

ORDINANCE NUMBER: 2003-228

ADOPTED DATE: July 14, 2003

EFFECTIVE DATE: July 14, 2003

**CHARTER TOWNSHIP OF OSCODA
IOSCO COUNTY, STATE OF MICHIGAN**

ORDINANCE NUMBER 2003-228

SEWER USE ORDINANCE

SECTION 1
GENERAL PROVISIONS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Publicly Owned Treatment Works (POTW) for the Charter Township of Oscoda and enables the Charter Township of Oscoda to protect and promote the health, welfare and safety of the Charter of Oscoda and to comply with all applicable State and Federal laws including the Clean Water Act, as amended, (Public Law 92-500) and the General Pretreatment Regulation (40 Code of Federal Regulations part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
6. To provide for fees and for the equitable distribution of the cost of operation, maintenance and improvement to the POTW, and
7. To enable the Charter Township of Oscoda to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. 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 POTW Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the POTW Superintendent may be delegated by the POTW Superintendent to other Charter Township of Oscoda personnel or contracted representatives.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meaning.

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Public 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.

1. **Act or "the Act"**. The Clean Water Act means the Federal Water Pollution Control Act of 1972 (Public Law 92-500), as amended.
2. **Authorized Representative of the Industrial User**.
 - (a) If the user is a corporation, Authorized representative shall mean:
 - (i) 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;
 - (ii) If the user is a partnership, or sole proprietorship: a general partner or proprietor, respectively;
 - (b) 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 his/her designee;
 - (c) The individuals described in paragraphs a-b 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 Township.
3. **Available public sanitary sewer system** means a public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than four hundred (400) feet to the nearest point from the structure in which sanitary sewage originates.

4. **BOD (denoting Biological Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, and expressed in mg/L.
5. **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. **Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.
7. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant limits promulgated by EPA in accordance with Section 307 (b and c) of the Act, applies to a specific category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.
8. **Chemical Oxygen Demand (COD)** shall mean a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively
9. **Chlorine demand** shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.
10. **Compatible pollutant** shall mean a substance amenable to treatment in the POTW such as biochemical oxygen demand, suspended solids, pH, and Fecal Coliform bacteria, plus additional pollutants identified in the NPDES permit in which the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, and nitrogen compounds.
11. **Composite Sample** shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
12. **Debt service charge** shall mean charges levied to customers of the wastewater system and which are used to pay principal, interest and administrative costs of retiring the debt incurred for the construction of the waste water system. The debt charge shall be in addition to the user charge specified above.
13. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized of said agency.
14. **Footing drain** shall mean a pipe or conduit, which is placed around the perimeter of a building foundation and which intentionally, admits ground water.
15. **Garbage** shall mean solid wastes from the preparation, cooking and dispensing of food, and

- from the handling, storage and sale of produce.
16. **Grab Sample** shall mean a sample taken from a waste stream without regard to the flow of the waste stream and regulated under Section 307 (b, c or d) of the Act.
 17. **Incompatible pollutants** shall mean any pollutant that is not compatible with the designed treatment capabilities of the POTW.
 18. **Industrial wastes** shall mean any solid, liquid, or gaseous waste resulting from any industrial, manufacturing, and trade or business process or from the development, recovery, or processing of natural resources.
 19. **Infiltration** shall mean that portion of ground water, which is unintentionally admitted to a sewer.
 20. **Inspector** shall mean any person or persons duly authorized by the Township to inspect and approve the building of sewers and their connection to the public sewer system.
 21. **IPP Inspector** means a person who conducts inspections of industrial facilities to ensure protection and compliance with Federal, State and local IPP rules and regulations.
 22. **Interference** shall mean 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 operations, use or disposal; and therefore, is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued hereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the clean Air Act, the Toxic Substance Control Act, and the Marine Protection, research and Sanctuaries Act. 40 CFR 403.3 (I).
 23. **Laboratory Determination** shall mean the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the current edition of "Standard Methods for Examination of Water and Waste Water", a joint publication of the American Public Health Association, the American Waterworks Association and the Water Environment Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.
 24. **Local Agency or Township** shall refer to The Charter Township of Oscoda, Michigan or its designated official or department.
 25. **Natural outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
 26. **New Source** shall mean; Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act and which will be applicable to such standards 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.
 - (d) 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 (a), (b), or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (e) Construction of a new source as defined under this paragraph as commenced if the owner or operator has:
 - (i) Begun, or caused to begin, as part of a continuous onsite construction program
 - (ii) any placement, assembly, or installation of facilities or equipment; or
 - (iii) 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
 - (f) Entered into a binding contractual obligation for the purchase of facilities or equipment, which 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.
27. **Noncontact Cooling Water** shall mean water used for cooling which does not come in direct contact with any raw material, intermediate product, waste product, or finished product.
28. **NPDES permit** shall mean a permit issued pursuant to the National Pollutant Discharge Elimination System and prescribed by the Clean Water Act as amended.
29. **Operation and Maintenance** shall mean all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with ensuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable State and Federal regulations, and includes the cost of replacement.
30. **Pass through.** Shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
31. **Person** shall mean an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity,

- or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
32. **pH** shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
33. **Pollutant** shall mean any 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, agricultural, industrial, municipal, and commercial wastes, or any other contaminant.
34. **POTW Superintendent**: shall mean the Superintendent of the Publicly Owned Treatment Works of the Charter Township of Oscoda, Michigan, or his authorized deputy, agent or representative.
35. **Premises** shall mean each lot or parcel of land, building or premises having any connection to the POTW sewer system of the township.
36. **Pretreatment** shall mean the reduction, elimination, or alteration of pollutant properties to a less harmful state prior to, or in lieu of, of discharge or introduction into the POTW. This can be accomplished by physical, chemical, or biological processes, processes changes, or other means, except as prohibited by 40 CFR section 403.6 (d).
37. **Properly Shredded Garbage** shall mean the wastes that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
38. **Publicly Owned Treatment Works or POTW**. A "treatment - works" as defined by section 212 of the Act (Public Law 92-500), which is owned by the Charter Township of Oscoda. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waste and any conveyances which convey wastewater to a treatment plant.
39. **Public Sanitary Sewer System** means a sanitary sewer intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal.
40. **Sanitary Sewer** shall mean, a sewer, which conveys sewage, and to which storm, surface and ground waters are not intentionally admitted.
41. **Sewage/Wastewater** shall mean liquid and water-carried industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, or any sewage and/or wastewater however it may be legally defined either by local, State or Federal law from any source whatsoever whether treated or untreated, which is contributed to the POTW.
42. *Shall is mandatory; "may" is permissive*
43. **Significant Industrial User means any User that:**
- (a) A user subject to categorical pretreatment standards; or
 - (b) A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary non-contact cooling

- water and boiler blow down); or
 - (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) Upon finding that a user meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City 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.
- (d) Is designated by any of the control authorities to have a reasonable potential to adversely affect the POTW's operation (40 CFR 403.3(t).
- (e) Is found by the Township, State or U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the waste water treatment system, the quality of sludge, the system effluent quality or air emissions generated by the system; or
- (f) Generates wastes with toxic pollutants as defined pursuant to Section 307 other Act or State Statutes and Rules.

44. **Significant noncompliance (SNC) means:**

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent of all measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceeded the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, PO4, fats, oil and grease, and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (2.5) (1) (g) to halt or prevent such a discharge;
- (e) Failure to meet within 90 days after the schedule date, a compliance schedule milestone confined in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 30 days after the due date, required reports such as

- baseline monitoring, reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
 - (h) Any other violation or group of violations, which the Control Authority determines, will adversely affect the operation or implementation of the local pretreatment program.
45. **Slug Load or Slug** shall mean any discharge of a nonroutine episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.
 46. **Storm sewer or storm drain** shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
 47. **Storm Water** shall mean any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.
 48. **Structure in which sanitary sewage originates or structure** means a building in which toilet, kitchen, laundry, bathing or other facilities that generate water-carried sewage, are used or are available.
 49. **Surcharge** shall mean an additional service charge. Any customer discharging wastewater having strength excessive of three hundred (300) mg/l BOD, three hundred (300) mg/l Suspended Solids and Ten (10) mg/l of phosphorous will be required to pay a surcharge to cover the cost for additional treatment that's required for the excessive strength within the wastewater.
 50. **Suspended Solids** shall mean solids that either float on the surface of, or are suspended in water, wastewater, or other liquids. Solids organic or inorganic particles (colloidal, dispersed, coagulated, or flocculated) physically held in suspension by agitation or flow. The quantity of material from wastewater in a laboratory test, as prescribed in standard methods and referred to as non-filterable residue.
 51. **Township Superintendent** shall mean The Charter Township of Oscoda Superintendent of Oscoda Michigan, or his authorized deputy, agent or representative.
 52. **Toxic Pollutant** shall mean any pollutant or combination of pollutants identified as toxic pursuant to section 307 (a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulation promulgated by the State under state law.
 53. **User charge** shall mean a charge levied on users of POTW. This charge will cover the cost of operation and maintenance of the POTW pursuant to Section 204 (b) of the Act, which includes equipment replacement cost.
 54. **User class** shall mean the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional, and governmental.
 - (a) **Residential User** shall mean a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multifamily dwellings (transit lodging is not included, it is considered commercial).
 - (b) **Commercial User** shall mean an establishment listed in the Office of Management and Budgets "Standard Industrial Classification Manual", 1972 Edition, involved in a commercial enterprise, business or service which, based on a determination by the

local agency, discharges primarily segregated domestic wastes or wastes from the sanitary conveniences and which is not a residential user or an industrial user.

- (c) ***Institutional User*** shall mean any establishment listed in the "SICM" involved in a social, charitable, religious or educational function which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (d) ***Governmental User*** shall mean any Federal, State or local government user of the POTW.
- (e) ***Industrial user*** or ***user*** means: any person who introduces pollutants into a POTW from any non-domestic source regulated under the Act, State law, or Local Ordinance.

55. ***Watercourse*** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

56. ***Wastewater Treatment Plant*** shall mean an arrangement of devices and structures for treating sewage as defined by section 212 of the Act (Public Law 92-500).

SECTION 2
GENERAL SEWER USE REQUIREMENTS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 2 – GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

1. **General Prohibitions:** No user shall introduce or cause to be introduced into the Publicly Owned Treatment Works (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.
2. **Specific Prohibitions:** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (a) 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;
 - (b) Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (c) 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 1/2 inch in any dimension;
 - (d) 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;
 - (e) Wastewater having a temperature greater than 140°F (65°C)], or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - (f) Must not contain in excess of 100 mg/L of oil or grease, or exceed a daily average of 40 mg/L of any mineral or petroleum base oil or grease or 60 mg/L of any animal or vegetable based oil or grease or amount causing interference or pass through;
 - (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (h) Trucked or hauled pollutants, except at discharge points designated by The Charter Township of Oscoda in accordance with Section 3.4 of this ordinance;
 - (i) 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;
 - (j) 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, thereby violating The Charter Township of Oscoda's NPDES permit;
- (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the POTW Superintendent;
 - (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (n) Medical wastes, except as specifically authorized by the POTW Superintendent in a wastewater discharge permit;
 - (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 - (p) Substances which may cause excessive foaming in the POTW;
 - (q) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) of the Lower Explosive Limit (LEL) of the meter.

2.2 National Categorical Pretreatment Standards

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

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).
2. When wastewater, subject to categorical pretreatment standards, is mixed with wastewater not regulated by the same standard, the POTW Superintendent of Oscoda shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).
3. 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.
4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater that passes through or causes interference with the operation or performance of the POTW. All local limits established for any new source shall be incorporated herein is part of this ordinance and legally enforceable through this ordinance.

2.4 The Charter Township of Oscoda's Right of Revision

The Charter Township of Oscoda reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements upon a user that discharges to the POTW.

When both local limits and categorical standards apply to a user, then the most restrictive parameter will be used.

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 in an effort to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard, requirement, or by the POTW Superintendent. The POTW Superintendent may impose mass limitations on users that dilute discharge in order to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3
PRETREATMENT OF WASTEWATER

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

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 POTW Superintendent, 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 POTW Superintendent for review, and shall be acceptable to the POTW Superintendent 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 POTW Superintendent and The Charter Township of Oscoda under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

1. Whenever deemed necessary, the POTW Superintendent may require users to restrict their discharge, 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 deemed as necessary to protect the POTW or to determine the user's compliance with the requirements of this ordinance.
2. The POTW Superintendent 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.
3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the POTW Superintendent shall evaluate whether each industrial user needs an accidental discharge/slug control plan. The POTW Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges; and
2. Description of stored chemicals; and
3. Procedures for immediately notifying the POTW Superintendent of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
4. 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 operations, 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 Spill Containment

1. Spill containment must be around all stored material, which is either on the EPA Priority Pollutant List, Michigan Critical Materials List, and/or a substance, which inhibits or is a detriment to the WWTP, surface waters, or ground waters. Containment and/or an emergency Spill Control Plan shall be made to the satisfaction of the Superintendent and MDEQ officials. Containment shall hold 1 and ½ time maximum volume of stored material. An Emergency Spill Control Plan shall be posted near each storage area in plain view.
2. A containment device approved by the Township and/MDEQ must be provided around all plating operations, and it must not possess a gravity outlet or be used as a sump to pump rinse waters from/to treatment. The containment device must be capable of holding 1 and ½ the amount of liquid contained in the tanks in the shop. This containment requirement includes acid, caustic, cleaner and rinses tanks as well as plating bath tanks. The containment devices must be arranged that liquids of an acid pH cannot mix with any cyanide solutions. Storage areas for processing liquids, including but not limit to oil, paints, solvents, and acids, shall be provided with a containment and shall have no floor drain.

3.5 Hauled Wastewater

1. Septic tank waste may be introduced into the POTW only at locations designated by the POTW Superintendent, and at such times as are established by the POTW Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by The Charter Township of Oscoda. The POTW Superintendent shall require septic tank waste haulers to obtain wastewater discharge permits.

2. The POTW Superintendent shall require both haulers and generators of industrial waste to obtain wastewater discharge permits. The POTW Superintendent may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
3. Industrial waste haulers may discharge loads only at locations designated by the POTW Superintendent. No load may be discharged without prior consent of the POTW Superintendent. The POTW Superintendent may collect samples of each hauled load to ensure compliance with applicable standards, at haulers expense. The POTW Superintendent shall require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4
WASTEWATER DISCHARGE PERMIT APPLICATION

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 4 – WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Survey

When requested by the POTW Superintendent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey before commencing their discharge. The POTW Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update their survey. When requested, the industrial user will have 30 days to complete and return the survey to the POTW Superintendent. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this Ordinance.

4.2 Wastewater Discharge Permit Requirement

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the POTW Superintendent. 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.
2. The POTW Superintendent may require other users to obtain wastewater discharge permits as necessary in order to carry out the purposes of this ordinance.
3. 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

Any user that is directed by the POTW Superintendent to obtain a wastewater discharge permit who was legally discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the POTW Superintendent for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the POTW Superintendent.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit that 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 90 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. The POTW Superintendent may require all users to submit as part of an application the following information:

1. All information required by Section 6.1 (2) of this ordinance;
2. 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;
3. Number and type of employees, hours of operation, and any proposed hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. 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;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the POTW Superintendent in order to evaluate the wastewater discharge permit application.

Incomplete or inaccurate application 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 violation."

4.7 Wastewater Discharge Permit Decisions

The POTW Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application; the POTW Superintendent will determine whether or not to issue a wastewater discharge permit. The POTW Superintendent may deny any application for wastewater discharge permit. When a wastewater discharge permit is denied the POTW Superintendent shall justify in writing the reason(s) for permit denial.

SECTION 5
WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

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 that shall not exceed five (5) years from the effective date of the permit. At the discretion of the POTW Superintendent a wastewater discharge permit may be issued for a period less than five (5) years. Each wastewater discharge permit will indicate a specific day 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 POTW Superintendent to prevent pass through or interference, protect the environment receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain:
 - (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years;
 - (b) A statement that the wastewater discharge permit is nontransferable without prior notification to The Charter Township of Oscoda 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;
 - (c) Effluent limits based on applicable pretreatment standards;
 - (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include and identify the pollutants to be monitored, sampling location(s), sampling frequency, and sample type based on Federal, State, and local law; and
 - (e) 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.
2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) 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 POTW;

- (c) 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;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (e) The unit charge or schedule of user charges and fees that are to be assessed to cover the cost of management of the wastewater discharged to the POTW;
- (f) Requirements for installation, maintenance, inspection, sampling facilities and equipment;
- (g) 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
- (h) Other conditions as deemed appropriate by the POTW Superintendent to ensure compliance with this ordinance and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The POTW Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the POTW Superintendent to reconsider the terms of a wastewater discharge permit within 20 days of notice of its issuance.

1. Failure to submit a petition to reconsider shall be deemed to be a waiver of the administrative appeal.
2. In a petition to reconsider, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the POTW Superintendent fails to act within 20 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions unless judicial review is initiated by an aggrieved party.
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court for the County of Losco.

5.4 Wastewater Discharge Permit Modification

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

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;

2. 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;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to The Charter Township of Oscoda's POTW, The Charter Township of Oscoda personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision for a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. 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 15 days advance notice to the POTW Superintendent and the POTW Superintendent approves the wastewater discharge permit transfer. The notice to the POTW Superintendent must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes; and
2. Identifies the specific date on which the transfer is to occur; and
3. The new owner and/or operator 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 POTW Superintendent may revoke a wastewater discharge permit for the following reasons:

1. Failure to notify the POTW Superintendent of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the POTW Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the POTW Superintendent timely access to the facility premises and records;
7. Failure to meet effluent limitations;

8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable 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 Re-issuance

When a wastewater discharge permit is expiring said user shall apply for a wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance. [A minimum of 60 days prior to the expiration of a user's existing wastewater discharge permit.]

5.8 Regulation of Waste Received from Other Jurisdictions

1. If another municipality, or user located within another municipality, contributes wastewater to the POTW, an intermunicipal agreement shall be established with the contributing municipality.
2. Prior to entering into an agreement required by paragraph 1, above, the POTW Superintendent shall be provided with the following information from the contributing municipality:
 - (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (b) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (c) Such other information as the POTW Superintendent may deem necessary.
3. An intermunicipal agreement, as required by paragraph 1, above, shall contain the following conditions:
 - (a) A requirement for the contributing municipality to adopt a sewer use ordinance, which is at least as stringent as this ordinance, and local limits, which are 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 Charter Township of Oscoda's ordinance or local limits;
 - (b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (c) A provision specifying pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, to be conducted by the contributing municipality; which of these activities will be conducted

- by the POTW Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the POTW Superintendent;
- (d) A requirement for the contributing municipality to provide the POTW Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (f) Requirements for monitoring the contributing municipality's discharge;
 - (g) A provision ensuring the POTW Superintendent 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 POTW Superintendent; and
 - (h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 6
REPORTING REQUIREMENTS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 6 – REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision is issued 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 POTW Superintendent a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencing discharge of new sources, and/or sources that cause users to become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Superintendent a report which contains the information listed in paragraph 2, below. A new category of user shall report the method of pretreatment it intends to use in order to meet applicable categorical standards. A new categorical user shall also give estimates of anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - (a) **Identifying Information.** The name and address of the facility, including the name of the operator and owner.
 - (b) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
 - (c) **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 schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (d) **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).
 - (e) **Measurement of Pollutants.**
 - The categorical pretreatment standards applicable to each regulated process.
 - The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or as required by the POTW Superintendent, 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.

- Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (f) **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 of the categorical pretreatment standard.
- (g) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. 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.
- (h) **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(2)(g) of this ordinance.

1. 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 technology. Such events shall 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.
2. The POTW Superintendent may assign scheduled requirements as long as no increments referred to above shall exceed nine (9) months.
3. The user shall submit a progress report to the POTW Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance. Said progress reports shall be submitted, provide whether or not compliance with the increment has been met, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the POTW Superintendent.

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, any user subject to such pretreatment standards and requirements shall submit to the POTW Superintendent a report containing the information described in Section 6.1(2)(d-f) 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 the ordinance.

6.4 Periodic Compliance Reports

1. All significant industrial users shall, at a frequency determined by the POTW Superintendent but in no case less than twice per year (in June and December), submit a discharge report indicating the nature and concentration of pollutants that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.
2. 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.
3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.
4. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.5 Reports of Changed Conditions

Each user must notify the POTW Superintendent of any planned significant changes to the user's operations or system, which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

1. The POTW Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of wastewater discharge permit application in accordance with Section 4.5 of this ordinance.
2. The POTW Superintendent may issue a wastewater discharge permit in accordance with Section 4.7 of this ordinance or modify an existing wastewater discharge permit as described by Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 15 percent or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine or 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 POTW Superintendent 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.
2. Within ten (10) days following such discharge, the user shall, unless waived by the POTW Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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.
3. 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 1, 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

The Township Superintendent may require that users that do not obtain a wastewater discharge permit provide appropriate reports to the POTW Superintendent.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the POTW Superintendent 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 POTW Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the POTW Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

1. Any user who commences the discharge of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 shall notify in writing the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of discharge into the POTW. Such notification must include the name of the hazardous waste as

set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month, the notification shall also contain the following information: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days before the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 6.1, 6.3, and 6.4 of this ordinance.

2. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. When any new regulations are promulgated under Section 3001 of RCRA that identify additional characteristics of a hazardous waste or lists any additional substance as a hazardous waste, that is discharged by a said user, must notify the POTW Superintendent, the EPA Regional Waste Management Waste Division Director, and State Hazardous waste authorities, of that discharge within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this section, the user shall certify in writing that they have a program in place to reduce the volume and toxicity of the hazardous wastes generated to the degree that has been determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued hereunder, or any applicable Federal or State law.

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 the 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

1. Except as indicated in Section 2, following, the user must collect wastewater samples, using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW Superintendent 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.
2. 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 date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User and the Charter Township of Oscoda, or whereas the User has been specifically notified of a longer retention period by the POTW Superintendent.

SECTION 7
COMPLIANCE MONITORING

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 7 – COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The POTW Superintendent shall have the right to enter the premises of any user in order to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW Superintendent 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.

1. 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 POTW Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The POTW Superintendent 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.
3. The POTW Superintendent 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 their own expense. All devices used to measure wastewater flow and quality shall be calibrated at least once per year to ensure their accuracy.
4. 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 POTW Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.
5. Unreasonable delays in allowing the POTW Superintendent access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the POTW Superintendent 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 of the Charter Township of Oscoda 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 Township Superintendent may seek issuance of a search warrant from the Circuit Court for the County of Iosco.

SECTION 8
CONFIDENTIAL INFORMATION

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 8 – CONFIDENTIAL INFORMATION

Information and data furnished to the Charter Township of Oscoda with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the Charter Township of Oscoda that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Discharger. When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets shall be made available upon written request to governmental agencies for use related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; by the State or any State agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. The Charter Township of Oscoda shall not transmit to any governmental agency or to the general public information accepted by the Charter Township of Oscoda as confidential until and unless a ten (10) day written notification is given to the Discharger.