

SECTION 9

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 9 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Township Superintendent shall publish annually, in the largest weekly newspaper published in the township 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:

1. 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;
2. 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);
3. Any other discharge violation that the POTW Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
5. 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;
6. 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 and compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which the POTW Superintendent determines, will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10
ADMINISTRATIVE ENFORCEMENT REMEDIES

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 10 – ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the POTW Superintendent 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 POTW Superintendent may serve upon that user a written Notice of Violation. Within 10 days of the receipt of this notice, the user to the POTW Superintendent shall submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. 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 POTW Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Township Superintendent 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 Township Superintendent 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 POTW Superintendent 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 10 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 POTW Superintendent 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 Township Superintendent may issue an order directing that the user come into compliance within a specified time. If the user does not come into compliance within the time specified, sewer service may be discontinued. Compliance orders may also contain other requirements that 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 established deadline for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violations. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any additional action against the user.

10.5 Cease and Desist Orders

When the POTW Superintendent 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 Township Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. 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

1. When the POTW Superintendent 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. A Township Civil Infraction Officer may cite such user with a fine not to exceed **\$1000.00**. 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.
2. The Township Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
3. 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 Township Superintendent or his agent 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 Township Superintendent or his agent 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.

1. 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 Township Superintendent 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 Township Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the POTW Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
2. 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 POTW Superintendent 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:

1. Failure to obtain a discharge permit;
2. Violation of wastewater discharge permit conditions;
3. Failure to accurately report the wastewater constituents and characteristics of its discharge;
4. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
5. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
6. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause in accordance with Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Township Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11
ENFORCEMENT REMEDIES

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 11 – ENFORCEMENT REMEDIES

11.1 Enforcement Remedies

This ordinance is capable of being enforced by way of civil infraction or injunctive relief or any other legal remedy available at law through the circuit court of Iosco County.

11.2 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Township Superintendent may take any, all, or any combination of these actions against a noncompliance user. Enforcement of pretreatment violations will generally be in accordance with the Charter Township of Oscoda's enforcement response plan. However, the Township Superintendent may take other action against any user when the circumstances warrant. Further, the Township Superintendent is empowered to take more than one enforcement action against any noncompliance user.

SECTION 12
SUPPLEMENTAL ENFORCEMENT ACTION

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 12 – SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Township Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Charter Township of Oscoda, in an amount that is determined by the Township Superintendent to be sufficient to achieve consistent compliance.

12.2 Liability Insurance

The Township Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance

Whenever 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, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.4 Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Township Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the Township Civil Infractions Ordinance governing such nuisances, including reimbursing the Charter Township of Oscoda for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 13
AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 13 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an Affirmative Defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
3. A user who wishes to establish the Affirmative Defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the POTW Superintendent within twenty-four (24) hours of becoming aware of the upset[*if this information is provided orally, a written submission must be provided within five (5) days*]:
 - A description of the indirect discharge and cause of noncompliance;
 - The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 (1) of this ordinance or the specific prohibitions in Sections 2.2 (a) through 2.2 (q) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Charter Township of Oscoda was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

1. For the purposes of this section,
 - (a) "Bypass" means the intentional diversion of waste streams from any portion of the user's treatment facility.
 - (b) "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.
2. 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. The POTW Superintendent shall be notified of bypass in accordance with Section 3 of this section. These bypasses are not subject to the provision of paragraphs (4) of this section.
3. Bypass notification requirements are as follows:
 - (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Superintendent, at least ten (10) days before the date of the bypass, if possible.
 - (b) A user shall submit oral notice to the POTW Superintendent 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 taken or planned action that will reduce, eliminate, and prevent reoccurrence of the bypass. The

Township Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4. (a) Bypass that does not satisfy the conditions of number 2, of this section are prohibited, and the Township Superintendent may take an enforcement action against a user for such bypass, unless
- Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 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
 - The user submitted notices as required under paragraph (3) of this section.
- (b) The Township Superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW Superintendent determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

SECTION 14
WASTEWATER TREATMENT RATES

CHARTER TOWNSHIP OF OSCODA

SEWER USE ORDINANCE

SECTION 14 – WASTEWATER TREATMENT RATES

14.1 [Reserved]

SECTION 15
MISCELLANEOUS PROVISIONS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 15 – MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The Charter Township of Oscoda may adopt reasonable fees as may be determined periodically for reimbursement of costs of setting up and operating the Charter Township of Oscoda's Pretreatment Program, fees may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by user's;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and
5. Other fees as the Charter Township of Oscoda may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Charter Township of Oscoda.

15.2 Severability

If any court of competent jurisdiction invalidates any provision of this ordinance, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 16
USE OF PUBLIC SEWER REQUIREMENTS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 16 - USE OF PUBLIC SEWER REQUIREMENTS

1. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Township, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet, any sanitary sewage, industrial wastes or other polluted waste, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other storage facility intended for use for the disposal of sewage.
4. Mandatory connection requirements. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situated within the Township 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 sewer is hereby required at his expense to install suitable storage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after the official notice to do so provided that the public sewer is within four hundred (400) feet of the property line.

SECTION 17
PUBLIC SEWAGE DISPOSAL

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 17 – PUBLIC SEWAGE DISPOSAL

1. Where a public sanitary sewer is not available under the provisions of Section 16 (4), the building sewer shall be connected to a private sewage disposal system complying with County Health Department regulations.
2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all time, at no expense to the local agency.
3. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 16 (4), direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, filled with suitable material and sealed.

SECTION 18
BUILDING SEWERS AND CONNECTIONS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 18 – BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person shall uncover, make any connections with or open into, use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the Township. All sewers, connections, laterals, house services, or other connections to a public sewer shall meet all requirements of the State Plumbing Code in accordance with requirement of the Township. No such construction shall be undertaken without a permit being issued by the Township.
2. All connections to the POTW of the Township shall be made, after connection fees have been paid, a written authorization and permits have been issued by said Township. The Township shall establish sewer connection fees periodically.
3. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative. No building sewer shall be covered until it has been inspected and approved by the authorized official. Twenty-four (24) hours advanced notice shall be given prior to need for service inspection.
4. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner that is satisfactory to the Township Superintendent or appointed representative.
5. The permittee shall also be responsible for all cost incurred by the Township for new tap installation expenses that may include, but are not limited to, costs associated with equipment rental, materials and restoration of the excavation site.
6. All cost and expense incident to the installation and connection of the building sewer to the public sewer connection shall be borne by the person(s) making application to connect to the POTW.
7. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. Other exceptions may be allowed only by special permission granted by the POTW Superintendent.
8. Old building sewer or portions thereof may be used in connection with new buildings when they are found on examination and tested by said Township Inspector to meet all requirements of this ordinance.
9. Abandonment of building sewer. In the event abandonment of a building sewer is permitted by law, and in the event the owner of the premises previously connected to the public sanitary sewer shall abandon said building sewer, said owner shall, at their own expense, cause said

building sewer to be excavated at the property line (i.e. at the public sewer or road right-of-way line) and plugged with a permanent airtight stopper or plugging device which shall be suitably secured and braced. Approval of all such plugging devices shall be obtained from the POTW Superintendent in advance of installation.

10. A newly constructed building sewer shall be constructed in either of the following types of pipe meeting the current ASTM specifications:
 - Plastic (PVC) ASTM C900 (SDR/35 or SDR/41) Schedule 40 with solvent weld joints.
 - Cast iron extra heavy ASTM A-74 with "no-hub" type joints.

Premium joints shall be used at all connections in such a manner as to be gas tight and waterproof, materials and joints shall be as approved by the Township appointed inspector. Any part of the building sewer located within ten (10) feet of a water service shall be constructed of waterproof materials and joints capable of passing pressure testing at three and five-tenths (3.5) pounds per square inch held for five (5) minutes. Vertical separation between waste piping and sewer shall be eighteen (18) inches minimum at any utility crossing. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that the nonmetallic material may be acceptable if laid on a suitable concrete bed or cradle. The Township appointed inspector will construct transitions or connections only with fabricated connection fittings approved. All newly constructed building sewers shall include a clean out located just outside of the building at an accessible location with the casting terminated at grade.

11. The size and slope of the building sewers shall be subject to the approval of said Inspector, but in no event shall the diameter be less than six (6) inches for commercial/Industrial users and four (4) inches for residential user. The slope of such pipe shall not be less than one-eighth (1/8) inch per foot.
12. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall that might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in a straight line. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by a Township appointed Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications except that no backfill shall be placed until the Inspector or his representative has inspected the work.
13. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by a pumping system approved by the Township and discharged to the building sewer.
14. 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.
15. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if any such branch is available at a suitable location. Any

connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said inspector.

16. Any person, being the owner of property that is proposed for dedication to the Township to be used for street or utility right-of-way purposes, installing sewer mains within the area so proposed to be dedicated and at his own expense, shall first submit plans and specifications for such work to the Township for its approval. After such plans and specifications have been approved by the Township as being consistent with the general sewage disposal system and engineering plans and specifications for the sewage disposal system, the work shall be done under the supervision of a Township appointed inspector, who shall require that such tests be made, as maybe considered necessary to determine that the sewer mains meet the standards of other sewer mains of the Township, and no sewage shall be admitted into such mains until said Inspector accepts the installation on behalf of the Township. The provisions of this subsection also apply to any installation of sewer mains outside of the Township, where permission had been granted by the local agency to connect such mains to the existing Township's POTW.
17. The Township is responsible for the operation, maintenance and repair of the sewer system up to the connection point. The cost of all repairs, maintenance and replacement of existing building sewers and their connection to the POTW, from the building to the Township sewer line shall be borne by the property owner. Any service rendered by the Township that is not the direct responsibility of the Township shall be billed to the property owner at a rate that has been established by the Township.

SECTION 19
PROTECTION FROM DAMAGE

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 19 – PROTECTION FROM DAMAGE

Any unauthorized person who shall maliciously, willfully, or negligently break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Township's POTW, shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment in the county Jail for not more than 90 days, or both.

SECTION 20
CONDITIONS OF SERVICE

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 20 – CONDITIONS OF SERVICE

1. The Township shall install and maintain at Township expense that portion of POTW from the main to a lot or easement line. Property owners shall install and maintain, at their expense, that portion of service from said lot or easement line to the premises.
2. Applications may be canceled and/or sewer service discontinued by the Township for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
 - Misrepresentation in the application as to the property or fixtures to be serviced by the POTW.
 - Nonpayment of bills
3. Bills and notices relating to the conduct of the business of the Township will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
4. The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with shortest possible delay. Whenever service is interrupted for working on the collection system or treatment equipment, all customers affected by such interruption will be notified in advance whenever it is possible to do so.
5. The Township shall, in no event, be held responsible for claim made against it by reason of breaking of any mains or service pipes, or by reason of any other interruption of service caused by breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
6. The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Township.
7. Special terms and conditions may be made where the Township or community uses sewer service for public purposes such as public parks, etc.
8. These rules may be changed or amended.

SECTION 21
MISCELLANEOUS PROVISIONS

CHARTER TOWNSHIP OF OSCODA
SEWER USE ORDINANCE

SECTION 21 – REPEAL OF CONFLICTING ORDINANCE AND EFFECTIVE DATE

If any court of competent jurisdiction invalidates any provision, paragraph, word, section, or article of this Ordinance, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

The Sewer Use Ordinance recorded as Ordinance Number , enacted be the same is hereby repealed. All other ordinances and parts thereof inconsistent or conflicting with any part of the Ordinance are hereby repealed to the extent of such inconsistency or conflict and are in no further force of effect on the effective date of this Ordinance. This Ordinance shall take immediate effect upon publication of a notice of adoption.

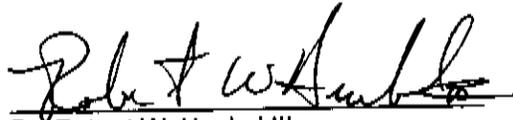
At a regular meeting of the Township Board, held on the 14 day of July 2003, adoption of the foregoing Ordinance was moved by Pappas and supported by Baier.

Yeas: Huebel, Manderochio, McGuire, Baier, Hodges, Hinckley, Pappas

Nays: None

Absent: None

The Supervisor declared the Ordinance adopted.



By: Robert W. Huebel III
Its: Supervisor



By: Diane Manderochio
Its: Clerk

I, Diane Manderochio, Clerk of the Charter Township of Oscoda, hereby certify that the foregoing is a true copy of Ordinance Number 2003-228, as adopted by the Board of Trustees of the Charter Township of Oscoda, County of Iosco, and State of Michigan.

Date: July, 14, 2003


By: Diane Manderochio
Its: Clerk

**AGREEMENT BETWEEN
THE CHARTER TOWNSHIP OF OSCODA
AND
AUSABLE TOWNSHIP**

This Agreement is entered into this _____ day of _____, 20_____, between The Charter Township of Oscoda and AuSable Township (hereinafter jointly referred to as the "Parties")

RECITALS

1. The Charter Township of Oscoda owns and operates a wastewater treatment system.
2. AuSable Township currently utilizes this wastewater treatment system.
3. Facilities located in AuSable Township currently contribute wastewater that includes industrial waste. These facilities are hereinafter referred to as industrial users.
4. The Charter Township of Oscoda must implement and enforce a pretreatment program to control discharges from all industrial users of its wastewater treatment system pursuant to requirements set out in 40 CFR Part 403. In this Agreement AuSable Township agrees to adopt a sewer use ordinance that subjects the industrial users within its boundaries to the necessary pretreatment controls, and The Charter Township of Oscoda is authorized to implement and enforce that sewer use ordinance.

AGREEMENT

- 1.A. AuSable Township will adopt a local sewer use ordinance, which is no less stringent and is as broad in scope as the sewer use ordinance _____ of The Charter Township of Oscoda. AuSable Township will forward to The Charter Township of Oscoda for review a draft of its proposed sewer use ordinance within _____ days of the date of this Agreement. AuSable Township will adopt its sewer use ordinance within _____ days of receiving approval from The Charter Township of Oscoda of its content.
- 1.B. Whenever The Charter Township of Oscoda revises its sewer use ordinance; it will forward a copy of the revisions to AuSable Township. AuSable Township will adopt revisions to its sewer use ordinance that are at least as stringent as those adopted by The Charter Township of Oscoda. AuSable Township will forward to The Charter Township of Oscoda for review its proposed revisions within _____ days of receipt of The Charter Township of Oscoda's revisions. AuSable Township will adopt its revisions within _____ days of receiving approval from The Charter Township of Oscoda of the content thereof.
- 1.C. AuSable Township will adopt pollutant specific local limits, which address at least the same pollutant parameters and are at least as stringent as the local limits enacted by The Charter Township of Oscoda within _____ days of the date of this Agreement. If The Charter Township of Oscoda makes any revisions or additions to its local limits, The Charter Township of Oscoda will forward to AuSable Township a copy of such revisions or additions within _____ days of enactment thereof. AuSable Township will adopt any such revisions or additions within _____ days of receipt thereof.

- 2.A. AuSable Township designates The Charter Township of Oscoda as the agent of AuSable Township for the purposes of implementation and enforcement of AuSable Township's sewer use ordinance against industrial users located in AuSable Township. The Charter Township of Oscoda may take any action under AuSable Township's sewer use ordinance that could have been taken by AuSable Township, including the enforcement of the ordinance in courts of law.
- 2.B. The Charter Township of Oscoda, on behalf of and as agent for AuSable Township, will perform technical and administrative duties necessary to implement and enforce AuSable Township's sewer use ordinance. The Charter Township of Oscoda will: (1) update the industrial waste survey; (2) issue permits to all industrial users required to obtain a permit; (3) conduct inspections, sampling, and analysis; (4) take all appropriate enforcement action as outlined in The Charter Township of Oscoda's enforcement response plan and provided for in AuSable Township's sewer use ordinance; and (5) perform any other technical or administrative duties the Parties deem appropriate. In addition, The Charter Township of Oscoda may, as agent of AuSable Township, take emergency action to stop or prevent any discharge which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause interference, pass through, or sludge contamination.
3. Before an industrial user located outside the jurisdictional boundaries of The Charter Township of Oscoda discharges in The Charter Township of Oscoda's sewer system, The Charter Township of Oscoda and AuSable Township will enter into an agreement with the jurisdiction in which such industrial user is located. Such agreement will be substantially equivalent to this Agreement and must be entered into prior to a discharge from any such industrial user.
4. *AuSable Township will enact an ordinance that allows for:*

The assessment of a cost associated herewith, along with any reasonable amount for any professional fees incurred in the enforcement of this agreement, with said costs and fees to be placed upon the tax rolls for purposes of collection, and/or place a lien in favor of the Charter Township of Oscoda, upon the premises, to bear interest at the legal maximum rate, to be immediately foreclosable.

- 5.A. If any term of this Agreement is held to be invalid in any judicial action, the remaining terms will be unaffected.
- 5.B. The Parties will review and revise this Agreement to ensure compliance with the Federal Clean Water Act (42 U.S.C. § 1251 *et seq.*) and rules and regulations (see 40 CFR Part 403) issued hereunder, as necessary, but at least once every _____ years on a date to be determined by the Parties.
- 5.C. The Charter Township of Oscoda may terminate this Agreement by providing _____ days written notice to the AuSable Township. All benefits and obligations under this Agreement will cease following _____ days from receipt of such notice.

6. If the authority of The Charter Township of Oscoda to act as agent for AuSable Township, under this Agreement, is questioned by an industrial user, court of law, or otherwise, AuSable Township will take whatever action is necessary to ensure the implementation and enforcement of its sewer use ordinance against its industrial users, including, but not limited to, implementing and enforcing its sewer use ordinance on its own behalf and/or amending this Agreement to clarify The Charter Township of Oscoda's authority.

Attested to:

Dated: This _____ day of _____, 2003.

The Charter Township of Oscoda

Its: *Superintendent*

AuSable Township

Its: *Supervisor*