

**FRENCHTOWN CHARTER TOWNSHIP  
MONROE METROPOLITAN SEWER USE ORDINANCE  
Ord. No. 190; Date of Adoption: March 2000**

An Ordinance to provide uniform requirements for the users of the Monroe Metropolitan Water Pollution Control System to ensure compliance with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Title.**

This Ordinance shall be known and cited as the Monroe Metropolitan Sewer Use Ordinance dated March 23, 2000.

**Section 2. Body of the Ordinance.**

The body of the Ordinance is as follows, being Section 1 through Section 19, consisting of Pages 1 through 56.

## **Section 1. General Provisions.**

### **1.1 Purpose and Policy**

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Monroe Metropolitan Water Pollution Control System and enables the City of Monroe as operator to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code, Section 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of the Ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both the Publicly Owned Treatment Works and the personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City of Monroe as operator to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance shall apply to all users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## 1.2 Administration

Except as otherwise provided herein, the Director of Wastewater shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Wastewater may be delegated by the Director of Wastewater to other City of Monroe personnel.

## 1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations as amended
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IPP - Industrial Pretreatment Program
- mg/l - milligrams per liter
- NPDES- National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

## 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C., Section 1251 *et seq.*
- B. Approval Authority. Michigan Department of Environmental Quality (MDEQ).
- C. Authorized Representative of the User.
  - (1) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business

function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (4) The individuals described in paragraph 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Monroe as operator.
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Board of Control. The Board of Control for the Monroe Metropolitan Water Pollution Control System provided for by the Contract dated as of January 1, 1976, establishing the Wastewater Control System.
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C., Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

- G. City. City shall mean the City of Monroe, its agents and employees.
- H. Composite Sample. A series of samples taken over a specific time period whose volume is proportional to flow or time, which are combined into one sample. The sample must be representative of the waste stream sampled.
- I. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- J. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- K. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes. The sample must be representative of the waste stream sampled.
- L. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
- M. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composted sample collected, independent of the industrial flow rate and the duration of the sampling event.
- N. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Monroe Metropolitan Water Pollution Control System NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery

Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

O. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

P. New Source.

(1) 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 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at 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 or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or

(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Q. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

R. 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 Monroe Metropolitan Water Pollution Control System NPDES permit, including an increase in the magnitude or duration of a violation.

S. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- T. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- U. Pollutant. Dredged spoil solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- V. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- W. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- X. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- Y. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance.
- Z. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. Section 1292) which is owned by The Monroe Metropolitan Pollution Control System. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- AA. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.



- BB. Domestic Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
- CC. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
  - (2) A user that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
    - (b) 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
    - (c) Is designated as such by the City of Monroe as operator on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director of wastewater may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- DD. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this Ordinance.
- EE. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- FF. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

- GG. Director of Wastewater. The person designated by the City of Monroe as operator to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- HH. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtration.
- II. User or Industrial User. A source of indirect discharge.
- JJ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- KK. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

## **Section 2. General Sewer Use Requirements.**

### **2.1 Prohibited Discharge Standards**

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
    - (a) Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause

fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Examples may include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides.

- (2) Wastewater having a pH less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 0.5' in any dimension. Further solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, animal guts or tissues, paunch, manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, flass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater discharged from a user with a temperature and quantity great enough to cause the temperature of the incoming wastewater at the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process,

constitute a hazard to humans or animals, create a toxic effect in the receiving water of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.

- (8) Trucked or hauled pollutants, except for septic tank waste discharged in accordance with Section 3.4 of this Ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) No User shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premise connected to a storm sewer shall comply with county, state and federal requirements as well as those of this public corporation. Any storm water, surface water, ground water, or water from footing drains at construction activities shall not be discharged to any sanitary sewer.

Downspouts and roof leaders shall be disconnected from sanitary sewers within six (6) months of the date of this Ordinance. If this is not done, the City of Monroe as operator shall perform this work and bill the user.

Storm water, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers.

Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Department of Environmental Quality.

- (13) Sludge, screening, scum or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes (solid), solid medical wastes including hypodermic needles, surgical dressings, etc., shall not be discharged to the sanitary sewer.
- (15) Any constituent causing alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances in amounts which cause excessive foaming in the POTW;
- (17) Grease, oil and sand separators shall be provided when in the opinion of the Director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients. Such separators shall not be required for private living quarters or dwelling units. All separators shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil separators shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gas tight and watertight.
- (18) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards. Where installed, all grease, oil and sand separators, or flow equalizing facilities shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (19) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## 2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Wastewater may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Wastewater may impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard. Such variance must be granted by the USEPA.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

## 2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. At no time shall any person discharge wastewater containing in excess of the following:

0.35	mg/l arsenic
0.04	mg/l cadmium
1.5	mg/l chromium total
2.0	mg/l copper
1.0	mg/l cyanide
0.75	mg/l lead
0.0002	mg/l mercury*
4.0	mg/l nickel
200	mg/l oil and grease (F.O.G. - Fat, oil, and/or grease-by weight)
1.0	mg/l silver
2.61	mg/l zinc
600.0	mg/l BOD
2000	mg/l Suspended Solids
4.0	mg/l Phosphorus
65.0	mg/l TKN Total kjeldahl nitrogen

- 28 ng/l perfluorooctane sulfonic acid (PFOS)
- <0.1 ug/l polychlorinated bipheyls (PCBs)

*\* The discharge of Mercury above the quantification level shall represent an exceedence of the local limit. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with the U.S. EPA method 245.1, unless Method 1631 is required by the City. The quantification level shall be .2 ug/l for Method 245.1 or .5 ng/l for Method 1631, unless higher levels are appropriate due to sample matrix interference.*

All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director of Wastewater may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

If any waters are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics encumbered above, and which in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- a) Reject the wastes.
- b) Require pretreatment to the level defined as "Normal Domestic Sewage".
- c) Require control over the quantities and rates of discharge.
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges.
- e) Require new industrial customers or industries with significant changes in strength or flow to submit information to the Director concerning the proposed flows, prior to approval of discharge permit.

If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Director and shall be subject to the requirements of all applicable codes, ordinances and laws.

Amended November 27, 2012 by Monroe Metropolitan Sewer Use Ordinance Amendment No. 190-2.

Amended September 24, 2024 by Monroe Metropolitan Sewer Use Ordinance Amendment No. 190-3.

## **2.4 Right of Revision**

The City of Monroe as operator reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

## **2.5 Dilution**

No user shall ever 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 discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Wastewater may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **Section 3. Pretreatment of Wastewater.**

### **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Director of Wastewater, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Wastewater for review, and shall be acceptable to the Director of Wastewater before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Director of Wastewater as operator under the provisions of this Ordinance.

### **3.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Director of Wastewater may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Director of Wastewater may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand separators shall be provided when, in the opinion of the Director of Wastewater, they are necessary for the proper handling of wastewater containing excessive amounts of grease



and oil or sand; except that such separators shall not be required for residential users. Effective January 1, 1997 all restaurants and other applicable commercial establishments that may generate grease, oil, sand or other material that may cause obstructions in the sanitary sewers are required to install grease, oil & water separators of an adequate size to safeguard the sanitary sewer system. All separator units shall be of type and capacity approved by the Director of Wastewater and shall be so located to be easily accessible for cleaning and inspection. Such separators shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. An adequate sampling vault or manhole must be provided in an accessible place for municipal treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Director determines necessary to protect the treatment plant and receiving stream. Should the Director desire continual flow recording and long duration, 24 hour composite sampling, then a more complex manhole would be mandatory complete with 100 volt AC. Samples collected could be divided between the industrial user and Director for analysis if so desired by the industry. The sampling vault should be located so as to give access to City personnel at any time. Such sampling manholes shall be installed and maintained at the users expense.

### **3.3 Accidental Discharge/Slug Control Plans**

At least once every two (2) years, the Director of Wastewater shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director of Wastewater may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Wastewater may develop such a plan for any user.

Throughout the industrial facility, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of Wastewater of any accidental or slug discharge, as required by Section 6.6 of this Ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **3.4 Hauled Wastewater**

Septic tank waste from domestic sources may be introduced into the POTW only at locations designated by the Director of Wastewater, and at such times as are established by the Director of Wastewater. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the City of Monroe as operator. The Director of Wastewater may require septic tank waste haulers to comply with the Bill of Lading Program and identify each party contributing to the load; further the driver must sign a certification statement. Septic tank waste will only be accepted if it was collected from a site within the boundaries of Monroe County. Septic waste must not contain any industrial or hazardous wastes.

## **Section 4. Wastewater Discharge Permit Application.**

### **4.1 Wastewater Analysis**

When requested by the Director of Wastewater, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Wastewater is authorized to prepare a form for this purpose and may periodically require users to update this information. All such analysis is at the users expense.

### **4.2 Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Wastewater, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

- B. The Director of Wastewater may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### **4.3 Wastewater Discharge Permitting: Existing Connections**

Discharge permits issued prior to this Ordinance shall remain in effect until the expiration date thereof.

#### **4.4 Wastewater Discharge Permitting: New Connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

#### **4.5 Wastewater Discharge Permit Application Contents**

All users required to obtain a wastewater discharge permit must submit a permit application. Permit applications must be submitted on the IPP permit application form developed by the Director of Wastewater. Application forms are available at the Wastewater Department (734-241-5926), 120 E. First Street, Monroe, MI 48161. The Director of Wastewater may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this Ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- C. Number of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Director of Wastewater to evaluate the wastewater discharge permit application.

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

#### **4.6 Application Signatories and Certification**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

#### **4.7 Wastewater Discharge Permit Decisions**

The Director of Wastewater will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director of Wastewater will determine whether or not to issue a wastewater discharge permit. The Director of Wastewater may deny any application for a wastewater discharge permit. In either event the

Director of Wastewater will inform the applicant in writing of the decision at the earliest possible date but not to exceed thirty (30) days.

## **Section 5. Wastewater Discharge Permit Issuance Process.**

### **5.1 Wastewater Discharge Permit Duration**

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

### **5.2 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Wastewater to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

#### **A. Wastewater discharge permits must contain:**

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Monroe as operator in accordance with Section 5.5 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

- B. Wastewater discharge permits may also contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (6) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - (7) Other conditions as deemed appropriate by the Director of Wastewater to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

### **5.3 Wastewater Board of Appeals**

- A. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Board of Control shall serve as a Wastewater Board of Appeals. A duty of such Board shall be to consider appeals from the decision of the Director and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.

- B. An informal hearing before the Director may be requested in writing by any User deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data.
  - 1. The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement.
  - 2. The hearing shall be conducted on an informal basis at such place as designed by the Director.
  
- C. Appeals from Orders of the Director may be made to the Wastewater Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Director, specifying the grounds. Prior to a hearing the Director shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Director to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.
  - 1. The Wastewater Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the said Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration. The decision of said Board shall be final.
  - 2. The Board of Appeals shall meet at such times that the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum. The Board of Appeals may prescribe the sending of notice to such persons as it deems to be interested in any hearing by the Board.

- D. All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the City of Monroe. Upon resolution of any appeal, the City of Monroe shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.
- E. If an informal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for Immediate Cease and Desist Orders issued pursuant to this Ordinance.
- F. Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Monroe within twenty-one (21) days.

#### **5.4 Wastewater Discharge Permit Modification**

The Director of Wastewater may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to Monroe Metropolitan Water Pollution Control. System POTW, City of Monroe personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;



- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### **5.5 Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director of Wastewater and the Director of Wastewater approves the wastewater discharge permit transfer. The notice to the Director of Wastewater must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

### **5.6 Wastewater Discharge Permit Revocation**

The Director of Wastewater may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of Wastewater of significant changes to the wastewater prior to discharge;
- B. Failure to provide prior notification to the Director of Wastewater of changed conditions pursuant to Section 6.5 of this Ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring equipment;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Wastewater or the director's designee timely access to the facility premises and records;
- G. Failure to meet effluent limitations;

- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

#### **5.7 Wastewater Discharge Permit Reissuance**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Ordinance, a minimum of thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

#### **5.8 Regulation of Waste Received from Other Jurisdictions**

- A. If another municipality, or user located within another municipality, wishes to contribute wastewater to the POTW, the Monroe Metropolitan Water Pollution Board of Control and the City of Monroe as the Operator of the System must first approve the action and then enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Director of Wastewater shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

- (3) Such other information as the Director of Wastewater may deem necessary.
- C. If the usage is approved by the Monroe Metropolitan Pollution Board of Control, the inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as those set out in Section 2.4 of this Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Sewer Use Ordinance adopted by the City of Monroe, Frenchtown Charter Township, Monroe Charter Township and Raisinville Township ordinance or local limits;
  - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Wastewater; and which of these activities will be conducted jointly by the contributing municipality and the Director of Wastewater;
  - (4) A requirement for the contributing municipality to provide the Director of Wastewater with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  - (6) Requirements for monitoring the contributing municipality's discharge;
  - (7) A provision ensuring the Director of Wastewater access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Wastewater; and

- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **Section 6. Reporting Requirements.**

### **6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director or Wastewater a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Wastewater a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a facility drawing and schematic process diagram that indicates points of discharge to the POTW from which processes the discharges originate.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of Pollutants in Accordance With The Michigan Administrative Code R323.231(2)(e).

- (a) The categorical pretreatment standards applicable to each regulated process.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Wastewater, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance.
  - (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and or O&M is required to meet pretreatment standards the user must submit a schedule of compliance to the Director of Wastewater. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this Ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

## **6.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing

preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Director of Wastewater no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Wastewater.

### **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Wastewater a report containing the information described in Section 6.1(B)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

### **6.4 Periodic Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by the Director of Wastewater but in no case less than twice per year (October 15 and April 15), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance. (The Director of Wastewater may choose to sample and analyze the discharge for the user).
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good

working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Wastewater, using the procedures prescribed in Section 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

## **6.5 Reports of Changed Conditions**

Each user must notify the Director of Wastewater of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater. Notification must be received thirty (30) days before the change is implemented.

- A. The Director of Wastewater may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Ordinance.
- B. The Director of Wastewater may issue a wastewater discharge permit under Section 4.7 of this Ordinance or modify an existing wastewater discharge permit under Section 5.4 of this Ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent (20%) or greater, and the discharge of any previously unreported pollutants.

## **6.6 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Wastewater (734) 241-5926 of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Wastewater, submit a detailed written

report describing the cause(s) of the discharge and the measures to be taken by the user to prevent a reoccurrence. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

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

### **6.7 Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Wastewater as the Director of Wastewater may require.

### **6.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify the Director of Wastewater within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Wastewater within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Director of Wastewater monitors at the user's facility at least once a month, or if the Director of Wastewater samples between the user's initial sampling and when the user receives the results of this sampling.

### **6.9 Discharge of Hazardous Waste**

The City of Monroe prohibits the discharge of hazardous wastes.

### **6.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.



## **6.11 Sample Collection**

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Wastewater may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

## **6.12 Timing**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

## **6.13 Record Keeping**

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Monroe as operator, or where the user has been specifically notified of a longer retention period by the Director of Wastewater.

## **6.14 Monitoring Facilities**

The Director of Wastewater may require a user to install a monitoring facility to allow inspection, sampling, and flow measurement. When required the monitoring facility must be provided and operated totally at the users expense. The monitoring facility should normally be situated on the users premises, but the Director may when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Director and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Director.

### **6.15 Flow Determination**

To determine the sewage flow from any establishment, the Director may use one of the following methods:

- A. The amount of water supplied to the premises by a publicly owned water system or a private water company as shown upon the water meter if the premises are metered, or
- B. If such premises are supplied with river water or water from private water company as shown upon the water meter if the premises are metered, or
- C. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Director from the water, gas or electric supply, or
- D. The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Director pursuant to Section 6, or
- E. A figure determined by the Director by any combination of the foregoing or by any other equitable method.

## **Section 7. Compliance Monitoring.**

### **7.1 Right of Entry: Inspection and Sampling**

The Director of Wastewater or his designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any waste water discharge permit or order issued hereunder. Users shall allow the Director of Wastewater ready access to all

parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Wastewater or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director of Wastewater or his designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director of Wastewater or his designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Wastewater and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Director of Wastewater access to the user's premises shall be a violation of this Ordinance.

## **7.2 Search Warrants (Administrative Warrant)**

If the Director of Wastewater has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program, designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Wastewater may seek issuance of an administrative search warrant from a Judge or Magistrate of the First District Court of the State of Michigan.

## **Section 8. Confidential Information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Wastewater, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **Section 9. Publication of Users in Significant Noncompliance.**

The Director of Wastewater shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- C. Any other discharge violation that the Director of Wastewater believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Directors exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) that the Director of Wastewater determines will adversely affect the operation or implementation of the local pretreatment program.

**Section 10. Administrative Enforcement Remedies.**

**10.1 Notification of Violation**

When the Director of Wastewater finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Wastewater may serve upon that user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Wastewater. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director of Wastewater to take any additional action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## **10.2 Consent Orders**

The Director of Wastewater may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Ordinance and shall be judicially enforceable.

## **10.3 Show Cause Hearing**

The Director of Wastewater may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Wastewater and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

## **10.4 Compliance Orders**

When the Director of Wastewater finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Wastewater may issue an order to the user responsible for the discharge, directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **10.5 Cease and Desist Orders**

When the Director of Wastewater finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director of Wastewater may issue an order directing the user to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **10.6 Administrative Fines**

- A. When the Director of Wastewater finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Wastewater may fine such user in an amount not to exceed \$500.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. All such fines shall be deposited into the appropriate City of Monroe Wastewater revenue account.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Director of Wastewater to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director of Wastewater may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director of Wastewater may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **10.7 Emergency Suspensions**

The Director of Wastewater may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Wastewater may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment..

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Wastewater may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Wastewater may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Wastewater that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Wastewater prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

## **10.8 Termination of Discharge**

In addition to the provisions in Section 5.6 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;



- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this Ordinance.

Such user will be notified of the proposed termination of discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director of Wastewater shall not be a bar to, or a prerequisite for, taking any other action against the user.

## **Section 11. Judicial Enforcement Remedies.**

### **11.1 Municipal Civil Infractions**

- A. Violation; Municipal Civil Infraction. Except as provided by Section 11.2, a person who violates any provision of this Ordinance (including, but not limited to, any notice, order, permit, decision or determination promulgated, issued or made by the Director of

Wastewater under this Ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.

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

- (1) The fine for any offense that is a first repeat offense shall be not less than \$2,500.00, plus costs.
- (2) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs.

C. Amount of Fines.

(1) *Municipal Civil Infraction Citations.* Subject to the minimum fine amounts specified in Section 11.1 A and B, the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Ordinance: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

(2) *Municipal Civil Infraction Notices; Schedule of Fines.* The amount of a municipal civil infraction fine due in response to the issuance of a municipal infraction notice for a violation under Section 11.1.A shall be according to the following schedule:

First Offense: \$1,000.00

First Repeat Offense: \$2,500.00

Second Repeat Offense (or any Subsequent Repeat Offense):  
\$5,000.00

A copy of this schedule shall be posted at the City of Monroe Municipal Ordinance Violations Bureau.

D. Authorized City Official. The Director of Wastewater (and any representative designated by the Director of Wastewater) is hereby designated as the authorized city official to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

## 11.2 Criminal Penalties; Imprisonment

Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Director of Wastewater under this Ordinance;

or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the City regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act, pertinent to this Ordinance, that is punishable by imprisonment for up to 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

### **11.3 Continuing Violation**

Each act of violation, and each day or portion of a day that a violation of this Ordinance, or any permit or order issued or entered into under this Ordinance is permitted to exist or occur, constitutes a separate violation and shall be subject to fines, penalties and other sanctions as provided by this Ordinance.

### **11.4 Number of Violations**

The number of violations resulting from a user's noncompliance with applicable discharge prohibitions or effluent limitations shall be determined as follows:

- A. Applicable concentration limitations and mass (or loading) limitations shall be treated as separate limitations, and a user may be liable and penalized separately for exceeding any of those limitations for a single pollutant or sampling parameter.
- B. Each violation of an instantaneous maximum allowable discharge limit for a single pollutant or sampling parameter shall constitute a single violation for each such exceedence, and there may be multiple violations for each day on which such a violation occurs or continues.
- C. Each violation of a monthly average limit (or other long-term average discharge limit) for a single pollutant or sampling parameter shall constitute a violation for each day of the month (or other applicable long-term average discharge limit period) during which the violation occurred, regardless of the number of days on which samples were actually taken. (For example, in a month with 31 days, a violation of the monthly average limit for that month constitutes 31 violations for each pollutant parameter for which the monthly average limit was exceeded during the month.)

- D. If a wastewater discharge permit regulates more than one outfall, each outfall shall be considered separately in computing the number of violations as provided by this section.

## **11.5 Nuisance**

A violation of this Ordinance, or of any permit, order or notice issued or entered into under this Ordinance, is deemed to be a public nuisance.

## **11.6 Reimbursement**

- A. Any person who violates any provision of this Ordinance, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the POTW, or causes or contributes to a violation of any federal, state or local law governing the POTW, shall be liable to and shall fully reimburse the city for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the POTW or the City as a result of any such discharge, violation, exceedence or noncompliance. The costs that must be reimbursed to the City shall include, without limitation, all of the following:
  - (1) All costs incurred by the POTW and the City in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
  - (2) All costs to the POTW and the City for monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance.
  - (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the POTW or the City by any governmental agency or third party as a result of a violation of the POTW's NPDES permit (or other applicable law or regulation) that is caused by or contributed to by any discharge, violation, exceedence or noncompliance.
  - (4) The full value of any City staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the city attorney and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge,

violation, exceedence or noncompliance or otherwise enforcing the requirements of this Ordinance.

Further, the City is authorized to correct any violation of this Ordinance or damage or impairment to the POTW caused by a discharge and to bill the person causing the violation or discharge for the amounts to be reimbursed to the City. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid by users under other sections of this Ordinance.

- B. In determining the amounts to be reimbursed to the City, the Director of Wastewater may consider factors such as, but not limited to, the following:
- (1) The volume of the discharge.
  - (2) The length of time the discharge occurred.
  - (3) The composition of the discharge.
  - (4) The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of the discharge.
  - (5) The toxicity, degradability, treatability and dispersal characteristics of the discharges.
  - (6) The direct and indirect costs incurred by the City or imposed upon the City to treat the discharges, including sludge handling and disposal costs.
  - (7) Fines, assessments, levies, charges, expenses and penalties imposed upon and/or incurred by the City, including the City's costs of defense of actions, or suits brought or threatened against the City by governmental agencies or third parties.
  - (8) Such other factors, including the amount of any attorney's fees, consultant and expert fees, expenses, costs, sampling and analytical fees, repairs, etc., as the Director of Wastewater deems appropriate under the circumstances.
- C. The failure by any person to pay any amounts required to reimburse to the POTW or the City as provided by this Section shall constitute an additional violation of this Ordinance. All fines, assessments,

levies, charges, expenses, and penalties shall be deposited in the proper City of Monroe, Wastewater Department revenue fund.

### **11.7 Judicial Relief; Injunctions and Other Remedies**

When the Director of Wastewater finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, the Director of Wastewater, through an attorney, may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for such violation. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order, including, but not limited to, a requirement that the user conduct environmental remediation. The Director of Wastewater may also seek collection of surcharges, fines, penalties and any other amounts due to the City that a user has not paid. Funds from the collection of such fines, assessments, levies, charges, expenses, and penalties shall be deposited into the proper City of Monroe, Wastewater Department revenue account.

### **11.8 Remedies Cumulative and Nonexclusive**

The remedies provided by this Ordinance are cumulative and nonexclusive. The Director may take any, all, or any combination of the remedies against a noncompliant user. Further, the Director of Wastewater is empowered to take more than one enforcement action against a noncompliant user. The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit or order issued or entered into under this Ordinance, shall not preclude the imposition by the Director or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or city administrative proceeding, conference, or hearing regarding the person.

### **Section 12. Bypass.**

- A. For the purposes of this Section,
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the 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.

- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C.
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Wastewater, at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Director of Wastewater of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, 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 reoccurrence of the bypass. The Director of Wastewater may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
  - (1) If the user chooses to conduct a prohibited bypass, the Director of Wastewater may take an enforcement action against a user for the bypass, unless
    - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. 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 normal periods of equipment downtime or preventive maintenance; and

- (c) The user submitted notices as required under paragraph (c) of this Section.
- (2) The Director of Wastewater may approve an anticipated bypass, after considering its adverse effects, if the Director of Wastewater determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

**Section 13. Wastewater Treatment Rates.**

**13.1** Rates and charges for the use of the System shall be established by the Water Pollution Board of Control, as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs. Debt service charges shall be determined from time to time by the governing body of this public corporation. Such charges and rates shall be made against each premises which may have any sewer connections with the system or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof.

A. Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by the City of Monroe as Operator shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured, or in the absence thereof, by such equitable method as shall be determined by the Monroe Metropolitan Water Pollution Board of Control, and shall be collected by the City of Monroe as Operator of the System and Frenchtown Charter Township or as assigned by the Board of Control. In cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates; or the Director may, if he deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Director before discharging such sewage into the sewage disposal system.

B. The rates to be billed for use of the System shall be as follows for all users, until such time as the same may be changed yearly by the Board of Control pursuant to the Contract.



- (1) Sewer Service User Charge: As approved by the Board of Control.
- (2) Surcharge rate for BOD for wastewater in excess of 200 mg/1: As approved by the Board of Control.
- (3) Surcharge rate for Suspended Solids in excess of 250 mg/1: As approved by the Board of Control.
- (4) Surcharge rate for total kjeldahl nitrogen in excess of 40 mg/1: As approved by the Board of Control.
- (5) Septic dumping rate user charge: As approved by the Board of Control.
- (6) There shall be an additional charge for laboratory testing of wastewater samples. The laboratory charges shall be for the cost thereof and will be determined for each User.
- (7) Flat rates for un-metered customers shall be as approved by the Monroe Metropolitan Pollution Control Board.

The above charges, other than the Debt Service Charges, are User Charges to pay for the operation, maintenance and replacement of the sewage works and they are the same for customers located inside or outside the City of Monroe and the equality of rates shall exist in any future modifications.

Amended June 8, 2010 by Monroe Metropolitan Sewer Use Ordinance Amendment No. 190-1.

### **13.2 Non-Payment of Sewage Bills**

If payment becomes delinquent for more than six (6) months each year, it shall be certified to the tax bill in each jurisdiction.

Amended June 8, 2010 by Monroe Metropolitan Sewer Use Ordinance Amendment No. 190-1.

### **13.3 Collection of Delinquent Accounts**

Unpaid charges for sewage disposal service furnished to any premise shall be a lien against the premise. Enforcement of this lien shall be made pursuant to statute. This lien remedy does not preclude any other remedy provided by law. Those premises outside the municipalities which are parties to the Contract that are served by the System that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between this public corporation and such governmental unit.

### **13.4 Late Charges For Delinquent Sewer Accounts**

A 5% (five percent) late payment charge will be added to delinquent sewer bills that have not been paid by the due date. The late charge will be added to the next sewer bill.

### **Section 14. Validity, Severability, Conflict.**

1. The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.
2. All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Ordinance, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

### **Section 15. Building Sewer And Connections.**

#### **15.1 Building Sewer Connections**

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the City of Monroe Plumbing Department if the sewer is located in the City, or from the appropriate Township Building Department if it is in a Township. No building sewer shall be covered until after it has been inspected and approved by said department.

#### **15.2 Permit Application**

The owner or his agent shall make application for a sewer permit on a form furnished by the City of Monroe Plumbing Department if the building sewer is in the City, or by the appropriate Township Building Department if it is a Township. Their permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of

the Director of Wastewater. A tap-in fee in the amount determined by resolution of the governing body of this public corporation shall be paid to the Treasurer of that public corporation at the time the application is filed. If an opening of a public street is required to make the lead connection, proper application shall be made therefor.

### **15.3 Building Tap Installation**

All costs and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the property owner.

### **15.4 Duties & Responsibility For Sewer Maintenance**

The property owner shall indemnify and save harmless this public corporation, the City of Monroe as Operator and the Director of Wastewater from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- A. It shall be the duty of each property owner to maintain, clean and repair the private sewer line servicing his or her property at his or her own expense as necessary to keep such lines free and clear of obstructions and in good working order.
- B. The City of Monroe, as operator, shall be responsible for and shall have the duty to maintain, clean and repair the sewer trunk line at its sole expense.
- C. In the case of a dispute as to whether needed maintenance, cleaning or repair of a portion of sewer line is the responsibility of the property owner or the City of Monroe as operator, it shall be the responsibility of the property owner to establish that the defect, obstruction or disrepair has occurred, and is located in that portion of the sewer system for which the City of Monroe, as operator, is responsible.

If the property owner fails to establish that the City of Monroe as operator is responsible, it shall be the property owner's responsibility to perform the necessary maintenance as provided in this Ordinance. If it is established that the City of Monroe as operator is responsible, the manager shall perform the necessary maintenance and shall reimburse the property owner for reasonable expenses incurred in locating and correcting the defect in the main sewer line. The property owner is responsible under this Ordinance for the total

maintenance and repair of the private sewer line servicing the private property. The City of Monroe as operator is only responsible for major repair of the trunk line installed by the municipalities to service the house connection, and has no responsibility for private lines.

- D. Any property owner who shall violate the provisions of this Ordinance shall be liable to the City of Monroe as Operator for civil damages incurred in correcting the defect, and in addition, shall be guilty of a misdemeanor. If any property owner fails to maintain a private sewer line as required by this Ordinance, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the Monroe County Health Officer and the defect may be corrected by the City of Monroe as Operator. Any costs so incurred shall be assessed against the property and become a lien on the property if not timely paid.

### **15.5 Building Sewer Construction & Specifications**

A separate and independent building sewer shall be provided for every building; except whereon building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.

### **15.6 Re-Use of Existing Building Sewers**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this article.

### **15.7 Sewer Construction**

The building sewer shall be constructed of vitrified clay sewer pipe, cast iron soil pipe, or plastic pipe, as approved by the Director. The Director reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Director.

### **15.8 Size & Specification of Building Sewer**

- A. The size and slope of the building sewer shall be subject to approval by the Director but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than

one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is four (4) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.

- B. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with clean outs accessible for cleaning.
- C. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary discharge carried by the drain shall be lifted by artificial means approved by the City Plumbing Department if the building drain is in the City or by the appropriate Township Building Department if it is in a Township and shall discharge to the building sewer.
- D. All joints and connections shall be made gas tight and watertight. All joints and discharges to the building sewer shall be approved by the appropriate City or Township Department.
- E. No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
- F. All newly constructed building sewers shall have a properly sized clean out at the head of said sewer that is accessible at all times. This clean out shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
- G. All sewers shall be constructed in accordance with the latest edition of "Recommended Standards for Sewage Works" policies for the review and approval of plans and specifications for sewage collection and treatment of the Great Lakes Upper Mississippi River Board of State Sanitary Engineers, commonly known as the "Ten State Standards".

## **15.9 No Basement Gravity Sewer Service**

Gravity sanitary service is not allowed from any basement. The sanitary sewer service line for any building shall be located not less than 12 inches above the basement floor. Sanitary service from any basement shall be provided through the use of an approved pumping system. No connection other than as set forth herein shall be permitted unless it ensures the public health, safety and welfare and is approved in writing by the Monroe Wastewater Department.

## **15.10 Backwater Valves**

- A. Sewage backflow. A backwater valve shall be installed only for plumbing fixtures where the overflow rim of the lowest plumbing fixtures are below the elevation of the next upstream manhole cover in the public sewer. Plumbing fixtures with flood rims above the elevation of the next upstream manhole cover shall not discharge through the backwater valve.
- B. Fixture branches. Backwater valves shall be installed in the branch of the building drain that received only the discharge from fixtures located within such branches and shall be located below ground.
- C. Material. All bearing parts of backwater valves shall be of corrosion resistant material. Backwater valves shall comply with all current ASME or CAN/CSA standards.
- D. Seal. Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
- E. Diameter. Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
- F. Location. Backwater valves shall be installed so that access is provided to the working parts for service and repair.
- G. Maintenance. The owner or occupant of any building or structure with a backwater valve shall maintain such valve by routine inspection and cleaning to ensure that no foreign debris will prevent the backwater valve from operating properly.

**Section 16. Unsanitary Deposits, Discharge To Natural Outlets Prohibited.**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within this public corporation, or in any area under the jurisdiction of this public corporation, any human excrement, garbage or other objectionable waste, excepting animal manure which will be applied to the land.
2. It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within this public corporation, or in any area under the jurisdiction of this public corporation, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable county health department.
3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.
4. The owner of all houses, building or properties used for human occupancy, employment, recreation or other purposes, situated within this public corporation and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewers, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities, directly with the proper public sewer in accordance with the provisions of this article, within six (6) months after date of official notice to do so, whenever such connection is required by state law; provided that with respect to any structure erected after December, 20, 1985, connection shall be made prior to the occupancy of said structure.

**Section 17. Effective Date.**

This Ordinance shall be in full force and effect 30 days after final passage, and publication, as provided by law.

**Section 18. Savings Clause.**

- A. All proceedings pending and all rights and liabilities existing, acquired or incurred under Ordinance 159 at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are/were commenced.
- B. This Ordinance shall not be construed to affect any action pending or initiated before the effective date of this Ordinance in accordance with the rights and liabilities existing, acquired or incurred under Ordinance 159 as set forth above.

**Section 19. Repealer.**

Ordinance 159 is hereby repealed, as well as all other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance.