3-8-93, § 1)

Sec. 44-191. Special agreements.

(a) Nothing in this article shall be construed as preventing any special agreement or arrangement between the joint plant and any user of the wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. Pretreatment standards can be waived only in accordance with 40 CFR 403.7 removal credit.

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment requirements pursuant to this article, the joint board establishes concentration limits to be met by an industrial user, the joint board, in lieu of concentration limits, may establish mass limits of comparable stringency, or in special instances, of a more stringent nature. (40 CFR 403.6(c)).

(c) The joint board may impose mass limitations on industrial or Class III users which use dilution to meet applicable discharge limits or in other cases where the imposition of mass limitations is appropriate. (40 CFR 403.6(d)).

(d) If the limits in a categorical pretreatment standard are expressed only in terms of mass pollutant per unit of production, the joint board may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration limits for the purpose of calculating effluent limitations applicable to individual categorical industries. (40 CFR 403.6 (c)(2)).

(e) Equivalent limitations calculated in accordance with this section shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and this section. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived. (40 CFR 403.6(c)(5)).

(Ord. of 3-8-93, § 1).

Sec. 44-192. Water and energy conservation.

The conservation of water and energy shall be encouraged by the joint board. In establishing discharge restrictions upon industrial users, the joint board may take into account already implemented or planned conservation steps revealed by the Class III user. Upon request of the joint board, each industrial user will provide the joint board with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to their satisfaction, the joint board may make adjustments to discharge restrictions, which have been based on concentrations, to reflect the conservation steps.

(Ord. of 3-8-93, § 1)

Sec. 44-193.—44-200. Reserved.

DIVISION 4. INFORMATION REQUIREMENTS FOR CLASS III INDUSTRIAL DISCHARGES

Sec. 44-201. Filing of information.

All class III users shall file with the joint plant wastewater information deemed necessary by the joint board for determination of compliance with these rules and regulations, the joint plan's NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the joint board and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the user as confidential is subject to the conditions of confidentiality as set out in section 44-202 of this division. (40 CFR 403.8(f)(1)vii and 403.14 40 CFR 403.14).

(b) Where a person owns, operates or occupies properties designated as a Class III user at more than one location, separate information submittals shall be made for each location as may be required by the joint board. (Ord. of 3-8-93, § 1)

Sec. 44-202. Confidentiality of information.

(a) The joint board shall implement measures to ensure the confidentiality of information provided by a Class III user pursuant to these rules and regulations. In no event shall the joint board delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the user and without providing the user with the opportunity to protect such confidential information, including the right to seek judicial relief. (40 CFR 403.8(f)(1)vii and 403.14).

(b) Any claim of confidentiality must be made at the time of submittal of such information. The words "Confidential Business Information" shall be stamped on all documents submitted with the exception of an

application for P.T.D. A separate sheet, so stamped, and listing areas of confidential information contained in the application shall accompany the application.

(c) Information and data regarding industrial user effluent shall be available to the public without restriction.

(Ord. of 3-8-93, § 1)

Sec. 44-203. Provisions for monitoring.

(a) When required by the joint board, the user of any property serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the joint board. The access and appurtenances shall be provided and maintained at the user's expense so as to be safe and accessible at reasonable times. (40 CFR 403.8(f)(1)vii and (2)).

(b) The joint board shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge and wastewater treatment facility removal capabilities in determining whether or not access and equipment for monitoring Class III wastewater discharges shall be required.

(c) Where the joint board determines access and equipment for monitoring or measuring Class III wastewater discharges is not practicable, reliable, or cost-effective, the joint board may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the joint board's judgment, provide an equitable measurement of such characteristics.

(Ord. of 3-8-93, § 1)

Sec. 44-204. Determination of wastewater characteristics.

(a) Measurements, tests, and analyses of the wastewater characteristics to which reference is made in these rules and regulations shall be in accordance with the provisions of section 44-189. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the joint board. The user shall have the option to use, at his own expense, more complete sampling methods, locations, times, durations, and frequencies than specified by the joint board.

(b) Measurements, test and analyses of the characteristics of wastewater required by these rules and regulations shall be performed by a qualified laboratory. When such analyses are required of a user, the user may, in lieu of using the joint plant's laboratory, including that of the user, to perform such analyses.

(c) Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of a schedule established by EPA unless more frequent monitoring is required. The joint board may, in its judgment, determine that the characteristics of the specific discharge warrants a more stringent frequency of monitoring and so stipulate in the permit to discharge. (40 CFR 403.12 403.8(f)(i), (iii)).

(d) Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the joint board.

(e) Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the joint board may reduce the established monitoring frequency except in no case shall the frequency of monitoring be less than semiannual for the determination of compliance with pretreatment standards. (403.12(e)).

(f) In determining discharge characteristics, factors such as continuous or batch operation, seasonal operation and the information or requirements of other provisions of this article shall be considered by the joint board. The joint board may obtain wastewater samples as required to verify the consistency of discharge characteristics.

(g) Fees for any given measurement, test or analysis of wastewater required by these rules and regulations and performed by the joint plant shall be for all classes users, regardless of the quantity or quality of the discharge and shall reflect on direct and indirect costs. Costs of analyses performed by an independent laboratory at the option of the user shall be borne directly by the user.

(h) Any industrial or Class III user subject to categorical limits shall submit to the joint board at least semiannually a report on continued compliance indicating the nature and concentration of pollutants in the users effluent which are regulated by the categorical limits. The reports shall be based upon data obtained during the period covered by the report and in accordance with the sampling schedule established in sections 44-204(c) and 44-204(d). (40 CFR 403.12(e)).

(i) If any industrial or Class III user subject to categorical limits monitors, in accordance with approved methods, any pollutant more frequently than required by the joint board, the results of that monitoring shall be included in the periodic compliance reports. (40 CFR 403.12(g)).

(j) If sampling performed by an industrial or Class III user indicates a violation, the user shall notify the joint board within twenty-four (24) hours of becoming aware of the violation. The user shall then repeat the sampling and analysis and submit the results of the repeated analysis to the joint board within thirty (30) days after becoming aware of the initial violations.

(k) All industrial or Class III users shall promptly notify the joint board in advance of any substantial change in the volume or character of pollutant in their discharge including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Division 3, section 44-186(e) and in accordance with 40 CFR 403.12(p). (40 CFR 403.12(j)).

(Ord. of 3-8-93, § 1)

Sec. 44-205. Costs of damage.

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the joint plant's wastewater facilities, the joint board shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, equipment, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

(Ord. No. 3-8-93, § 1)

Sec. 44-206. Spill prevention program.

(a) The joint plant must be protected against the uncontrolled discharge of pollutants including any slug discharge. A slug discharge under this article is also defined as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. To achieve this goal, the joint board has adopted a spill prevention programming which the joint plant and industrial or Class III users or person who are stores of hazardous or toxic materials (as defined in 40 CFR, 261 et seq. of the Code of Federal Regulations or listed in MDNR's Critical Materials Register) shall cooperate to establish adequate spill prevention control measure.

(b) The joint board may require the submittal and implementation of a spill and slug discharge prevention plan conforming to applicable state, federal, or local requirements as a stipulation of any permit issued to any industrial user or Class III user. A pollution incident prevention (PIP) plan approved by MDNR may be accepted by the joint board. Industrial or Class III users with identified spill prevention needs shall apply for a Permit to Discharge from the joint board.

(c) Employees of the joint board may enter onto the premises of any industrial user during reasonable hours to inspect for potential for uncontrolled discharges or for inspection of spill prevention facilities. Employees of the joint board may enter such premises at any hour during or following any emergency or suspected spill for purposes of inspection of spill prevention facilities. Such inspections may be announced or unannounced.

(d) Spill prevention facilities shall be maintained in good repair and in operable conditions at all times at no expense to the joint board.

(e) The joint plant shall prepare a spill response program including a spill response manual. (40 CFR 403.8(f)(2)(V)).

(f) In the case of an accidental discharge, it is the responsibility of the user to inform the joint plant immediately of all discharge that could cause problems to the POTW, including any slug loadings by the users. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the joint board within five (5) days.

(Ord. of 3-8-93, § 1)

Secs. 44-207—44-210. Reserved

DIVISION 5. ENFORCEMENT

Sec. 44-211. Authority.

(a) Enforcement of these rules and regulations shall be the responsibility of each owner customer and contact customer of the joint plant. Ordinances resolutions, or other legal authority adopting the provisions of these rules and regulations and authorizing enforcement, and naming agents shall be in effect on or before July 16, 1992 and a certified copy shall be on file with the joint board ten (10) days thereafter.

(b) Amendments to such legal authority, shall be certified and filed with the joint board within ten (10) days of enactment.

(Ord. of 3-8-93, § 1)

Sec. 44-212. Enforcement personnel.

(a) Each owner customer and contract customer shall name its chief administrative officer (manager, supervisor) as its enforcement officer.

(b) Each owner customer and contract customer shall name the manager of the joint board as their agent in respect to permits, surveillance, monitoring, enforcement or other activities as they pertain to the implementation of the provisions of these rules and regulations and shall assist him in the fulfillment of his duties hereunder.

(c) The joint board shall use the legal officer, stipulated by the enforcement officer of the owner customer or contract customer, to assist in gaining compliance of persons found in noncompliance of the provisions of these rules and regulations.

(Ord. of 3-8-93, § 1)

Sec. 44-213. Adoption of rules and regulations; listing of user connections.

(a) Owner customers and contract customers of the joint plant shall adopt, by reference, the rules, regulations, and pollutant discharge limitations set forth herein so that they become a part of the rules, regulations, codes, resolutions and/or ordinances of each owner customer or contract customer, to assure that all provisions are current with such rules, regulations, and pollutant discharge limits as may be adopted from time to time by the joint board.

(b) Owner customers and contract customers shall, before issuing a permit to connect to the public sewer system require each nonresidential user to file a nonresidential user survey form a review and determination will be made concerning the need for the nonresidential user to apply for and obtain a permit to discharge (PTD) in accordance with the provisions of these rules and regulations. Nonresidential users required to obtain a PTD shall not discharge any wastewater to the public sewer other than that originating from sanitary conveniences until such time as a PTD has been issued by the joint board.

(c) Each owner customer and contract shall provide the joint board on a quarterly basis a listing of nonresidential users. The listing shall give name, address, and size of connection for each nonresidential connection within its jurisdiction. The quarterly listing shall be delivered to the joint plant on or before the twenty-fifth day of the month following the end of the calendar quarter.

(Ord. of 3-8-93, § 1)

Sec. 44-214. Procedures in event of noncompliance.

(a) The joint board shall establish procedures to be followed in the event of noncompliance including notification of violation, establishing compliance schedules, show cause hearing and proceedings. Such procedures shall be in accordance with this document, the joint plant's industrial pretreatment program administrative compliance guidance manual, and applicable state and federal regulations. (40 CFR 403.8(f)(5)).

(b) Whenever the joint board finds any nonresidential user has or is violating this article, PTD, or any limitation or condition for compliance, the joint board may serve such person a written notice stating the nature of violation. Within forty-five (45) days of the date of such notice, a plan for correction shall be submitted to the joint board by the user in accordance with the joint plant's industrial pretreatment program administrative compliance guidance manual.

(c) The joint board may order any user who causes or allows an unauthorized discharge to enter wastewater facilities to show cause before the joint board why proposed enforcement action shall not be taken.

(1) This shall be accomplished by issuance of a written notice specifying the time and place of the hearing, the nature of violation, reasons for taking the proposed action, the proposed enforcement action and directing the user to appear before the joint board to show cause why the proposed action should not be taken.

(2) Notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the user.

(3) The joint board may designate any member, group of members, or any employees to:

- a. Issue notices requesting attendance and testimony of witness and production of evidence.
- b. Take evidence.
- c. Transmit a report and transcript of the hearing together with evidence and recommendations to the joint board.
- d. All testimony must be given under oath and recorded verbatim

(d) After reviewing the transcripts and evidence, the joint board may issue an order to the user stipulating what corrective action will be taken and specifying a time schedule for any such action. Further orders and directions may be issued as appropriate.

(Ord. of 3-8-93, § 1)

Sec. 44-215. Upsets.

(a) An upset shall constitute an affirmative defense to action brought for noncompliance with categorical pretreatment standards if the Class III user demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that (40 CFR 403.16):

(1) An upset occurred and the cause(s) are identified.

(2) The facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(3) A report was submitted to the joint board within twenty-four (24) hours of the Class III user becoming aware of the upset. (If the report is orally delivered, a written submission must be provided within five (5) working days.) the report shall contain:

a. Description of the upset and its cause.

b. Exact dates and times of noncompliance including an estimate of anticipated time of correction if the upset is expected to continue after the report date.

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence.

(b) The burden of proof of an upset is upon the Class III user.

(c) An upset shall not include an upset caused by one or more of the following:

(1) Operational error.

(2) Improperly designed treatment facilities.

(3) Inadequate maintenance.

(4) Careless or improper operation.

(Ord. of 3-8-93, § 1)

Sec. 44-216. Halting and prevention of discharges.

The joint plant shall have authority to immediately and effectively halt or prevent any discharge. (40 CFR 403.8(f)(2)vii).

(Ord. of 3-8-93, § 1)

Sec. 44-217. Publication of enforcement actions.

The joint board shall publish annually a list of enforcement actions taken against industrial users were determined to be in significant noncompliance in accordance with 40 CFR 403.8(f)(2)vii.

(Ord. of 3-8-93, § 1)

Sec. 44-218. Bypassing.

(a) Bypassing is prohibited and the joint board may take enforcement action against an industrial or Class III user for a bypass unless (40 CFR 403.17):

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There was no feasible alternative to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during periods of equipment downtime or preventable maintenance; and

(3) The industrial or Class III user submitted proper notice of the bypass.

After considering potential adverse effects, the manager of the joint plant may approve an anticipated bypass if it is determined that it will meet the three (3) conditions above.

(b) If an industrial or Class III user knows in advance of the need for a bypass, it shall submit prior notice for approval by the joint board, at least ten (10) days before the date of the bypass.

(c) An industrial or Class III user shall submit oral notice of an unanticipated bypass that exceeds pretreatment limits to the joint board within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(d) An industrial or Class III user may allow any bypass to occur which does not cause pretreatment limits to be violated, but only if it is for essential maintenance to assure continued efficient operation of the user's pretreatment equipment and facilities. These bypasses are not subject to the provisions of paragraphs (a) through (c) of this section.

(Ord. of 3-8-93, § 1)

Sec. 44-219. Affirmative defense.

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions and those specific prohibitions listed in 40 CFR 403.5(a)(2) if the user can demonstrate they meet the conditions of 40 CFR 403.5(a)(2).

(Ord. of 3-8-93, § 1)

Sec. 44-220. Reserved.

DIVISION 6. PERMITS TO DISCHARGE

Sec. 44-221. Permit required for new connections.

In accordance with the provisions of section 44-213 a determination concerning the need for a permit to discharge (PTD) will be made by the joint board for each nonresidential connection to the public sewer system. The joint board shall provide forms and receive application for a PTD from all users subject to the provisions of these rules and regulations. (40 CFR 403.8(f)(1)iii).

Sec. 44-222. Existing users.

(a) The joint board shall identify and locate all possible existing Class III users which may be subject to these rules and regulations. (40 CFR 403.8(F)(2)i).

(b) Each existing or new nonresidential user shall file a nonresidential user survey form for each connection to the sanitary sewer. If determined applicable nonresidential users shall, within sixty (60) days following notification by the joint board, file an application for a PTD. (40 CFR 403.8(f)(1)iii).

(c) The joint board shall attempt to notify all existing industrial or Class III users of the requirements and provisions of these rules and regulations, including permitting requirements, within sixty (60) days following adoption of these rules and regulations.

(Ord. of 3-8-93, § 1)

Sec. 44-223. Contents of application; time limit for action by board.

(a) The application for a PTD shall contain such information as determined necessary by the joint board and shall include a statement of pollutants expected in wastewater discharged to the joint board and the applicable pollutant discharge limits. A new application showing updated information shall be filed for each renewal of a PTD. (40 CFR 403.8(f)(1)iii).

(b) The joint board shall act on all applications within sixty (60) days. If the joint board issues a request for further information within the stated time, the joint board shall have thirty (30) days in which to act after receipt of all requested information.
(Ord. of 3-8-93, § 1)

Sec. 44-224. Term of permit to discharge.

A PTD shall be issued for not more than five (5) years and individual PTDs may be issued for such lesser time as the joint board may determine, but not less than one (1) year. (40 CFR 403.8(f)(1)(iii)(A)).
(Ord. of 3-8-93, § 1)

Sec. 44-225. Conditions and schedule for compliance.

PTDs may be issued with conditions for compliance and stipulated schedule(s) for achieving compliance. PTDs may alternately require the user to submit (within thirty (30) days of issuance of a conditional PTD) a schedule(s) for achieving compliance. (40 CFR 403.8(f)(1)i—iv).
(Ord. of 3-8-93, § 1)

Sec. 44-226. Withdraw of permit; suspension of service or recall.

- (a) A PTD may be withdrawn or service suspended by the 40 CFR joint board for chronic or intentional noncompliance with permit conditions or in the event of emergency. (40 CFR 403.8(f)(1)vi).
(b) PTDs may be recalled at any time to gain compliance with changes in applicable local, state or federal requirements. (40 CFR 403.8(f)(1)ii-iii).
(Ord. of 3-8-93, § 1)

Sec. 44-227. Transferability.

PTDs shall not be transferred with a change in ownership to new users of industrial user facilities. This provision shall not apply to minor changes in stock ownership, but shall apply to mergers, sales or other events in which the corporate name or identity is changed. (40 CFR 403.8(f)(1)ii-iii).
(Ord. of 3-8-93, § 1)

Sec. 44-228. Reports required.

(a) Permittees shall furnish to the joint board as required by PTD Conditions—Compliance Data Reports and reports of changes in process that affect the strength or content of wastewater discharges. Reports shall conform to section 44-186 or permit conditions, whichever is more stringent. (40 CFR 403.8(f)(1)iv(B),403.12(b)(c)/403.8(f)(a)iv-v 403.12c)

(b) The industrial or Class III user's baseline monitoring reports (section 44-181(g), (h)), compliance reports (sections 44-182 and 44-186), and periodic reports of continued compliance (section 44-204(h) shall include the necessary certifications and be signed by one of the following:

- (1) A responsible corporate officer if the industrial or Class III user is a corporation.
 - (2) A general partner or proprietor if the industrial or Class III user is a partnership or a sole proprietorship.
 - (3) A duly authorized representative of the individual designated in (1) or (2) above.
- (Ord. of 3-8-93 § 1)

Secs 44-229—44-230. Reserved.

DIVISION 7. FEES, CHARGES, PENALTIES AND APPEALS

Sec. 44-231. Fees, charges and penalties established; recovery of costs.

(a) The joint board shall establish a schedule of fees, charges, and penalties appropriate to provisions of this resolution. (40 CFR 403.8(f)(1)(vi), 403.8(f)(3)).

(b) The joint board may recover any costs associated with the administration, operation, and/or enforcement of provisions of these rules and regulations from the users of the joint plant. If not paid within sixty (60) days, said costs will be billed to the owner customer or contract customer, together with a written explanation of charges. Failure to pay may result in revocation of the PTD. (40 CFR 403.8(f)(3)).
(Ord. of 3-8-93, § 1)

Sec. 44-232. Collection.

(a) Fees for PTDs shall be collected from the applicant at the time application is made. (40 CFR 403.8(f)(3)).

(b) Fees and charges for services may be collected from the user requesting services in advance.

(c) Penalties shall be assessed to the user and if not paid within sixty (60) days shall be billed to the owner customer or contract customer together with a written explanation of charges. The owner customer or contract customer shall take necessary steps for collection. Failure to pay may result in a revocation of PTD.

(d) Falsifying information in applications for PTD or reports shall be considered grounds for criminal prosecution and shall be subject to the following (40 CFR 403.12(n)).

(1) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statement;

(2) The Provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(3) The provisions of Section 309(c)(6) regarding responsible corporate officers.
(Ord. of 3-8-93, § 1)

Sec. 44-233. Continued violations.

Any person who continues to violate the discharge provisions of these rules and regulations or permit requirement beyond the time limit provided for in the requirement beyond the time limit provided for in the notice of violation, may be charged with commission of notice of violation, may be charged with commission of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each day the violation continues, or may be subject to disconnection from the joint plant's wastewater facilities.

Each day or portion thereof a violation continues shall constitute a separate violation.
(Ord. of 3-8-93 § 1)

Sec. 44-234. Malicious damage; tampering with facilities prohibited.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the joint board's wastewater facilities. Any person who violates this article shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed five hundred dollars (\$500.00) and/or the cost necessary to repair, replace, or return such vandalized facility to its condition before vandalism occurred, whichever is greater.
(Ord. of 3-8-93, § 1)

Sec. 44-235. Payment and use of funds collected.

(a) All fees and charges payable under the provisions of these rules and regulations shall be paid to the joint board.

(b) All fees, penalties and charges collected under these rules and regulations shall be used for the sole purpose of constructing or maintaining the wastewater facilities of the joint board, or the retirement of debt incurred for same or payment of industrial cost recovery if required pursuant to federal law.

(c) All fees and charges payable under the provisions of these rules and regulations are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as may be provided for by the joint board.

(Ord. of 33-8-93, § 1)

Sec. 44-236. Appeals.

(a) Applicants or industrial users may appeal decisions of the joint board to a special appeals board which shall be appointed as follows:

One (1) representative appointed from each of the owner customers.

One (1) representative from a local industry to be appointed by the first two (2) representatives.

(b) The appellant shall notify the joint board of its intent to appeal in writing. The joint board shall notify the owner customers to appoint their appeals board members within ten (10) days, and these two (2) members are to appoint the third member of the appeals board ten (10) days after the appointment of themselves.

(c) The appeals board shall meet within thirty (30) days of the receipt of written notice of appeal and shall elect a chairman and a secretary.

(d) The secretary of the appeals board shall notify the appellant of a time and place of a hearing. The hearing shall be held not less than ten (10) days nor more than thirty (30) days after the appeals board's first meeting. The hearing may be adjourned for not more than seven (7) days at one time.

(e) The appeals board shall make recommendations in writing to the joint board not less than twenty (20) days following the conclusion of the hearing. The recommendations of the appeals board shall be final.

(Ord. of 3-8-93, § 1)

Sec. 44-237. Effective date.

This resolution shall become effective upon adoption (March 8, 1993) by the joint board.

(Ord. of 3-8-93, §1)