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VILLAGE OF ALMONT

ORDINANCE 150

SEWER AND SEWAGE DISPOSAL ORDINANCE

An ordinance regulating private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the Village of Almont publicly operated treatment works and providing for pollutant limitations, data collection, monitoring and sampling, and providing for penalties for the violation thereof.

Sec. 1. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated.

- Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et. seq.
- Applicable County Health Department shall mean the Lapeer County Health Department.
- Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the bio chemical oxidation of organic matter under standard laboratory procedure, five (5) days of 20° centigrade expressed in terms of weight and concentration (milligrams per liter).
- Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from 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.
- Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.

- Chemical Oxygen Demand (COD). 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.
- Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- Commercial Waste shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
- Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animals or vegetable origin.
- Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- Debt Service Charge means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified below.
- Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State.
- Director shall mean the director of public works, or his authorized representative.

- Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, Administrator or other duly authorized official.
- Garbage shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
- Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
- Industrial Wastes. The wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Village's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
- Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis 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 Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.
- Majority Contributing Industry. Any industrial user of the publicly owned treatment works that:

- a) has a flow of 50,000 gallons or more per average work day;
- b) has a flow greater than five percent of the flow carried by the municipality receiving the wastes;
- c) has in its waste, a toxic pollutant in toxic amounts as defined in the standards under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- d) is found by the permit issuance authority in connection with the issuance ~~of an~~ NPDES Permit to the publicly owned treatment works receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

- National Categorical Pretreatment Standard or Pretreatment Standard. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.
- National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- New Source. Any source, the construction of which is commenced after the adoption of this ordinance.
- Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than 270 mg/l of BOD; nor than 320 mg/l of suspended solids; nor more than 8 mg/l of phosphorus; nor more than 20 mg/l of total Kjeldahl nitrogen.
- Operation and Maintenance (O & M) means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring 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.

- Owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.
- Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- Pollutant. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.
- Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
- Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.
- Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

- Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Village. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the Village, users of the Village's POTW.
- Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. ↳ which
- Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.
- Sanitary Sewage shall mean a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.
- Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.
- Sewage Treatment Plant or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
  - (a) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sewer shall mean a pipe or conduit for carrying sewage.
- Sewer Service Charge means the sum of the applicable user charge, surcharges and debt service charges.
- Shall is mandatory; May is permissive.

- Significant Industrial User. Any Industrial User of the Village's wastewater disposal system who (a) has a discharge flow of 25,000 gallons or more per average work day; or (b) has a flow greater than 5% of the flow in the Village's wastewater treatment system; or (c) has in his wastes toxic pollutants as defined pursuant to Section <sup>of</sup> 307 or the Act, State Statutes and rules; or (d) is found by the Village, Michigan Department of Natural Resources or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual (SICM) issued by the Executive Office of the President, Office of Management and Budget, 1972.
- State. State of Michigan.
- Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- Superintendent. The person designated by the Village to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Village may be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.
- Suspended Solids (SS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- Uncontaminated Industrial Waste shall mean wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
- User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
- User Charge means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works pursuant to section 204(b) or PL 92-500 and includes the cost of replacement.
- User Class means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

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 multi-family dwellings (transit lodging is not included, it is considered commercial).

Commercial User shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

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 Village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User shall mean any federal, state or local government user of the wastewater treatment works.

- Village. The Village of Almont, Michigan.
- Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Sec. 2        Abbreviations

The following abbreviations in addition to those specified in the previous section, shall have the designated meanings:

1.     CFR - Code of Federal Regulations
2.     l - liter
3.     mg - milligrams
4.     mg/l - milligrams per liter
5.     P - Phosporus
6.     SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

Sec. 3        Unsanitary Deposits, Discharge to Natural Outlets Prohibited.

1.     It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
2.     It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet with the Village, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable county health departments.

3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.
4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated ~~with~~ the Village 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 or combined sewer of the Village, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, <sup>within</sup> ninety (90) days after date of official notice to do so.

Sec. 4      Process Wastewater

1. Wastewater Contribution Information  
Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Director. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below.

The director may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below on a disclosure form prescribed by the Village:

- a. Name, address and location (if different from the address)
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- c. Wastewater constituents and characteristics including but not limited to those mentioned in <sup>7</sup> Section ② of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
  - "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.

- "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
  - "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
- d. Time and duration of contribution
  - e. Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any
  - f. Industries identified as significant industries or subject to the National Categorical Pretreatment Standards or those required by the Village must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
  - g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
  - h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Village, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance and/or additional pretreatment is required by the industrial User to meet applicable Pretreatment Standards.
  - i. 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
    - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.

- (2) No increment referred to in paragraph (1) shall exceed 9 months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Director.
  - j. Each product produced by type, amount, process or processes and rate of production
  - k. Type and amount of raw materials processed, average and maximum per day
  - l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation or pretreatment system.
  - m. Any other information as may be deemed by the Village to be necessary to evaluate the impact of the discharge on the POTW.
  - n. The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
  - o. The Village will evaluate the complete disclosure form and data furnished and may require additional information. With 90 days after full evaluation and acceptance of the data furnished, the Village shall notify the User of the acceptance thereof.

2. Discharge Modifications

Within nine (9) months of the promulgation or revision of a National Categorical Pretreatment Standard, all affected users must submit to the Village the information required by paragraphs 1.h and 1.i of Section 4.

3. Discharge Conditions

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Village. The Village may:

- a. Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
- b. Limit the average and maximum wastewater constituents and characteristics;
- c. Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- d. Require the installation and maintenance of inspection and sampling facilities;
- e. Establish specifications for monitoring programs which may include sampling locations, frequency or sampling, number, types and standards for tests and reporting schedule;
- f. Establish compliance schedules;
- g. Require submission of technical reports or discharge reports;
- h. Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Village, and affording Village access thereto, and copying thereof;
- i. Require notification of the Village for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- j. Require notification of slug discharges;
- k. Require other conditions as deemed appropriate by the Village to ensure compliance with this Ordinance.
- l. Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
- m. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

4. **Compliance Date Report**  
Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an authorized representative of the Industrial User, and certified to by a qualified representative.
5. **Periodic Compliance Reports**
  - a. Any User or New Source discharging into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3.c. of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, ect., the Director may agree to alter the months during which the above reports are to be submitted.
  - b. The Director may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
6. **Monitoring Facilities**  
The Village may require to be provided and operated at the User's own expense, monitoring facilities to allow

inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Village may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Village and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Village.

7. Inspection and Sampling

The Village shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The Village, Michigan Department of Natural Resources and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentations of suitable identification, personnel from the Village, Michigan Department of Natural Resources and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

8. Pretreatment

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Village. Any facilities required to

pretreat wastewater to a level acceptable to the Village shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review, and shall be approved by the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village prior to the User's initiation of the changes.

The Village shall annually publish in the major local newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Michigan Department of Natural Resources upon request.

g. Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Village as confidential shall not be transmitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the User.

Sec. 5 Private Sewage Disposal

1. Where a public sewer is not available under the provisions of Section 4.4, the building sewer shall be connected to an approved private sewage disposal system.
2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a 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 and filled with a suitable material.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.
4. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

Sec. 6 Building Sewer and Connections

1. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the director. No building sewer shall be covered until after it has been inspected and approved by the Director.
2. All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.
3. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior (lot) and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.
4. Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.
5. The building sewer shall be constructed of vitrified clay sewer pipe or PVC or cast iron soil pipe, as approved by the Director. The Village reserves the right to specify

and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Director.

6. The size and slope of the building sewer shall be subject to approval by the Director, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter ( $1/4$ ) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth ( $1/8$ ) inch per foot unless otherwise permitted.
7. 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, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.
8. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Director, and discharges to the building sewer.
9. All joints and connections shall be made gastight and watertight. All joints shall be approved by the Director.
10. 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.
11. All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
12. All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards".

Sec. 7      Use of the Public Sewers.

1.      General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or requirements. The Village may refuse to accept any waste which will cause the POTW to violate its NPDES discharge limits. A User may not contribute the following substances to any POTW:

- a.      Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- b.      Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c.      Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel or the POTW.
- d.      Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect

in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.

- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- g. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- k. Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.
- n. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

- accepted*
- o. Any waste from individual sewage disposal systems ~~except at the POTW Treatment Plant as provided in Section 9~~ except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Village, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Village. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.
- p. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

2. Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

- a. 20 mg/l total Kjeldahl nitrogen
- b. 600 mg/l COD
- c. 100 mg/l by weight of fat, oil or grease
- d. <sup>270</sup>~~200~~ mg/l BOD
- e. <sup>320</sup>~~200~~ mg/l suspended solids
- f. 8 mg/l phosphorus
- g. 40 mg/l chlorine demand at 30 minutes.

Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations ~~or~~ of these substances will be reduced by order of the Director.

Should any other substances either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Director. Should the Director

determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Director may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

3. National Categorical Pretreatment Standards  
Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Director shall notify all affected Users as to any applicable reporting requirements to the Village.
4. State Requirements  
State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.
5. No user shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection.

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

6. Grease, oil and sand interceptors shall be provided when in the opinion of the Director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. ~~All interceptors shall not be required for private living quarters or dwelling units.~~ All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.
7. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

8. The admission into the public sewers or any waters containing the following shall be subject to review and approval of the Director:
- a. Five (5) day BOD greater than two hundred and seventy (270) parts per million by weight, or
  - b. Containing more than three hundred and twenty (320) parts per million by weight of suspended solids, or
  - c. Containing more than eight (8) parts per million by weight of phosphorus, or
  - d. Containing more than twenty (20) parts per million by weight of total Kjeldahl nitrogen, or
  - e. Containing any quantity of substances having the characteristics described in Section ~~8.1~~, or 7.1
  - f. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Village, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average Village flow for a period of one hour or more.

Where necessary, in the opinion of the Village, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus and total Kjeldahl nitrogen to the concentrations given in a., b., c. and d. above; or to reduce objectionable characteristics ~~of or~~ constituents to within the maximum limits provided for in Section 7.1, or control the quantities and rates of discharge of such waters or wastes.

9. Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) two hundred and seventy (270) parts per million of biochemical oxygen demand or (2) three hundred and twenty (320) parts per million by weight of suspended solids, or (3) eight (8) parts per million by weight of phosphorus or (4) twenty (20) parts per million by weight of total Kjeldahl nitrogen and where such wastes are permitted to be discharged to the sewer system by the director, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Village. The cost of any subsequent sampling and testing shall be made by an independent laboratory or at the Village wastewater treatment plant.

Added charges shall be determined by the Village. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

10. All measurements, tests and analyses of the characteristics of water to which reference is made in subsections 1 and 8 of Section 7 shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 6, Section 4, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

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

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

12. Excessive Discharges

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Village or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 7.1, upon prior written approval of the Director.

13. Accidental Discharge

Where a required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review, and shall be approved by the Village before construction of the facility. All required Users shall complete such a plan with 180 days after the adoption of this Ordinance. If required by the Village a User who commences contribution to the POTW after the effective date of this ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Village. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- a. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- b. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

14. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Village, subject to payment therefor by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

Sec. 8      Disposal at POTW Treatment Plant

Waste from individual sewage systems may be accepted with permission of the Superintendent at the POTW Treatment Plant. No waters or wastes described in Section 7.1.o of this ordinance, shall be disposed of at the POTW Treatment Plant.

Rates for disposal at the POTW Treatment Plant shall be determined by the Superintendent at the time of acceptance.

Sec. 9.      Fees

1. It is the intent of this Ordinance to provide for the recovery of costs from the Users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Village's Schedule of Charges and Fees which shall be established by a Motion adopted by the Village Council. Said motion may be amended or repealed at any time by the Village Council.

In addition to other fees established pursuant to this section, the following types of fees may also be levied by the Village Council:

- a. for reimbursement of costs of setting up and operating the Pretreatment Program,
- b. for monitoring, inspections and surveillance procedures,
- c. for reviewing accidental discharge procedures and constructions,

- d. for filing appeals,
  - e. for consistent removal by the Village of pollutants otherwise subject to Federal Pretreatment Standards,
  - f. for cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW,
  - g. for laboratory testing of wastewater,
3. Charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.
4. Tapping Fees. A fee shall be paid to the Village for tapping into the sewer main, furnishing and laying service lines from the main to the property line, and installing any required appurtenances. The fee for this service shall be the labor cost to the Village for the time spent, the cost of the materials provided, and an additional amount for overhead equal to 20% of the labor and material provided. The owner shall have the option of providing the necessary labor and materials at his own expense rather than paying the tapping fee to the Village. All materials installed to accomplish the tapping of the main shall be the property of the Village.
5. Inspection Fee. A fee, as established by the Village Council resolution, shall be paid to the Village for the cost of inspecting the sewer connections which are installed by the owner rather than by Village employees.
6. Service Connection Fees. A fee, as established by Village Council resolution, shall be paid to the Village for the right to connect to the Village sewer system.

Sec. 10 Protection from Damage

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Sec. 11 Power and Authority of Inspectors

The Director and other duly authorized employees of the Village acting as his duly authorized agent, bearing proper credentials

and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this article.

Sec. 12 Records Retention by Users

All Users subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereto, relating to monitoring, sampling and chemical analyses made by or on behalf of a User in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Village pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 13 Village Records

1. The Village will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. The Village will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.
2. In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to insure proportionality among user classes as required by federal regulations. Classification of old and new industrial users shall also be reviewed annually.
3. The Village will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be solely to the replacement and restoration of the property damaged or destroyed.

Sec. 14 VariANCES

Any person, upon written application to the Village Manager's Office within ninety (90) days after the effective date of the

ordinance, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Section 7 of this ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Village Manager for a reasonable time, not to extend beyond two (2) years from the effective date of this Ordinance, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any person granted a variance by the Village Manager shall within six (6) months from the date of granting of the variance, make reports to the Village Manager periodically as to the progress being made toward compliance with this Ordinance. A variance shall not be granted under the provisions of this Section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be void. Any variance granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

Sec. 15 Rates and Charges for Village Sewer Services

1. Standard Sewer Service Rates

Rates and charges for the use of the wastewater shall be established by resolution or motion of the Village Council. Rates shall be set at a level to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the sewer system of the Village, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof.

2. Additional Sewer Rates

In cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system, ~~plant~~, the additional cost of treatment created thereby shall be an additional charge over the regular rate. In the alternative, the Village may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Village before discharging such sewage into the sewage disposal system. Rates for all

users obtaining all or part of their water supply from sources other than the Village's water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the Village.

3. Uniform Use Rates

User charges to pay the operation, maintenance and replacement of the sewage works shall be the same for customers located inside or outside the Village and equality of rates shall exist in any future modifications.

4. Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the system as are necessary to preserve the same in good repaired and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

5. No Free Service

No free service shall be allowed for any user of the Village's wastewater system.

6. Termination of Service for Nonpayment

If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a shutoff notice will be sent by first class mail to inform the user that failure to respond will result in termination of sewer service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is set to the user, the sewer service shall be shut off. No sewer service that has been discontinued due to nonpayment shall be restored until all past-due bills are paid or satisfactory arrangements for such payment are made.

7. Collection of Delinquent Accounts

Charges for sewage disposal service furnished to any premises within the Village shall be a lien against the premises. Any sewer bills which remain unpaid for more than three months from the date the bill is mailed to the consumer shall be assessed

on the tax roll to the real property which receives the sewer service. All late penalties and any unpaid fees for permits, tapping, inspections, service connections, or damage to meters will also be assessed on the tax roll. This lien remedy shall not preclude any other remedy provided by law. Those premises outside the Village that are served by the Village's wastewater system that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between the Village and the governmental unit.

8. Annual Notification

All customers of the Village's wastewater system will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer bill into its components for operation, maintenance and replacement and for debt retirement.

Sec. 16 Costs to be Paid by Developer

1. When a new public street or an extension of an existing public street is constructed, the developer of the public street shall install sewer mains to village specifications. Said developer shall bear the cost for installing such sewer mains.
2. When structures requiring sewage disposal facilities, other than single family dwellings, are constructed on existing public streets, the developer of such structures shall bear the cost of extending the sewer mains and sewer connection lines to such structures. Such sewer mains shall be constructed to village specifications. The Village Council may waive all or part of required service connection fees for developers who install sewer mains along existing public streets in front of property not belonging to said developers.

Sec. 17 Severability and Conflict

1. The provisions of this article are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.

2. All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

Sec. 18 Enforcement

1. Wastewater Discharges

It shall be unlawful to discharge to the waters of the State within the Village of Almont or in any area under the jurisdiction of said Village, and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Ordinance except as provided by an NPDES Permit.

2. Harmful Contributions

The Village may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the Village, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the POTW or causes the Village to violate any condition of its NPDES Permit.

The Village may seek to terminate the wastewater treatment services to any User which (a) fails to factually report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Village for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance, or any final judicial order entered with respect thereto.

Any person notified of a suspension of the wastewater treatment service shall immediately stop the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Village shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the

causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within 15 days of the date of occurrence.

3. Notification of Violation

Whenever the Village finds that any User has violated or is violating this Ordinance, or any prohibition, limitation of requirements contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Village by the User.

4. Show Cause Hearing

- a. Any user subject to enforcement action under the provisions of this Ordinance may request a hearing before the Director within ten (10) days of receipt of notification of proposed enforcement action. A hearing is to be held by the Director concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Director why the proposed enforcement action should not be taken.
- b. The Director may conduct the hearing and take the evidence, or may designate any officer, employee, or agent of the Village to:
  - 1.) Issue in the name of the Director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - 2.) Take the evidence;
  - 3.) Transmit a report of the evidence and hearing, including a summary of the proceedings and other evidence, together with recommendations to the Director for action thereon.
- c. At any hearing held pursuant to this Ordinance, testimony taken must be under oath. A summary of the proceedings will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- d. After the Director has reviewed the evidence, he may issue an order to the User responsible for the

discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that said devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

- e. The Director shall also establish appropriate surcharges or fees to reimburse the Village for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this Ordinance.
- f. Any action by the Director may be appealed to the Village Council.

Sec. 19 Penalties

- 1. Any person found to be violating any provisions of this article, except Section 10, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 2. Any person who shall continue any violation beyond the time limit provided for in subsection 1, or any person who violates Section 10 shall, upon conviction thereof, be guilty of a misdemeanor, and shall be fined in an amount not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court, for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense.
- 3. Any person violating any of the provisions of this article shall become liable to the Village for any expense, loss or damage caused the Village by reason of such violation.
- 4. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring devise or method required under this Ordinance, shall, upon conviction, be punished by a fine

of not more than \$1,000.00 or by imprisonment for not more than six (6) months, or by both.

Sec. 20     Repeal

The former Almont Village Ordinance No. 97, adopted on November 4, 1975, is hereby repealed.

The undersigned Clerk of the Village of Almont hereby certifies that this Ordinance was duly adopted by the Almont Village Council at a meeting held on the 7th day of March, 1989.

Lisa L. Potrafka